

**The state of play with civil and political rights of Roma  
in Southeast Europe and the emerging trends  
of human rights abuses**

*Albania  
Bosnia-Herzegovina  
Croatia  
FYR Macedonia  
Montenegro  
Serbia  
Kosovo*

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## **Executive Summary**

Protection and promotion of minority rights and their integration in society are key for the minorities' effective participation and ultimately equality. The recognition of civil and political rights of Roma in the countries of Southeast Europe has improved over the past years. However, very serious problems remain. In addition, a number of countries are witnessing the emergence of new trends and patterns of abuse of Roma rights.

Roma are still vastly underrepresented in public office throughout Europe, albeit constituting significant in number communities in their countries, sometimes even recognised as national minorities. Roma are often denied opportunities for political participation though intricate hurdles mounted on the way of obtaining personal documentation, residence and citizenship, which bar Roma from enjoying a host of other rights. Furthermore, the region has experienced a rise of right-wing extremism, whose principal targets are often Roma, as well as a rise to power of nationalist politicians and political parties who sometimes score points, and votes, on public anti-Romani sentiments. Mass involuntary return of Roma from Western Europe, usually without any infrastructure set up to receive them, and resulting massive social problems of Roma, have not helped majority' acceptance and integration of Roma. Human trafficking is gradually becoming the scourge of the poor and marginalised – which often is the condition of Roma. Roma women are increasingly identified as the most vulnerable category among the overall marginalised Roma communities.

National responses to these negative phenomena have been largely inadequate. Even though some countries have adopted specific programmes and strategies for Roma – usually under pressure from international organisations, donors and human rights groups, the implementation of undertaken commitments has been lagging behind the rhetoric.

There is still lack of awareness, both on the part of the authorities and general public, of the need for state intervention in rooting out underlying causes of Roma exclusion. Even among the stakeholders, there is still a need for better quality information and rights awareness raising measures. There is a need for more accurate information on the situation and needs of Romani communities, with a view of informing policymaking, as well as confidence- and capacity-building measures for Roma stakeholders. This means Roma rights must remain on the agenda of human rights monitors at home and abroad.

This report, commissioned within the OSCE's "Roma, Use Your Ballot Wisely!" (RUBW) project, aims to meet the objectives of the wider project by providing up-to-date information on the state of the play with Romani civil and political rights in the target countries in Southeastern Europe. It reviews legal and policy frameworks against discrimination and for minority protection, and then provides overview of the concrete situation with civil and political rights in the target countries. Recommendations are drawn on the basis of the report's findings and analysis, and are addressed to the national authorities, international organisations and donors, and Roma civil society.

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## Recommendations

### *To governments*

- Ensure in practice fulfilment of civil and political rights of Roma, with a specific attention to rights of Roma women.
- Urgently implement the measures to provide Roma with personal documentation and/or grant citizenship to eliminate Roma statelessness and facilitate Roma access to other rights.
- Adopt comprehensive anti-discrimination legislation and guarantee its unequivocal implementation.
- Raise awareness among officials, general public and minority communities of the ban on all forms of discrimination and remedies for victims of discrimination.
- Recognise Roma as a national minority and adopt necessary legislation to enforce minority rights in practice.
- Collect data disaggregated by ethnicity and gender, and develop indicators of the disadvantage and effectiveness of the Roma-related initiatives.
- Promote Roma awareness on their right to political participation, voting and representation, providing training and facilitating their exercise of rights as necessary.
- Pay specific attention to gender issues, ensuring that Roma women equally benefit from both Roma- and women-related initiatives.
- Train the police force on anti-discrimination and minority protection norms, deter and punish acts of racism and discrimination on the part of law enforcement.
- Adopt Roma integration programmes, thoroughly coordinating their implementation with mainstream inclusion and integration initiatives, in compliance with the OSCE Action Plan on Roma.
- Provide adequate human and material resources for Roma policies, drawing on civil society and minority experiences and expertise.
- Train and recruit Roma men and women to take up jobs in public administration, police and other official institutions.

### *To international organisations and donors*

- Support community-empowerment and capacity-development programmes for Roma women and men, training Roma cadre to be employed in public bodies.
- Condition funding of Roma projects on full and quality participation of diverse minority stakeholders in design, implementation and assessment of the projects.
- Monitor and evaluate Roma-related projects in order to stem out ineffective while supporting sustainable and capacity-building initiatives.
- Make allocations of funding provided to the region towards the Roma Decade goals, to ensure the implementation of the Roma strategies and Decade priorities does not stall due to financial constraints.

### *To the EU:*

- Streamline Roma initiatives within own social inclusion programmes and in international development initiatives in the SEE region.
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- Include minority, and specifically Roma integration, as a measuring yardstick in review of the implementation of SAPs and any current or future initiatives in the Balkans.
- Continue to stress minority protection as an accession criterion, as well as articulating it as a condition for membership.
- Promote minority protection across the EU member states to demonstrate by own example the EU's commitment to human rights and equality.
- Encourage EU members to refrain from forced repatriation of Roma refugees to their countries of origin without comprehensive guarantees of Roma safety and reliable prospects of decent life on return.

*To civil society and minority organisations*

- Generate research and data on the needs of diverse Romani stakeholders, to complement and monitor states' data collection and use
  - Conduct independent monitoring and evaluation of governmental, international as well as nongovernmental initiatives for Roma, to ensure their integrity and positive impact
  - Form cross-issue coalitions to benefit from joint advocacy of Roma rights in partnership with other human rights and minority protection organisations and movements
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## **1. Background: “Roma, Use Your Ballot Wisely!”**

Protection and promotion of minority rights and their integration in society are key for the minorities’ effective participation and ultimately equality. Throughout the South Eastern Europe (SEE) and Central Eastern Europe (CEE) the democratic processes, institutions and practices are still developing. To the credit of many SEE and CEE countries, minority rights have received considerable attention. However, the gap between majority and minority communities, especially Roma, has widened since the fall of communist governments.

The OSCE’s “Roma, Use Your Ballot Wisely!” (RUBW) project has sought to bridge the gap between the majority and minority (Roma) communities in accessing political and public participation. Of key concern have been dialogue and confidence-building measures between different actors in Roma communities and majority society.

As a follow-up project on the joint programme of the OSCE’s Office for Democratic Institutions and Human Rights (ODIHR), Council of Europe (CoE) and European Commission (EC), “Roma under the Stability Pact,” this project has aimed to make use of the electoral mechanisms in the SEE/CEE countries in order to contribute to combating intolerance and discrimination based on ethnicity, culture, gender, lifestyle or religion, as well as social exclusion and marginalisation of Roma. In implementing the project, particular focus has been on the most vulnerable groups within the Romani<sup>1</sup> communities, such as internally displaced persons (IDPs), refugees, young people and women.

This report, commissioned within the RUBW project, aims to meet the objectives of the wider project by providing up-to-date information on the state of the play with Romani civil and political rights in the target countries in Southeastern Europe: Albania, Bosnia-Herzegovina, Croatia, FYR Macedonia, Montenegro, Serbia and Kosovo. It reviews legal and policy frameworks against discrimination and for minority protection, and then provides overview of the concrete situation in the target countries in several areas: protection against discrimination, minority protection, Roma political participation, rights of refugees/IDPs and women. Recommendations are drawn on the basis of the report’s findings and analysis, and are addressed to the national authorities, international organisations and donors, and Roma civil society.

