

ENGLISH only

OSCE Review Meeting, Warsaw, Working Session nr.7, Tolerance and Non-Discrimination I, including: **Implementation of the OSCE Action Plan on Roma and Sinti,**

-Statement by Nicolae Gheorghe, on behalf of the PAKIV- Roma Reflex ion Group, hosted by the Freudenberg Stiftung, Germany -

Mister Moderator ,

I inform the OSCE Review Meeting on following civil society initiative which is **appealing to all relevant stakeholders for the urgent creation of a specific European** (OSCE, Council of Europe, EU, UNESCO, etc.) **backed Roma children and child rights protection focused campaign:**
"Putting Child Rights First: Say No to Exploitation and Discrimination of Roma Children".

Part I.

Briefly, we are proposing today, on the basis of the **UN Convention for the Rights of the Child (1989)** and on relevant **OSCE Commitments to create a common ground rallying point** for all concerned European and world-wide stakeholders, in order to **fill an essential gap** in past and on-going EU actions in favor of a human rights based social inclusion for the Roma community as a whole. Indeed, **the added value** of this campaign will be the **explicit focusing on the urgent need to prioritize the protection in particular of Roma children and their fundamental human rights** - the very building blocks of the Roma community's future - against every increasing discrimination, exploitation and abuse, involving or not trafficking.

Part I.

We remind that this **independent non partisan appeal for urgent endorsement and shared ownership** is addressed to all Roma and non Roma leaders alike - **and of course to all relevant persons, foundations and Participant States** and was disseminated and officially made public to the general assembly of the **2nd European Roma Summit, 8-9 April 2010 in Cordoba.**

It is encouraging to note that the appeal is already currently posted (in English and French) on the web site of the international child rights protection NGO *Terre des Hommes* , at <http://tdh-childprotection.org/news/putting-kids-rights-first-say-no-to-exploitation-and-discrimination-of-roma-children>.

Hopefully, to build increasing support, you could see fit to **circulate the above to a maximum of potential stakeholders and all relevant structures you know of, and pledge your own precious support** to help make this important European Roma child rights protection initiative a success.

Nota bene: after having officially made public the appeal in Cordoba, in April and in Warsaw, October 2010, in the present second stage, **we will be rapidly trying to convene an initial follow up meeting with all interested parties**, to commence the actual **construction and implementation phases of the campaign** itself. This campaign building and implementation stage obviously implies *sine qua non* full logistic support from all established EU, OSCE, Council of Europe bodies and governments, hence the **"shared ownership"** concept, absolutely essential for the viability and the success of the campaign. **We are aiming at some time in Autumn 2010, in Strasburg or/and in Brussels** given the arrival in Brussels of a series of Roma representatives for the other social inclusion venue we spoke of.

Just as a very general perspective in preparing for the above meeting, we believe **we must try to visualize all future propositions for concrete urgent action "through the eyes" of those desperate groups, settlements, families we are trying to reach out to i.e. if we were "them"**, what would be the very first thing (then the 2nd, then the 3rd, etc.) we would want to happen? Not abstract vague declarations, but concrete tangible acts NOW.

To succeed, we do not have to "invent the wheel" but rather essentially we must **mobilize and bring together all existing professional and logistic know-how i.e.** starting with the major international players on the child protection, child rights scenes (UNICEF, Terre des Homes, Doctors without Borders, Amnesty International, ILO, IOM, etc., etc.) in a multipronged series of **"Emergency Roma Outreach Units"** to be sent without delay to assess and begin work together with the populations and local authorities in the "worst hit" areas.

Just a few examples of this first stage of intervention:

- how to begin to fix - "today" - the problem of unclean water, food, absence of electricity, toilets, decent temporary shelter, etc.;

- the arrival and setting up, "within 24 hours", of a UNICEF emergency "tent school" team so that the children could already find some pleasure and a feeling of safety during the day with a legitimate hope and perspective of "more positive things to come";

- so that their parents could regain some sense of pride that **"gadje" working together with other Roma** should at last be considering their children as talented and worthy of interest as simple human beings and potentially productive, creative citizens, instead of being feared as "talented beggars, thieves and future hardened mafiosi";

- the immediate setting up of "safety net" awareness raising groups on a local level to warn about and prevent child trafficking thanks to the long experience on these issues of INGOs such as *Terre des Hommes*;

- providing adequate protection for these budding initiatives from the inevitable "back lash" of the traffickers, thanks to heightened international cooperation of specialized anti-trafficking units working hand in hand with all stakeholders;

- etc.;

The second and following stages of intervention:

The aforementioned actors together with all EU and Member states already know how to follow up this initial, crucial stage for (re)establishing hope and confidence of the concerned populations "in the best interest of the children".

Indeed, one does not have to look any further than all the European and International treaties, not to mention the numerous "guidelines" and "best practices" aimed at ensuring to all citizens - especially children - their basic human rights. I won't list them all here (!).

Significantly, these treaties all provide for the fact that Participating States ensure without discrimination these basic rights to the utmost of their capabilities **AND**, in case they don't have the means to do so, they also have the most important obligation to call upon and to obtain the necessary international aid and financing in order to effectively comply with their legally binding obligations. Once again, that's where the "shared ownership" concept comes in.

