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The Role of International Institutions in Addressing the Human Rights Problems Confronted by Roma

Mr. Chairman,

Distinguished Commissioners,

Ladies and gentlemen,

Allow me to thank you for inviting me to discuss the role of international institutions in addressing the human rights problems confronted by Roma in Europe. In my capacity as Adviser on Roma and Sinti Issues with the OSCE Contact Point for Roma and Sinti Issues, I have observed the rapid transformations taking place to those countries in Central and South Eastern Europe.

Recent efforts have also been underway within international institutions and inter-governmental structures to **conceptualize an integrated approach** to Roma focused policies. This includes both targeted and mainstream strategies that seek to incorporate Roma populations into majority societies throughout the Central and South East European States. While targeted approaches focus on specific capacity building assistance for Roma social groups, mainstream efforts emphasize general inclusion of Roma into wider international and national anti-discrimination and social affairs policies.

One of the features impeding the effectiveness of Roma-oriented policies is a **lack of input from Roma communities**. This situation is succinctly summarized in a report by the OSCE's High Commissioner on National Minorities: "Unfortunately, countless programs for Roma have been destined to fail because they were developed without Roma participation, and, correspondingly, with scant awareness of the specific culture and needs of the intended beneficiaries. Equally important, programs *for* Roma designed *without* Roma are scarcely likely to earn the confidence and commitment of Roma". The High Commissioner then goes on to question the long-term sustainability of projects if the recipients are not part of the design and implementation process: "...the active engagement of Roma in developing and implementing projects helps ensure that they do not inadvertently create or perpetuate a classic syndrome of dependency and passivity on the part of the intended beneficiaries" (OSCE, 2000: 8).

The OSCE has consistently sought to assist national minorities, first through the establishment of the High Commissioner on National Minorities (HCNM) and more recently through its 55 participating State's commitment to specific measures to empower Roma communities. These measures are reflected in the 2003 Action Plan on Improving the Situation of Roma and Sinti in the OSCE Area (the Action Plan), whose scope and objectives are: "...intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti people are able to play a full and equal part in our societies, and at eradicating discrimination against them." (OSCE 2003)

As the primary OSCE body responsible for reporting on the implementation of the Action Plan and keeping in line with the ODIHR's overall mandate, the **key objectives of the Contact Point** are to promote a broad range of fundamental human rights, including civil and political rights, in relation to the Roma and Sinti communities in the OSCE region. Enduring security and stability throughout the region is fostered through the development of truly inclusive societies in which all citizens enjoy equal rights and opportunities. In particular, the ODIHR's activities on Roma and Sinti issues intend to strengthen national and international efforts to promote tolerance and non-discrimination.

The guidelines detailed in the *Action Plan* call on participating States to take steps to ensure that Roma and Sinti social groups are able to participate fully in public and political life, effectively eliminating obstacles caused by discrimination. The ODIHR is the primary OSCE body responsible for reporting on the implementation of the *Action Plan*, as well as for providing advice to participating States on specific issues related to the documents key thematic areas, including:

Combating racism and discrimination

Racism and discrimination against Roma and Sinti has been on the rise in the last decade. The tensions that can exist during any period of profound political transition, such as those that have taken place throughout Eastern and South Eastern Europe, have often exposed divisions in society, including racism targeted at Roma and Sinti communities. Examples of hostility, rejection and hate speech continue to be expressed and enacted in the OSCE region. Such racism and discrimination can result in the inability of Roma and Sinti to access such areas as employment, education, housing and healthcare. In several countries, Roma have become the victims of racially motivated crimes and suffered abuses of police authority.

Addressing socio-economic issues

Widespread discrimination has resulted in the exclusion of many Roma and Sinti groups in all spheres of public life. It has left many Roma and Sinti communities, with a high average of young persons, unable to access basic needs, including adequate living conditions, healthcare and education. For many Roma, the issue of secure living conditions and residence is at the forefront of any effective strategies for recognition and fulfilment of rights. Without an address, it is often impossible to register for public services and engage in lawful income generating activities. Problem areas that have resulted from insecure residence include: forced

evictions, lack of secure land tenure, inadequate alternative housing, lack of civil registration and inability of Roma children to attend school. You will notice in the hand-out on civil registration, the many challenges Roma face and some practical initiatives to address these.

In addition, trafficking in human beings has shown an increase among Roma populations, in particular of children. This has been due to four distinct but interrelated factors: endemic poverty, social marginalization, the collapse of institutional support structures, and ultimately widespread discrimination.