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<sup>1</sup> The term “Roma” is intended to include various vulnerable groups, such as: Sinti, Egyptians, Ashkalie, Rudari and other communities.

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## 2. Overview of civil and political rights in the target countries

The recognition of civil and political rights of Roma in the countries of Southeast Europe has improved over the past years. Most countries in focus are in fact parties to the principal human rights instruments guaranteeing equal access to a range of civil and political rights, such as the International Covenant for Civil and Political Rights (ICCPR); European Convention for the Protection of Fundamental Freedoms (ECHR); International Covenant on the Elimination of All Forms of Racial Discrimination (ICERD), and the International Convention on the Elimination of All Forms of Discrimination Against Women.<sup>2</sup>

Some countries are parties to the Framework Convention on National Minorities (FCNM) and the European Charter on Regional and Minority Languages (ECRML), major regional standards for minority protection. In addition, countries have made a political pledge to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area<sup>3</sup> (hereafter, “the OSCE Action Plan on Roma”).

However, very serious problems remain, as regards both civil and political rights, and minority rights of Roma.

Serbia-Montenegro,<sup>4</sup> Croatia, FYR Macedonia, and Bosnia-Herzegovina specifically recognised Roma as national minorities. However, in all of the countries those Roma who are not citizens are not entitled to minority protection. This effectively excludes more than half of the countries’ Roma from the scope of protection. In Kosovo, international monitors noted inconsistencies concerning the identity of some communities, e.g. Roma, Egyptians and Ashkali, without regard for self-identification of members of those communities.<sup>5</sup> Albania only recognised Roma (and not Egyptians) and only as a cultural (rather than national) minority, which limits their opportunities for enhanced political participation, granted to other minorities there. In Bosnia and Herzegovina, the Advisory Committee on the

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<sup>2</sup> Kosovo, in the absence of the settled status, is not a party to international treaties. Recently, this legal limbo has resulted in a rejection of a case by the European Court for Human Rights (“the Strasbourg Court”) due to lack of jurisdiction. The case concerned Roma refugees who were settled, initially temporarily, on a heavily poisoned land, with ensuing severe health problems. See, “European Court of Human rights Has No Jurisdiction in Lead Poisoning case,” *ERRC Snapshots from around Europe*, available on: <http://www.errc.org/cikk.php?cikk=2568&archiv=1>.

<sup>3</sup> OSCE Permanent Council Decision No. 566 of 27 November 2003, *PC Journal* No. 479, Agenda item 4.

<sup>4</sup> Serbia and Montenegro acceded to the FCNM as a federation.

<sup>5</sup> Representatives of the international community often refer to the aforementioned groups together as “RAE communities”. While understanding that this term has been devised merely for practical reasons, to facilitate the task of referencing, the Advisory Committee considers that such a designation should be avoided as it may be perceived as a sign of lack of acceptance of the specific identities of the groups concerned. See Opinion on Kosovo of the Advisory Committee on the implementation of the FCNM adopted 25 November 2005, para. 27: [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention%28monitoring%29/2\\_monitoring\\_mechanism/4\\_opinions\\_of\\_the\\_advisory\\_committee/1\\_country\\_specific\\_opinions/1\\_first\\_cycle/1st\\_op\\_kosovo\\_eng.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_op_kosovo_eng.asp).

implementation of the FCNM noted that “serious problems remain in the application of the Framework Convention with regard to the Roma. Full and effective equality has not been secured for Roma, who continue to be exposed to discrimination (in all fields of life).”<sup>6</sup>

Most recently, Montenegro’s debut as an independent state was marred by the decision of the Constitutional Court striking down provisions of the Minority Act, which guaranteed minority parties a fixed number of seats in the parliament.<sup>7</sup> The law was politically significant in multi-ethnic Montenegro, since minority votes were crucial for securing the independence vote. Ethnic minority leaders accused the Montenegrin government of betrayal. Roma, however, were not eligible to benefit from the provisions of the law, as according to the official census,<sup>8</sup> the Roma population in Montenegro is less than a percentage required for the favourable minority participation rule. (The estimated number, however, appears enough to have given Roma a guaranteed number of parliamentary seats, were the law still in force.)

Remarkably, several of the West Balkan countries were among the first to ratify Protocol 12 to the ECHR establishing a free-standing provision against discrimination.<sup>9</sup> However in practice, these commitments often remain on paper and/or are deviated from. Only a handful of countries have adopted comprehensive antidiscrimination legislation (i.e. the UN-administered territory of Kosovo). The rest, despite regular and strong recommendations from international monitoring bodies have been slow in doing so. But even when the antidiscrimination provisions are in place, the lack of proper enforcement and low awareness among Roma and public at large of the ban on discrimination result in limited application of the provisions and thus render those provisions ineffective. In Kosovo, despite having the progressive antidiscrimination legislation, Roma remain *de facto* among the most discriminated communities.<sup>10</sup>

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<sup>6</sup> Opinion on Bosnia and Herzegovina of the Advisory Committee on the implementation of the FCNM adopted 27 May 2004, Executive Summary, available on: [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention%28monitoring%29/2\\_monitoring\\_mechanism/4\\_opinions\\_of\\_the\\_advisory\\_committee/1\\_country\\_specific\\_opinions/1\\_first\\_cycle/1st\\_OP\\_BiH.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_OP_BiH.asp).

<sup>7</sup> The Act granted minority groups comprising between one and five per cent of the population one seat in parliament and allocated three to ethnic groups constituting over five per cent. See Nedjeljko Rudovic, “Montenegro: Minorities accuse Djukanovic of betrayal”, *Balkan Insight*, 20 July 06, available on: [http://www.birm.eu.com/insight\\_44\\_3\\_eng.php](http://www.birm.eu.com/insight_44_3_eng.php).

<sup>8</sup> See Montenegrin National Action Plan, available on: <http://www.romadecade.org/action.htm>.

<sup>9</sup> This protocol creates a free-standing right not be discrimination against, in contrast to the ECHR’s art. 14 (on discrimination) which could be used only in conjunction with other substantive rights in the Convention.

<sup>10</sup> See Opinion on Kosovo of the Advisory Committee on the implementation of the FCNM adopted 25 November 2005, para. 36, available on: [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention%28monitoring%29/2\\_monitoring\\_mechanism/4\\_opinions\\_of\\_the\\_advisory\\_committee/1\\_country\\_specific\\_opinions/1\\_first\\_cycle/1st\\_op\\_kosovo\\_eng.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_op_kosovo_eng.asp).



In the absence of effective minority and antidiscrimination frameworks (and their implementation), Roma remain open to abuse from both private and public parties, notwithstanding the adoption by some countries of specific measures to promote Roma integration (see below the section on *National responses*).

### **3. Emerging trends of abuse of Roma rights**

The countries in the region do not keep track of the racially-motivated incidents involving Roma, or for that any data disaggregated by ethnicity. This makes it extremely difficult to have a reliable picture on the extent of violations of human rights of Roma. However, the available abundant anecdotal evidence suggests a massive scale of the problem.

#### *3.1. Personal documents and access to citizenship*

Lack of personal documents and registration presents a very serious obstacle to Romani access to virtually all other rights and benefits. Some Roma have never been registered, others may have been registered in a different place but cannot recover their documents. Thousands of returned failed refugees from Western Europe do not have papers. Children born to unregistered parents cannot be registered, sometimes because their parents are themselves unregistered, sometimes allegedly because mothers cannot pay medical fees, which is perpetuating the vicious circle.