So, obviously, decent housing, health care, education, jobs, etc., etc., must necessarily follow "hot on the heels" of the above-mentioned first "emergency" interventions. We are therefore not talking about a "one shot" engagement but indeed about the (far too long awaited!) effective implementation of existing human and child rights legislation for the benefit of all European citizens in a strengthened social inclusive Europe. Starting with the children...

Let us not forget one crucial thing: in spite of what we may think, the gangsters are proposing/imposing on these desperate communities their own "criminal solutions" as a "way out" of their present intolerable living conditions.

For our campaign to succeed, we must necessarily offer **BETTER** more attractive and durable solutions than those of the traffickers.

Thank you Mister Moderator !

Note

The present text was initially drafted for the campaign in November 2009 by myself and subsequently completed and reworked into its present form during further contacts which took place in Brussels on the 10th and 11th of March 2010; notably among the staff/assistants of Livia Jaroka, Hungarian Member of the European Parliament, Nicolae Gheorghe, the Romanian sociologist and former Senior Advisor to the OSCE on Roma and Sinti Issues, Ivan Ivanov, Head of the Brussels-based European Roma Information Office (ERIO), and Hvzi Cazim, Roma child rights activist from Skopje, President of the Brussels-based *Union of the Roma People (Comité pour l'Union du Peuple Rhom, C.U.P.R.)*. Previously Nicolae Gheorghe made his own personal address in favor of the urgent promotion of Roma children's rights and to stop their exploitation to the assembly of the first Roma Summit, organized by the European Commission, in Brussels, 18 September 2008.

The text has been presented and disseminated during the EU Roma Summit , Crdoba, 7-8 April, 2010.

Part II.

PUTTING CHILD RIGHTS FIRST – SAY NO TO EXPLOITATION AND DISCRIMINATION OF ROMA CHILDREN

Rationale for the urgent implementation of a unified European stand by all stakeholders – Roma and non Roma - against the ever rising wave of ill-treatment, exploitation, discrimination and social exclusion of Roma children and for the immediate protection and implementation of their indivisible fundamental rights¹

1. Given the vulnerability of children in general - especially within the EU Roma community itself a longstanding victim of discrimination, persecution and social exclusion -, common sense would require the immediate mainstreaming for these children of a non-discriminatory effective protection against all forms of violence, neglect and exploitative activities, involving or not trafficking². Unfortunately just the opposite is true and the aggravating factor of today's all-for-profit global economy contributing to the exponential spread of social exclusion and violence

¹ As set out notably in the UN's *Convention on the Rights of the Child (1989)*

² Cf. the important update of the United Nations Children's Fund (UNICEF): *Guidelines for the protection of child victims of trafficking, September 2006*, available at http://www.unicef.org/ceecis/0610-Unicef_Victims_Guidelines_en.pdf

- against children in general is only making things worse particularly for successive generations of Roma youth.
2. The illicit and persistent failing of EU society as a whole to provide adequate protection for Roma children and their fundamental rights curtails their individual potential for full positive human development thus gravely compromising their possibilities to grow up to be responsible empowered citizens in a strengthened socially inclusive Europe;
 3. Indeed, given the continued absence of prioritized protection and the adoption by all stake holders – Roma and non Roma, Member States, NGOs, concerned citizens everywhere – of an uncompromising and non discriminatory child rights centred approach³ to deal effectively with the root causes of this worsening vicious circle of **successive lost generations of sacrificed Roma children**, the legitimate ongoing campaigns for full human rights by and for the Roma community as a whole cannot possibly succeed; as Nelson Mandela so wisely put it: “*Children are the rock on which will be built the future of Humanity: Citizens of tomorrow, for the better or for the worse.*”
 4. It is therefore urgent for the above-mentioned stakeholders – Roma leaders at the forefront – to kick start together a highly public European Union backed campaign to raise awareness of the injustice and increasing dangers of the pursuit of the present unsustainable racist driven policy of “laissez-faire” and to propose and implement concrete measures to effectively stamp out all forms of abuse, exploitation and exclusion of Roma children.

Method and targets – a few initial open-ended propositions

1. In a nutshell, stakeholders and supporters of this campaign must come together without further delay to determine how to **explicitly mainstream current general Roma fundamental rights demands by prioritizing those of their children**, hence the present appeal “*Putting Child Rights First*”. Thus, without “reinventing the wheel”, this could be achieved by appropriately **reformulating the legitimate fundamental rights demands of the Roma community as a whole into specific child rights terms and basically “putting these first”** with the specific aim of eradicating ongoing violations of the fundamental rights of Roma children and youth throughout the EU⁴;

³ Cf. the *European Parliament Resolution of 16 January 2008 : Towards an EU strategy on the rights of the child*, P6_TA(2008)0012 – (2007/2093(INI)), notably para.89: “**{the Parliament} calls on the Member States to implement serious measures to ban all different forms of exploitation of children including exploitation for prostitution or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery or servitude, use of children associated with begging, illegal activities, sport and related activities, illicit adoption, forced marriage or any other forms of exploitation;**”

⁴ All existing Roma and Roma related policy documents – resolutions, recommendations, communications, etc. – duly adopted by Member States and European institutions must presently be urgently matched by *ad hoc* Action Plans, conceived and implemented from the “*Putting Child Rights First*” point of view.