Enhancing Participation in Public and Political Life

Intolerance and discrimination have characterized Roma and Sinti populations' ability to participate in the public and political life of the countries in which they live. Strong ethnic and cultural identity, and entrenched attitudes can lead, in particular countries, to a sense of marginalisation and alienation. This is often compounded by a lack of awareness among Roma of their ability to influence their own circumstances through political participation. Particularly affected are the most vulnerable groups within the Roma and Sinti communities, including internally displaced people, refugees, young people and women.

To carry out its work, the Contact Point acts as a clearing house for the exchange of information on Roma and Sinti issues, including information on the implementation of Roma related commitments by participating States. Examples of best practices across participating States are collected and shared, as well as lessons learned from challenges that arise when implementing national Roma related strategies at the local level.

The ODIHR Contact Point seeks to enhance interaction between OSCE structures, governments, international organizations and Roma or Roma focused non-governmental organizations to develop a common approach that avoids duplications of programmes and projects. This is done by collecting information from OSCE countries on legislative and other measures related to improving the situation of Roma and Sinti and making this available to relevant actors.

As a **mechanism for early warning**, the ODIHR Contact Point has been effective in signaling instances of increased tensions between Roma and majority populations, and calling for crisis management in cases where the potential for conflict exists. In implementing its programmes and projects, the Contact Point pays special attention to the advancement of fundamental human rights for Roma and Sinti, including those agreed upon by OSCE participating States and elaborated in the Action Plan, through an integrated strategy. The end objective is to eliminate the disparities that affect the Roma population's ability to participate fully in political and public life, access social services on equal terms, and to enjoy the same economic opportunities as others.

The overall goal of the Action Plan is to mainstream Roma into wider institutional structures at both the national and international level. Activities to achieve this goal focus on encouraging and promoting the sharing of best practices among participating States', international organizations, non-governmental organizations, Roma representatives, and local authorities

within States. It also calls for assisting in more effective implementation of Roma policies by raising awareness of how to create better inter-linkages among Roma-related initiatives of other inter-governmental organizations (facilitating better use of the resources allocated by the limited number of donor States and organisations, and avoiding parallel, and sometimes redundant, programmes and projects). There is also a focus on targeting specific areas of concern for Roma communities (such as combating discrimination in law enforcement institutions). Ultimately, the Action Plan envisages assisting participating States in increasing the level and quality of reporting regarding the implementation of the *Action Plan*, and creating networks among Roma and non-Roma NGOs that may contribute to the further effectiveness and sustainability of implementing national strategies for Roma on particular issues.

The process of accession to the European Union has also brought both positive and negative consequences for the human rights situation of Roma. With the recent expansion of the European Union (EU) to 25 members in May 2004, a majority of the newly admitted member States from Central and Eastern Europe have brought with them a large proportion of Roma communities living at or below national poverty lines. With the accession of Romania and Bulgaria in 2007, the number of Roma who will become European Union citizens may reach several million. The marginalization and social exclusion faced by this minority group are profoundly distinct from issues faced by other minorities. Low levels of education, lack of official documentation and centuries old forms of 'anti-gypsyism' have condemned Roma to a state of second class citizenship.

You will note in the **Table of Incidents** made available to participants at this hearing that a number of recent human rights violations have been targeted towards Roma communities. These infringements are in direct violation to the OSCE commitments signed by those countries in which these incidents have taken place. The incidents point to a dramatic increase in levels of racially-motivated crimes which are exacerbated by impunity for the perpetrators of such crimes.

One of the most crucial challenges to overcome is translating political and legal commitments on national minority protection policies into local action. While institutions like the OSCE and the EU has been instrumental in persuading governments to adopt minority protection rights, there is a vacuum when it comes to monitoring and evaluating the effects these rights have had. A key feature of this includes finding solutions to disseminating information at the local level regarding the various legal mechanisms that Roma may access.

Another challenge is to address the underlying issue of discrimination, such as unemployment, health, housing and education, and move away from adopting 'cultural' approaches in the policies of many CEE national governments. The costs of ignoring the root causes will manifest themselves in misconceived and misdirected action.

It is important to note that ethnic tensions result from the inability of states to address the multiplicity of groups inherent in its society. Focus on past injustices or conquest is still invoked to mobilize national sentiment among majority populations. The war in Bosnia is still a fresh reminder of the consequences that the politicization of ethnicity, leading to extreme nationalism, can impart. Most of the countries of the Central and South Eastern European

region have initiated major reforms that include minority rights protection, through enacting legislation. Yet the transformation of institutions, in terms of lasting systemic change, will only be accomplished once the embedded frame of mind inherited from the past is also altered. The many decades of socialism cannot be abolished through new laws if the socio-political will is non-existent to enforce these legislative acts.