The lack of birth certificates, ID cards, health cards, working booklets, etc., exclude Roma from access to basic services such as education, health care, social welfare and registration with the employment office. Undocumented Roma do not appear in the population census, which leads to significant underestimation of Roma and the extent of their vulnerability. In addition, individuals do not appear on voters' lists and cannot exercise their voting rights. The lack of an ID card and/or passport does not allow them to leave the country legally. The consequences are further marginalisation.<sup>11</sup>

There were initiatives to overcome the problem. In Albania, for instance, registration was included among key priorities in the recently adopted National Programme for Roma, and a law was adopted to allow speedy and free-of-charge registration for unregistered persons, the estimated majority of whom are believed to be Roma. Many Roma are believed to have benefitted from the law. However, in process Roma encountered serious hurdles, for examples documents required in support of the registration were not free or were difficult to obtain; public servants in charge of registration allegedly were not helpful explaining the procedures and requirements; and overall awareness of the law was so low that reportedly only those Roma who were informed and assisted by NGOs managed to register. The short

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<sup>11</sup> OSCE document on civil registration, on file.

duration of the Law (three months) meant that many more individuals were bound to be left out.<sup>12</sup>

In Serbia, where according to the Amnesty International lack of registration has become “chronic” as generations of Roma live without papers,<sup>13</sup> registration was also prioritised in the Draft National Strategy. However, since the adoption of the Strategy is being continuously delayed, the implementation of measures contained there, including registration, is also stalled.

In Croatia, the legal provisions of the Citizenship Law evidently have a disproportionately negative effect on Roma, particularly women, who may be excluded due to illiteracy (e.g. insufficient knowledge of the Croatian language and/or Latin script), unawareness of the procedures, and other factors.<sup>14</sup> The UN’s Committee on the Elimination of All Forms of Racial Discrimination (CERD) has specifically criticised the fact that a simplified citizenship procedure was reserved for ethnic Croats only.<sup>15</sup>

In FYR Macedonia, too, an exclusionary nationality law has caused statelessness among members of ethnic minorities, and particularly Roma.

A number of international organisations and monitoring bodies have condemned the governments in the SEE region for failure to guarantee access to personal documents and citizenship on the basis of equality and non-discrimination, specifically with regard to Roma. Importantly, access to personal documentation and citizenship/residence for Roma forms an important part of the OSCE Action Plan on Roma, which the governments in the SEE region have pledged to implement.

### *3.2. Political participation and voting rights*

Even when Roma are eligible to vote and stand in elections, their chances for meaningful political participation are very slim. In most countries, Roma are able to participate in the elections only through mainstream parties (sometimes without disclosing their identity, which means their communities do not recognise them). When Roma parties are formed, their chances for election are limited by thresholds or methods of allocation of seats that are

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<sup>12</sup> Alpha Abdikeeva et. al., *Roma Poverty and the Roma National Strategies: The Cases of Albania, Greece and Serbia*, Minority Rights Group International, London, September 2005, available on: [www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf](http://www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf).

<sup>13</sup> “Serbia and Montenegro: A wasted year. The continuing failure to fulfil key human rights commitments made to the Council of Europe,” Amnesty International report, March 2005, available on: <http://web.amnesty.org/library/Index/ENGEUR700052005?open&of=ENG-YUG>.

<sup>14</sup> Ina Zoon, *Report on obstacles facing the Roma minority of Croatia in accessing citizenship, housing, health and social assistance rights*, Council of Europe, 2002, available on: [http://www.coe.int/T/DG3/RomaTravellers/stabilitypact/activities/Croatia/housingandsocialrights2002\\_en.asp](http://www.coe.int/T/DG3/RomaTravellers/stabilitypact/activities/Croatia/housingandsocialrights2002_en.asp).

<sup>15</sup> See Concluding observations of the UN Committee on the Elimination of Racial Discrimination in respect of Croatia, 21 May 2002, CERD/C/60/CO/4.

proven disadvantageous toward minority candidates.<sup>16</sup> Besides, being scattered rather than settled compactly – an argument often invoked by the governments, Roma communities have particular difficulties in exercising their to political participation and representation.

In Bosnia and Herzegovina, Roma as a “non-constituent” people are essentially barred from having a say in the country’s affairs. Moreover, as the government uses outdated and underestimated data on the Roma population (from the 1991 census) this makes it more difficult for the Roma to participate in the elections.<sup>17</sup>

In Croatia, according to the new law, in order for minorities to vote they have to be registered in advance on the so-called “minority voting list.” The majority of Roma voters were not informed about this rule and as a result could not vote in the recent elections. There were alleged cases of voter manipulation, especially of those who were illiterate.<sup>18</sup>

Although Roma are recognised as national or linguistic minorities, authorities in hardly any country in focus have made an effort to provide electoral material in the Romani language, whether in written or oral form (e.g. via TV or radio). For many members of Romani population who illiterate, this means they have not had an opportunity to make an informed choice. Cases of *vote buying* among Roma communities were reported in several countries (such as FYR Macedonia and Bulgaria).

A positive trend is that politicians increasingly take into account Romani populations as voters whose ballots can make a difference, and reportedly many candidates across the region make visits to Romani settlements and encourage Roma to vote for them. However, often the electoral promises are broken. Even though this fact of political life is not limited to pledges made to Roma, in case of disadvantaged communities failure to deliver has a particularly negative reaction. Many Roma claim that politicians promise a lot – providing infrastructure to segregated Roma ghettos, creating more jobs for predominantly unemployed Roma, and so forth. But once elected, politicians often forget Roma exist. As a result, many Roma appear to lose faith in the political process.

Precarious living conditions of Roma are yet another of many obstacles to their political participation. A number of Roma reportedly do not vote because the polling stations tend to be far away from their settlements, which are poorly connected and sometimes virtually inaccessible (see below, the subsection *Discrimination in access to public services*).

As a consequence of the obstacles to effective political participation, Roma are vastly underrepresented in all levels of government and administration across Europe, even though governments have a political commitment to implement the OSCE Action Plan on Roma

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<sup>16</sup> OSCE summary of elections findings, on file.

<sup>17</sup> Id.

<sup>18</sup> Id.

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which envisions measures to enhance Roma political participation.<sup>19</sup> Roma are often completely excluded from the political and public life of their respective countries, and Romani issues are virtually invisible in the national political discourse, perpetuating the vicious circle of exclusion.

### 3.3. *Conduct of law enforcement personnel*

Relations between Romani communities and police have traditionally been strained. However in recent years there have been more and more reports that in addition to usual unwarranted stops and searches of persons perceived to be Roma, the police use unnecessary force and even resort to practices that in many occasions were qualified as inhuman and degrading treatment, and even torture. The report by the Council of Europe High Commissioner for Human Rights states that recently there was a surge in number of complaints before the European Court of Human Rights alleging violence against Roma individuals in hands of police, as well as “insufficient action by law-enforcement officials in cases of violence against the Roma.”<sup>20</sup>

In Bosnia and Herzegovina, the European Commission against Racism (ECRI) noted that Roma are allegedly

the objects of disproportionately frequent checks and sometimes of harassment by law enforcement officials. Prejudice *vis-à-vis* Roma still appears to be widespread and some law enforcement officials have been reported to have held Roma responsible of crimes on the basis of little or no evidence and to have failed to investigate crimes committed against Roma.<sup>21</sup>

According to the opinion of the Advisory Committee on the implementation of the FCNM in Bosnia and Herzegovina, “The general lack of confidence in law-enforcement authorities by the Roma partly explains why few incidents involving police abuse against Roma are reported, a state of affairs which is aggravated by the extremely low number of Roma employed as police officers.”<sup>22</sup>

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<sup>19</sup> See section IV, “Enhancing participation in public and political life.”