2. This **child rights prioritizing of current Roma fundamental rights demands** could eventually take the form of an *ad hoc* “**Charter**”⁵ open to the signature of the widest possible range of concerned potential stakeholders;
 3. To increase success, the campaign must benefit from a high-profile launching involving at the very least the EU Parliament and preferably all EU bodies as well as the active participation of relevant Roma, European child rights and antiracist NGOs;
 4. The invitation to this highly publicized launching – preferably in a high venue building of the EU – should include significant field savvy key speakers⁶ to underscore the gravity and the urgency of the said campaign’s objectives;
 5. Different concerted actions should involve at a minimum urgent verification and denunciation of existing breaches in present legally binding EU, UN and domestic Member States’ legislation imposing the non discriminatory protection of all children – especially with regard to Roma - and result in their immediate correction;
 6. Other actions might also include the setting up of a specific “Roma child rights watchdog” body having official EU competency for scrutiny and binding denunciation of all reported violations; to do so this group would necessarily interact and cooperate closely with all existing EU bodies presently monitoring and combating child rights violations notably involving human trafficking;
 7. Similarly the creation of a trans-European permanent helpline for potentially vulnerable Roma child victims and other concerned groups could add visibility and efficiency to the above;
- etc.⁷

Importantly, the proposed campaign must necessarily be perceived to be spearheaded by Roma MEPs and other recognized Roma leaders themselves, **together** with the above-mentioned stakeholders. This **shared ownership** is essential in order to ensure necessary credibility and widespread public support and to bring to an end current untenable implicit trivialization and condoning of the abuse, exploitation and discrimination of Roma children in the name of a most doubtful “cultural” political correctness. In truth this cynical form of pseudo-humanistic anti-Roma racism is actually fuelling and not combating increasing anti-Gypsyism, dangerous racist stereotypes and multiple anti-Roma discrimination whilst allowing Member State and European authorities at all levels

⁵ For example, by reformulating into a “*Putting Child Rights First*” perspective key elements of relevant existing documents such as the European Roma and Travellers Forum’s “*Charter of Roma Rights*” (February 2010) and the EU Council of Europe’s “*EU Common Basic Principles for Roma Inclusion*” (June 2009), etc.

⁶ These could include, for example, renowned experts on child trafficking, specialized researchers from international organizations such as Anti-Slavery International, *Terre des Hommes*, UNICEF, ILO/IPEC, UN.GIFT(Global Initiative to Fight Human Trafficking), etc., as well as specialized *ad hoc* investigative reporters and eventual screenings of extracts of some of their work, films, photography, etc., documenting the trans-European exploitation of Roma children and youth in prostitution, forced begging, forced crime, etc., which could serve as visual testimony to some less visible aspects of the problem, etc....

⁷ This brief list of propositions should not be seen as limited and/or definitive but rather as a series of suggestions of means to an end; indeed **any proposition which would reinforce the main thrust of the campaign i.e. “*Putting Child Rights First: Say No to Discrimination and Exploitation of Roma Children*” would be most welcome.**

to continue to wriggle of the hook of their legally binding obligations to effectively prevent and eliminate these problems.

Finally, “*Putting Child Rights First*” should, within the above-mentioned specific context of effectively protecting vulnerable Roma children, strike home the essential but often forgotten universal wisdom that as adult citizens, **what we do to our children – be they Roma or not - they will one day do back to us!**

Indeed, if as a society at large we continue to remain incapable of adequately protecting and respecting the fundamental rights of our own children, how can they possibly be expected as adults to do otherwise?

Surely, considering the consequences for all of us, “wait and see” is today no longer an option.

The present urgent appeal for active endorsement and ownership of the “*Putting Child Rights First*” campaign is especially directed to all participants to the 2nd Roma Summit, organized in Cordoba on the 8th and 9th of April 2010 by the Spanish 2010 Presidency of the EU, and in particular to the EU Commission, the EU Parliament, the EU Council, the EU Member States and states participating in the *Decade of Roma Inclusion 2005-2015*, the Council of Europe, the OSCE Contact Point for Roma and Sinti Issues, the Roma representatives and civil society organisations and notably to the *EU Roma Policy Coalition*⁸ with specific reference to its “*Declaration on the Occasion of the European Roma Summit*”, *Brussels, 16 September 2008*.

**Brussels, 10-11 March 2010*

{**Nota bene*: this working blueprint text was originally drafted in November 2009 for the proposed campaign by the Brussels based independent consultant on child health and child rights issues, Lorne Walters and subsequently embellished together with Nicolae Gheorghe (Roumania) and Hvzi Cazim (Belgium).}

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⁸ The members of this coalition are *Amnesty International, European Roma Rights Center, European Network Against Racism, Open Society Institute, Spolu International Foundation, Minority Rights Group International, European Roma Grassroots Organisation, Roma Education Fund, Fondacion Secretariado Gitano.*

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