<sup>20</sup> Final Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on the Human Rights Situation of the Roma, Sinti, and Travellers in Europe, para 79, available on: <https://wcd.coe.int/ViewDoc.jsp?id=962605&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>.

<sup>21</sup> ECRI Report on Bosnia and Herzegovina adopted on 25 June 2004 and made public on 15 February 2005, para. 51, available on: [http://www.coe.int/t/e/human\\_rights/ecri/1%2Ddecri/2%2Dcountry%2Dby%2Dcountry\\_approach/bosnia\\_and\\_herzegovina/bosnia\\_and\\_herzegovina\\_cbc.asp](http://www.coe.int/t/e/human_rights/ecri/1%2Ddecri/2%2Dcountry%2Dby%2Dcountry_approach/bosnia_and_herzegovina/bosnia_and_herzegovina_cbc.asp).

<sup>22</sup> Opinion on Bosnia and Herzegovina of the Advisory Committee on the implementation of the FCNM adopted 27 May 2004, para. 70, available on: [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention%28monitoring%29/2\\_monitoring\\_mechanism/4\\_opinions\\_of\\_the\\_advisory\\_committee/1\\_country\\_specific\\_opinions/1\\_first\\_cycle/1st\\_OP\\_BiH.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_OP_BiH.asp).

In recent years, Albania, where inter-community relations were traditionally relatively peaceful, also witnessed the development of anti-Roma sentiments. On 6 January 2005, without any notice or official warrant, the buildings police reportedly raided houses in the Roma settlement, under the pretext that the land on which Roma houses were built was awarded by court to other owners. Allegedly, Roma were neither informed of, nor present at the judicial proceedings where such decision was made. The police began to destroy the Romani cabins, allegedly exerting physical violence upon women and children present there during the action. The new owners, who were also present, allegedly subjected the Roma to verbal racist abuse, telling them to “go back” where they came from and allegedly threatening to douse them with gasoline and set them on fire alive should they not leave before morning.<sup>23</sup>

In Serbia, the Humanitarian Law Centre (HLC) reported physical and verbal abuse by unidentified police officers of Roma children washing car windows on the Belgrade streets. However, allegedly, investigation against the perpetrators has been slow and ineffective.<sup>24</sup>

In FYR Macedonia, according to the ERRC, in June 2005, two police officers have abused three Roma men, after arresting them without providing justification or informing of their legal rights. Medical reports confirmed that the three men sustained serious injuries. However, the criminal charges that the victims brought against the police were dismissed by the Public Prosecutor. Instead, the victims were advised to file a private lawsuit. As March 2006, proceedings were delayed because the accused officers reportedly did not show up at the hearing.<sup>25</sup> The case was apparently not unique in Macedonia. In May 2006 another grave allegation was made, after a Roma youth reportedly chased by the police was subsequently found dead in the river. His parents reportedly believe in racial motivation behind their son’s death. The results of the criminal investigation into the incident have not been made public, fuelling sensationalist speculations in the media that the boy’s organs may have been stolen. Again, the authorities have been slow to find and prosecute those responsible.<sup>26</sup>

It appears that countries in the region have by and large failed to follow up on the recommendation of the OSCE Action Plan on Roma to “(d)velop policies: (1) to improve relations between Roma and Sinti communities and the police, so as to prevent police abuse and violence against Roma and Sinti people; and (2) to improve trust and confidence in the police among Roma and Sinti people.”<sup>27</sup>

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<sup>23</sup> Pellumb Furtuna, “Escalation against Romani families results in one dead (Dritan Hashimi)”, article available on: <https://www.indymedia.org.uk/en/2005/01/303549.html>.

<sup>24</sup> “Police Violence Against Roma in Serbia and Montenegro,” *ERRC Snapshots from Around Europe*, available on: <http://www.errc.org/cikk.php?cikk=1590>.

<sup>25</sup> “Private Lawsuit Filed after Public Prosecutor Ended Investigation into Police Brutality in Kicevo,” in *ERRC Snapshots from Around Europe*, available on <http://www.errc.org/cikk.php?cikk=2569>.

<sup>26</sup> ERRC press-release, “NGOs Urge Macedonia Authorities to Investigate Death of Trajan Bekirov,” 16 June 2006, available on: <http://www.errc.org/cikk.php?cikk=2604>.

<sup>27</sup> See section III, para. 28.

### 3.4. Rights of refugees, returnees and IDPs

According to the recent report by the Council of Europe High Commissioner for Human Rights, the situation of Roma refugees and IDPs in the post-conflict areas of the SEE was precarious.<sup>28</sup> Roma continued to face bad living conditions, discrimination and even threats to their personal security. Currently mass return of Roma refugees from Western Europe has a destabilising effect on the already fragile social fabric in some countries.

In Serbia, where thousands of refugees are now being sent from the countries of Western Europe, virtually no infrastructure has been set up to receive the returnees, many of whom are Roma. As a result, Roma are forced to settle in makeshift settlements which lack elementary human conditions, e.g. cardboard shelters under the bridges or along the roads, without water, sewage or other essentials. Such settlements in themselves attract racist attacks by skinheads (see below the subsection on *Hate crimes*). Recently, the government announced opening a readmission office at the Belgrade airport. On this occasion, a Romani leader, Dragoljub Ackovic, noticed:

They open the office now, but it has been already three years that Roma are being returned from Western Europe. We expect that approximately 70,000 Roma will be repatriated ... during the next one or two years. ... There are no conditions for a return of Kosovo Roma who do not have a place to return to. There are no conditions for their reintegration in Central Serbia either, where unemployment is a big problem. We are asked to facilitate the return of Roma who have lived abroad for 15 years, where they had a job, and whose children don't speak Serbian. Here the children will end up rummaging on the communal garbage dumps.<sup>29</sup>

In Kosovo, a scandalous and ongoing case of “temporary” settlement of Roma on the lead-poisoned land has cost health and even lives to many Roma, including several children. Moreover, among other minorities, Roma are evidently not safe in Kosovo, and not so long ago became victims of the ethnic riots there (see below the subsection on *Hate crimes*).

In Bosnia ad Herzegovina, ECRI noted with concern “reported instances of return-related violence and of manifestations of hostility *vis-à-vis* Roma. ... Verbal abuse and threats of violence have been widely reported and physical attacks have also taken place. There have also been demonstrations of local residents against plans to establish facilities for Roma.”<sup>30</sup>

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<sup>28</sup> Final Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on the Human Rights Situation of the Roma, Sinti, and Travellers in Europe, para 86, available on: <https://wcd.coe.int/ViewDoc.jsp?id=962605&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>.

<sup>29</sup> Osservatorio sui Balcani, *Migrants sans papiers: l'Europe expulse, Belgrade accueille* (translated by Thomas Claus), March 2006.

<sup>30</sup> ECRI Report on Bosnia and Herzegovina adopted on 25 June 2004 and made public on 15 February 2005, para. 64, available on: [http://www.coe.int/t/e/human\\_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry\\_approach/bosnia\\_and\\_herzegovina/bosnia\\_and\\_herzegovina\\_cbc.asp](http://www.coe.int/t/e/human_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry_approach/bosnia_and_herzegovina/bosnia_and_herzegovina_cbc.asp).

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In Albania, where Roma arrived as refugees among others from Kosovo, they face significantly more difficulties than refugees of Albanian ethnicity in obtaining the status and support.<sup>31</sup>

In FYR Macedonia, in Summer 2003, the humanitarian crisis erupted, when several hundred of Kosovo Roma tried, unsuccessfully, to enter the European Union through the Macedonian-Greek border. The Roma had been camping in the border village of Medzitlija area for nearly three months, but ultimately remained in Macedonia after months of talks involving representatives of the refugees themselves, the FYROM government, European Union officials, local NGOs and UNHCR.<sup>32</sup> This was a desperate attempt to raise attention to the plight of displaced Roma from Kosovo.

The situation of Romani refugees is at heart of various international initiatives for Roma, including the OSCE Action Plan on Roma.<sup>33</sup> However, so far the governments have done precious little to address the situation of their Romani refugees and IDPs, who are perhaps the most vulnerable group among the generally disadvantaged Romani communities.

### 3.5. Human trafficking

Human trafficking is increasingly becoming a lucrative industry taking advantage of the poor and marginalised, and the countries in the West Balkans, besides serving as a convenient trafficking route, also supply large numbers of slaves for human trade. The latest report of the Council of Europe High Commissioner for Human Rights states that in many countries, “Roma individuals, men, women and children, have been particularly vulnerable to becoming victims of trafficking. In recent times, increased attention has been given to children who have fallen victims of trafficking for purposes such as sexual exploitation, begging, forced labour, illegal adoptions and removal of their organs.”<sup>34</sup> A report on combating the trafficking of Roma children described some of the abhorrent methods used by the traffickers:

After some time of exploiting the children as beggars, it is likely that trafficking networks will use them for other criminal activities, e.g. for selling drugs or the children are resold to prostitution, on condition that they are healthy and able-bodied as it is probable that they have been mutilated in order to be more ‘suitable’ as beggars (a disabled child is more appealing to the sentiments of the public).<sup>35</sup>

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<sup>31</sup> Field research information, on file with the author.

<sup>32</sup> UNCHR Briefing Notes, “Former Yugoslav Republic of Macedonia: Roma agree to remain,” 12 August 2003, available on: <http://www.unhcr.org/cgi-bin/texis/vtx/news/opendoc.htm?tbl=NEWS&id=3f38e329a&page=news>.

<sup>33</sup> See section VII, “Roma and Sinti in Crisis and post-Crisis Situations.”

<sup>34</sup> Final Report by Mr. Alvaro Gil-Robles, Commissioner for Human Rights, on the Human Rights Situation of the Roma, Sinti, and Travellers in Europe, para 103, available on: <https://wcd.coe.int/ViewDoc.jsp?id=962605&BackColorInternet=99B5AD&BackColorIntranet=FABF45&BackColorLogged=FFC679>.

<sup>35</sup> *Facts and data concerning the trafficking of Roma Children between Albania and Greece*, by Athanassia Sykiotou, Lecturer of Criminology, Faculty of Law, Democritus University of Thrace.



In Albania, allegedly a disproportionate number of Roma and Egyptian children are victims of human trafficking, according to both governmental and non-governmental sources. Trafficked children are exploited mostly for labour, e.g. sent to beg, or sell in the streets, or wash car windows on the roads. Sometimes they are also used for illegal activities, in particular drug dealing or organised theft, or forced into prostitution, in particular young girls. Although the Albanian Roma Strategy devotes attention to the issue, there appear to be problems with the actual implementation.<sup>36</sup>

Recently Kosovo was featured in the international media for large-scale trafficking facilitated, disturbingly, by members of the international peacekeeping forces:

Since the deployment in July 1999 of an international peacekeeping force (KFOR) and the establishment of the United Nations Interim Administration Mission in Kosovo (UNMIK) civilian administration, Kosovo(6) has become a major destination country for women and girls trafficked into forced prostitution.

KFOR and UNMIK were publicly identified in early 2000 as a factor in the increase in trafficking for prostitution by the International Organization for Migration (IOM).(35) In May 2000, Pasquale Lupoli, IOM's Chief of Mission in Kosovo, alleged that KFOR troops and UN staff in Kosovo had fed a "mushrooming of night clubs" in which young girls were being forced into prostitution by criminal gangs. "The large international presence in Kosovo itself makes this trafficking possible."(36)<sup>37</sup>

Montenegro (then still part of the union of Serbia and Montenegro), according to the most recent US State Department report, does not comply even with the minimum requirements for the elimination of human trafficking. An estimated 30-50 percent of females in prostitution in Montenegro are victims of trafficking, and half of them are minors.<sup>38</sup>

### *3.6.Hate crimes*

Recent years have seen a dramatic increase in levels of racially-motivated crimes, aggravated by patent impunity for the perpetrators of such crimes. Both have a demoralising effect on victims and society at large, where mistrust of the justice system and cynicism develop about the ability and willingness of both domestic and international actors to intervene for the sake of human rights.

In Croatia, according to the IHF report, "Violence against the Roma population became almost a daily phenomenon with no public reaction at all."<sup>39</sup> In addition, the UN's

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<sup>36</sup> ECRI Third Report on Albania adopted on 17 December 2004 and made public on 14 June 2005, para 111-114, available on: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/Albania/Albania\\_CBC\\_3.asp](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/Albania/Albania_CBC_3.asp).

<sup>37</sup> "Kosovo (Serbia-Montenegro): "So does that mean that we have the rights?" Protecting the human rights of women and girls trafficked for forced prostitution in Kosovo," report by Amnesty International, May 2004 available on: <http://web.amnesty.org/library/Index/ENGEUR700102004>.

<sup>38</sup> US Department of State Human Rights Report 2005: Serbia and Montenegro, released 8 March 2006, available on: <http://www.state.gov/g/drl/rls/hrrpt/2005/61673.htm>.

<sup>39</sup> International Helsinki Federation Report on Croatia, p.1, available on: [www.ihf-hr.org/viewbinary/viewdocument.php?doc\\_id=1973](http://www.ihf-hr.org/viewbinary/viewdocument.php?doc_id=1973).



Committee Against Torture noted allegations of the failure of the law enforcement authorities to prevent and promptly investigate attacks against persons belonging to national minorities, including Roma.<sup>40</sup>

In Serbia, the Minority Rights Centre criticised the Court's lenient sentencing for a dozen of skinheads who attacked a Roma settlement in February 2006. The thugs in black leather jackets in combat boots broke windows on several Roma houses shouting: "Gypsies, You're Dead Meat!" The perpetrators were fined 10,000 dinars, while Roma were fined 15,000 Dinars.<sup>41</sup>

In Kosovo, in March 2004, some 50000 individuals took part in ethnic riots, injuring hundreds and displacing thousands of members of ethnic minorities, including Roma. However despite the international presence, justice was slow to come: as of March 2006, only 426 persons were charged, primarily for petty crimes, and only half of those were sentenced.<sup>42</sup>

The OSCE Action Plan (Section III, para. 16 and 17) urges the participating states to:

- Ensure the vigorous and effective investigation of acts of violence against Roma and Sinti people, especially where there are reasonable grounds to suspect that they were racially-motivated, and prosecute those responsible in accordance with domestic law and consistent with relevant standards of human rights.
- Ensure no impunity for perpetrators of discriminatory or violent acts, *inter alia*, by taking prompt and effective investigative and punitive action on the part of the police.

Unfortunately, so far the countries in SEE fall short of the implementation of their political commitments.

### 3.7. Roma women

Romani women across the board remain the most vulnerable category even among the generally disadvantaged Roma. Discrimination on the basis of belonging to Roma minority for them is compounded by gender discrimination, which is emerging as a serious problem in post-communist countries of the Southeast Europe. Although several governments took some steps to address disadvantages faced specifically by Roma women, for example Serbia and Albania specifically included a gender component in their respective Strategies, this remains on the declaratory level, without any visible improvements.

In all countries it has been reported that Romani women appear to be particularly adversely affected by the lack of personal documents, due to illiteracy and/or low proficiency in the

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<sup>40</sup> See e.g. Conclusions and recommendations of the UN Committee against Torture, 11 June 2004, CAT/C/CR/32/3.

<sup>41</sup> "Victims Penalized, Too," *OneWorld Southeast Europe*, available on: <http://see.oneworld.net/article/view/130874/1/>.

<sup>42</sup> "Not on the agenda: Continuing Failure to Address Accountability in Kosovo Post-March 2004," Human Rights Watch report, May 2006, p.6, available on: <http://hrw.org/reports/2006/kosovo0506/>.

majority language; powerlessness within the community and limited contacts the outside world.

Roma women seem even more disadvantaged than Roma men when it comes to political participation. Reportedly, some cultural practices result in “family voting” (when husbands vote on behalf of the family), or even in mass non-voting of women.

In addition, women reportedly are afraid to complain to the police in case of domestic violence, as the police officers allegedly often respond with further racial abuse. According to the ERRC Shadow Report on FYR Macedonia, presented to the UN’s Committee on Elimination of Discrimination Against Women (CEDAW),

Of 34 cases in which Romani women reportedly informed the police in cases of domestic violence, 20 - or 59% -- of women stated that the police subjected them to racial prejudice and degrading treatment: In only 5 out of 34 reported cases (15%) did the police actually intervene (which usually simple meant a verbal warning for the perpetrators). When 43-year-old D.D. from Stip sought police assistance after having been beaten by a member of her family, the police official to whom she turned reportedly stated, “You Gypsies fight amongst yourselves all the time. You have to solve your problems among yourselves.”<sup>43</sup>

The governments have undertaken commitments both as regard protection of racial discrimination and protection from gender discrimination. However, these commitments remain an empty sound for the vast majority of Romani women in the SEE.

### *3.8.Discrimination in access to public services (education and housing)*

Although Roma children across the former Communist countries traditionally had lower levels of education and poorer living conditions than the majority populations, nevertheless, open discrimination in access to education and housing was rare. However, with the fall of the Communist governments and dissolution of the former Yugoslavia, racist bullying and segregation of Roma have become widespread.

Currently, a disproportionate number of Roma children are allegedly sent to special schools for children with learning disabilities, or drop out completely prior to completing even the primary school. Even though the governments claim not to possess ethnically disaggregated data, non-governmental sources show a depressing picture.<sup>44</sup>

In Bosnia, prior to the 1990s, most Roma were in schools; after the devastating wars, during which many Roma were displaced and then returned, the number of Roma children in schools shrunk dramatically; illiteracy rates among the younger generations of Roma are staggering, and Muslim Roma girls and young women are affected even more than boys.

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<sup>43</sup> ERRC Shadow Report Submitted to CEDAW on the Situation of Romani Women in Macedonia, p. 17, available on: <http://www.errc.org/cikk.php?cikk=2489&archiv=1>.

<sup>44</sup> See, for example, UNDP, *Faces of Poverty, Faces of Hope*, 2005, available on: <http://vulnerability.undp.sk/>.

In Croatia, according to Roma accounts, Roma children are subject to racist abuse on the part of non-Roma parents, who demand separate education for Roma. Most Roma appear to be diverted to the system of special education (for mentally handicapped) which offers very few real prospects for employment upon graduation.

In Albania, where previously the majority of Roma were covered by mandatory schooling, younger generations barely complete more than primary school. Instead, Roma children often drop out of schools in order to help their poverty-stricken families to earn a living; again, Roma girls and young women tend to be affected more adversely, and without education have virtually no chances on the labour market.

Poor participation in education often goes hand-in-hand with very precarious living conditions of the majority of Roma communities in the region. Bad living conditions of Roma are obstacles not only to education, but also to their political participation, and overall integration in society.

In addition to poor living conditions and often virtually missing infrastructure (water, electricity, sanitation, roads), evictions of Roma have become commonplace in the region. In Albania, Roma and Egyptians reportedly are being evicted from houses, mostly in Tirana, where they have been living for many years, and are not given the same possibilities of an alternate housing or loans as their non-Roma counterparts in a similar situation.<sup>45</sup>

In FYR Macedonia, local authorities evicted several Romani families (c. 60 persons including women and children) under the pretext of “cleaning the municipality,” without providing any alternative housing; and this at the same time as the government made the commitment to the Roma Decade (see below the section on the *Response of the national authorities*)<sup>46</sup>

Both discrimination in housing and education indicate failure of the governments in the SEE to guarantee equal treatment to a portion of their populations on the basis of ethnic belonging, which amounts to systemic discrimination, in violation of the countries’ international and constitutional obligations.

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<sup>45</sup> ECRI Third Report on Albania adopted on 17 December 2004 and made public on 14 June 2005, para. 53, available on: [http://www.coe.int/t/e/human\\_rights/ecri/1-ecri/2-country-by-country\\_approach/Albania/Albania\\_CBC\\_3.asp](http://www.coe.int/t/e/human_rights/ecri/1-ecri/2-country-by-country_approach/Albania/Albania_CBC_3.asp).

<sup>46</sup> ERRC Shadow Report Submitted to CEDAW on the Situation of Romani Women in Macedonia, p. 13, available on: <http://www.errc.org/cikk.php?cikk=2489&archiv=1>.

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#### 4. Response of the national authorities

Despite these troubling emerging trends of Roma rights abuses, the authorities by and large have been slow to react.

While some of the countries in the SEE adopted specific programmes or strategies on Roma, critics claim that these measures are often void of concrete impact.<sup>47</sup> The Roma programmes per se are not sufficient for eliminating Roma exclusion. This is because their implementation is lagging; because there is inadequate financial and administrative support; because the stakeholders were not duly included in the elaboration of the programmes concerning them; and because allegedly the governments themselves view such initiatives as a ticket to international acceptance, rather than a genuine commitment.

First, many programmes focus exclusively on the poverty aspect of Roma exclusion, omitting its multidimensional nature. Consequently, they fail to pay due attention to the need to strengthen anti-discrimination and rights aspect. Second, many programmes by making Roma issues subject of a specific policy thus “segregate” Roma problems rather than mainstreaming them in a variety of related policies – something that a multidimensional nature of Roma exclusion calls for. Third, often the most crucial problem, is lack of adequate material and other resources allocated for the programmes’ implementation. Often, the states expect unspecified “donors” to provide necessary funds, which in the absence of solid commitments turn into fruitless expectation.<sup>48</sup>

There are many other problems with the Roma strategies or programmes, each in its own way contributing to limited effectiveness and negligible impact of the programmes on the lives of millions of ordinary Roma. Perhaps one more problem worth mentioning is the lack of public information campaign around the strategies, resulting not only in limited acceptance of the programmes by the public, but also leading to a situation where even officials charged with the implementation are not aware of the programmes’ existence, as allegedly has been the case in some localities in Albania, Macedonia, Montenegro and Serbia.

Even when there has been reportedly satisfactory level of minority consultations in drafting the text of the Roma Strategy, as for example in Albania, state support for community empowerment and capacity-development has been minimal or non-existent. At the same

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<sup>47</sup> “Roma in European politics: an interview with Livia Jaroka MEP,” *ENARgy* 16: Roma, Sinti and Travellers,, April 2006, p. 4, available on: [http://www.enar-eu.org/en/enargy/ENARgy\\_16\\_EN.pdf](http://www.enar-eu.org/en/enargy/ENARgy_16_EN.pdf).

<sup>48</sup> Alpha Abdikeeva et. al., *Roma Poverty and the Roma National Strategies: The Cases of Albania, Greece and Serbia*, Minority Rights Group International, London, September 2005, available on: [www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf](http://www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf).

time, the authorities all too willingly shifted the responsibility and blame for the stalled implementation of Roma programmes on Roma NGOs.<sup>49</sup>

In Serbia, authorities allegedly claim there is “no budget even for programmes aimed at majority, let alone Roma.”<sup>50</sup> There is expectation that the foreign donors will somehow intervene to ensure the implementation of Roma-oriented initiatives.

In Macedonia, in 2003 a symbolic attempt to end years of discrimination and exclusion of Roma was made when the Prime Minister signed a declaration and committed his government to improve the condition of the Romani community during the proclaimed “Decade of Roma Inclusion 2005-2015.” However, few concrete steps have been taken since. Instead, almost simultaneously with the adoption of the Decade-related National Action Plans, local authorities evicted several Romani families (c. 60 persons including women and children) under the pretext of “cleaning the municipality,” without providing any alternative housing.<sup>51</sup>

In Bosnia, instead of assisting the returning Roma to restore their residence and property rights and defend Roma against mob intolerance (see above, section on Rights of refugees, returnees and IDPs), the authorities allegedly have often obstructed Roma return to their homes on grounds that temporary occupants of their property had nowhere to go; have made Roma pay to occupants of their property to leave, and have taken no measures when Roma property was vandalised and looted before being returned to Roma.<sup>52</sup> The Advisory Committee on the implementation of the FCNM expressed its deep concern that

in Bosnia and Herzegovina, no authority seems to have perceived the scale of the problems faced by the Roma and the ensuing need to design and develop a comprehensive strategy at all levels to efficiently tackle these problems. The State Report for instance mentions only one case of discrimination in Kiseljak but fails to analyse the overall situation of exclusion faced by the Roma and the reasons behind it. The Advisory Committee was particularly struck that during discussions with both the Ministry of Health of the Federation and the Ministry of Labour and Social Welfare of the Canton of Tuzla, its interlocutors refused to admit the need for a systematic and coordinated action on behalf of Roma on the alleged ground that social action should have no link whatsoever with ethnicity.<sup>53</sup>

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<sup>49</sup> Id.

<sup>50</sup> Id.

<sup>51</sup> ERRC Shadow Report Submitted to CEDAW on the Situation of Romani Women in Macedonia, p. 13, available on: <http://www.errc.org/cikk.php?cikk=2489&archiv=1>.

<sup>52</sup> ECRI Report on Bosnia and Herzegovina adopted on 25 June 2004 and made public on 15 February 2005, para. 61, available on: [http://www.coe.int/t/e/human\\_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry\\_approach/bosnia\\_and\\_herzegovina/bosnia\\_and\\_herzegovina\\_cbc.asp](http://www.coe.int/t/e/human_rights/ecri/1%2Decri/2%2Dcountry%2Dby%2Dcountry_approach/bosnia_and_herzegovina/bosnia_and_herzegovina_cbc.asp).

<sup>53</sup> Opinion on Bosnia and Herzegovina of the Advisory Committee on the implementation of the FCNM adopted 27 May 2004, Executive Summary, para. 49, available on: [http://www.coe.int/t/e/human\\_rights/minorities/2\\_framework\\_convention%28monitoring%29/2\\_monitoring\\_mechanism/4\\_opinions\\_of\\_the\\_advisory\\_committee/1\\_country\\_specific\\_opinions/1\\_first\\_cycle/1st\\_OP\\_BiH.asp](http://www.coe.int/t/e/human_rights/minorities/2_framework_convention%28monitoring%29/2_monitoring_mechanism/4_opinions_of_the_advisory_committee/1_country_specific_opinions/1_first_cycle/1st_OP_BiH.asp).

In all countries in the region, court and administrative procedures contained in legal provisions for the Roma community are generally difficult, expensive and time consuming, not taking into account the vulnerable and disadvantaged social and economic position of Roma. The local authorities often do not fully comply with existing laws and/or administrative instructions, and lack of awareness among the Roma community of their rights and of laws and procedures in place to protect them result in perpetual abuse, discrimination and exclusion of Roma.<sup>54</sup>

## 5. International initiatives

International pressure has played a serious role in encouraging the countries to take measures for improving the situation of Roma. In particular, several of the countries aspiring for the EU membership have already adopted special integration programmes for Roma (Albania, Croatia, FYR Macedonia) or are in progress (Serbia and Montenegro). Furthermore, Serbia-Montenegro has made a declaration upon joining the Council of Europe to pay a special attention to the integration of Roma. Several countries in focus (FYR Macedonia, Croatia, Serbia and Montenegro) participate in the Roma Decade. A number of international initiatives have brought practical results in promoting Roma political rights, as for example the joint OSCE-COE-EC Stability Pact and the OSCE Action Plan for Roma.

### *EU enlargement*

Roma rights have received massive attention the course of the recent EU enlargement, when ten countries of the Central Eastern Europe joined the bloc. Within the framework of the Copenhagen criteria, the EU institutions monitored inter alia the situation of Roma in the candidate countries. Despite apparent “enlargement fatigue” in the Union, the countries of SEE have either already been granted, or are in process of obtaining candidate status. Their progress towards fulfilling the EU accession criteria is thus also being monitored. However, Roma rights have not been specifically included in the EU’s partnership agreements with the candidate countries in the SEE region, not in the EU’s overall policy in the region.

Moreover, Roma have not been mainstreamed within the EU’s own social inclusion policies. For example, the Lisbon Strategy<sup>55</sup> and in the European Employment Strategy, two principal EU policy mechanisms to combat poverty and exclusion, do not mention Roma as marginalised groups. Another cause of concern is the failure by the EU’s member states to guarantee the respect of Roma rights in practice (all of the rights abuses described in the present report are also found in an EU member state Greece,<sup>56</sup> among others). This may cast

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<sup>54</sup> OSCE civil registration document, on file.

<sup>55</sup> Presidency Conclusions, Lisbon European Council, 24 and 24 March, 2000, Points 32-33.

<sup>56</sup> Alpha Abdikeeva et. al., *Roma Poverty and the Roma National Strategies: The Cases of Albania, Greece and Serbia*, Minority Rights Group International, London, September 2005, available on: [www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf](http://www.minorityrights.org/admin/Download/pdf/RomaMacro2005.pdf).

a doubt on the extent of the EU's commitment to Roma rights, as well as lessen a possible positive impact of the EU intervention on the situation of Roma.

### *Stability Pact*

As a result of this joint OSCE-CoE-EC programme, a network of local Roma contact points/mediators has been established in the target countries. For example, in Serbia 12 contact points have been trained and hired at local administration. Such contact points/mediators act as facilitators between the Romani communities and local authorities, and lobby with the (elected) local and regional authorities.

However, more of such grassroots contact points are needed to meet the needs of the Roma communities. Moreover, the contact points should address the needs and problems of diverse categories of Romani users, i.e. women, elderly, children, disabled, IDPs and refugees, among others. It is also crucial to ensure that the mandate of the Roma contact points is clarified to the local bodies where such contacts are hired, to avoid situations when local authorities shift on them responsibility for solving Roma problems without providing any resources or real authority to do so, as allegedly is happening in Serbia.<sup>57</sup>

### *OSCE Action Plan on Roma*

The Action Plan adopted in 2003 is aimed to ensure that Roma and Sinti play a "full and equal part" in societies in which they live and to eradicate discrimination against them. The underlining principle is Roma participation in policy-making and implementation, also stressing the mainstreaming of Romani women's issues in all the activities. The action Plan also contains a list of activities for the Contact Point for Roma and Sinti Issues, including creation of a database of best practices in OSCE participating states and monitoring of the Action Plan's implementation.

### *Roma Decade*

The Decade for Roma Inclusion, launched in February 2005, is an initiative of the nine governments in the CEE and SEE to overcome the gap between Roma and non-Roma. The initiative was sponsored by the World Bank, Open Society Institute, European Commission, Council of Europe, the OSCE, among other major international players; however, as it has been repeatedly stressed, it is not a "new pot of money" and it does not dispose of own funds to finance Roma-oriented initiatives. The participating governments are expected to allocate funding from their own budgets.

While it may still be early to talk about many practical achievements of the Decade, it is possible to draw at least some crucial lessons. Namely, the absence of funding has already stalled the implementation of the otherwise good National Action Plans, and it is unrealistic

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<sup>57</sup> Id.



to expect impoverished countries struggling with a host of economic problems to produce required funds.

In turn, any international aid must always be conditional on full and quality participation of diverse minority stakeholders in design, implementation and assessment of the projects. Roma-related projects need to be carefully monitored and evaluated by stakeholders themselves, in order to stem out ineffective and unsustainable projects, while supporting sustainable and capacity-building initiatives.

## **6. Conclusions and recommendations**

Despite some positive developments that took place in the recent years in a number of countries in the SEE, such as the recognition of Roma as a national minority and development of specific Roma-oriented national strategies and programmes, the situation with civil and political rights of Roma in the region remains serious. Moreover, new disturbing trends of abuse of Roma rights are on the rise and are a cause of particular concern. Livia Jaroka, the first Romani MEP in history, thus summed up the situation of Roma: “There are still widespread difficulties in enforcing the social inclusion strategies. The anti-discrimination (laws) where they are ... are not fully implemented in practice. ... public officials and the media frequently make anti-Gypsy remarks, and Roma are racially targeted for violence and verbal abuse.”<sup>58</sup>

Formal recognition of Roma as minorities often has not been followed up by concrete state action that would ensure the enjoyment of specific minority rights by persons belonging to Romani communities. For example, there have been very few initiatives to facilitate members of Roma community their right to political representation, use Romani language for official purposes, or often times simply to assist them in equally exercising their voting rights. Instead, even basic equality of treatment remains out of reach for a vast majority of Roma, and especially women, while most countries have yet to bring their domestic legislative framework – and particularly the implementation – in compliance with their international commitments to ban discrimination.

Clearly, the fact that Roma are geographically dispersed – frequently cited by the governments explaining the lack of political participation of Roma – makes their political rights somewhat more difficult to exercise than the rights of the minorities with more compact areas of residence. However, international treaties dealing with minority rights, to which practically all of the SEE countries are parties, call on the states to create conditions for the exercise of minority rights. The burden is thus on the states; yet precious little has been done.

Furthermore, none of the countries disposes accurate statistics on the size of Roma populations; the official sources tend to significantly underestimate the actual number of members of this minority which, besides impeding the development of informed affirmative policy measures, result in the situation that Roma are considered not numerous enough to

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<sup>58</sup> “Roma in European politics: an interview with Livia Jaroka MEP,” *ENARgy* 16: Roma, Sinti and Travellers., April 2006, p. 2, available on: [http://www.enar-eu.org/en/enargy/ENARgy\\_16\\_EN.pdf](http://www.enar-eu.org/en/enargy/ENARgy_16_EN.pdf).



exercise their political representation rights. Thus, in Montenegro, where officially Roma constitute less than one percent of the total population, they have not even been entitled to the guaranteed seats in the parliament as per the quashed Minority Acts – to which they could have been entitled, should their estimated number of three per cent been confirmed. Certainly, ethnic data is also sensitive matter, but it appears that the authorities largely prefer to ignore the problem of lacking data, than seek ways to gather such data in cooperation with diverse Roma communities and with due regard for data protection norms.

Moreover, no amount of data collection would compensate for the lack of personal identification documents. In the region where traditionally the mentality of the authorities has been “no papers – no person,” exercise even of the most fundamental rights is obstructed for undocumented individuals, among Roma in general, and Roma women in particular, apparently prevail.

To add to this overall powerlessness of Romani communities, in recent years there has been a surge in nationalist sentiments bringing to power nationalistic, populist governments, which gained votes on xenophobic, anti-minority and sometimes specifically anti-Roma slogans. As governments in the region often felt under pressure to adopt some formal Roma-related programmes, unpopular with the majorities, in the context of the overall poverty it has been easy for some political forces to manipulate public discontent directing it against unpopular and powerless groups (who cannot vote and due to their vulnerability present too convenient a scapegoat). Since practically no country has adopted public information and communication strategy regarding the need to rectify the situation with Roma rights, it hardly comes as a surprise that the implementation even of the officially endorsed Roma policies has been scant.

In parallel to politically-motivated anti-Roma sentiment, some segments of society have taken the anti-Roma feelings onto yet another level, and Roma have been victims of physical violence, as it happened in Kosovo, Serbia, and elsewhere in the region.

Experience shows that violent abuse of Roma rights generally is not an isolated phenomenon, but rather is an indication of systemic problems with minority protection, *inter alia* protection of Roma rights. As such, the most effective prevention of Roma rights abuse is the elimination of the root causes, such as inadequate minority protection and anti-discrimination frameworks, and powerlessness of Roma communities. While there may be little political will in individual countries to ensure that Roma citizens are treated on par with others, and that traditional disadvantages of Roma communities are dealt with affirmatively, international organisations and bodies could provide additional incentives.

International organisations and bodies, particularly the EU which enjoys high prestige in the region of EU-hopefuls, should be more coherent and consistent in setting and enforcing the criteria not only of membership, but also of financial and other assistance and all forms of political cooperation, and keeping Roma rights on the agenda.

But most importantly, Romani political parties, where they exist, and Romani civil society organisations, as well as elected Roma representatives need to join forces among themselves, as well as with parties and civil society organisations and groups with similar agenda, such as women’s movement, minority organisations, human rights groups and the like, with the aim

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of sharing experience and political “know how” and stepping up the lobbying efforts for Roma rights.

