



HELSINKI COMMISSION REPORT

July 13, 2018

IN BRIEF

The OSCE and Roma¹

Roma are the largest ethnic minority in Europe and are present in most of the participating States of the Organization for Security and Cooperation in Europe. Concentrated in post-communist Central and Southern Europe, the Romani population is estimated at over 12 million in EU countries, with significant numbers in former Soviet republics, the Balkans, and Turkey. Roma have been part of every wave of European immigration to North America since the colonial period. There may be as many as one million Americans with Romani ancestry.

Roma have historically faced persecution in Europe and were the victims of genocide during World War II. In post-communist countries, Roma suffered disproportionately in the transition from command- to market-economies, in part due to endemic racism and discrimination.

Over the past three decades, Helsinki Commissioners have led the effort in Washington to condemn racially motivated violence against Roma, including pogroms, murders, other violent attacks, and police abuse. The Helsinki Commission has also advocated for recognition of the enslavement and genocide of Roma and redress for sterilization without informed consent. The Commission has addressed race-based expulsion of Roma, the denial of citizenship to Roma after the break-up of federative states, and the consequences of ethnic conflict and war in the Balkans. The Helsinki Commission strongly supported the first international agreement to specially recognize the human rights problems faced by Roma, adopted by OSCE participating States in 1990.



The First International Commitments Relating to Roma and Human Rights

The 1990 OSCE Copenhagen Document was the first international agreement to recognize explicitly the human rights problems faced by Roma. In addition to advancing human rights commitments, the Copenhagen Document included historic provisions relating to free and fair elections, the rule of law, independence of the judiciary, and other elements of democracy. Upon its adoption, leading experts on international human rights law hailed it as a new Magna Carta.

The Copenhagen Document also included a specific reference to anti-Semitism. Until then, the Soviet Union had blocked efforts in the UN context to recognize and address the problem of anti-Semitism. During the negotiation of this text, Romani civil society advocates successfully argued for including specific recognition of the problems faced by Roma. In testimony before the U.S. Helsinki Commission after the Copenhagen meeting, Ambassador Max Kampelman, head of the U.S. delegation, cited the recognition of anti-Semitism and

inclusion of Roma among the watershed achievements of this agreement.

Additional commitments relating to Roma were adopted 1999 Istanbul Summit, and at ministerial meetings in Helsinki (2008), Athens (2009) and Kyiv (2013). At the Hamburg Ministerial in 2016, the Russian Federation blocked negotiations on German-proposed language on political participation of Roma.

OSCE Resources

In 1994, the OSCE participating States established a “Contact Point for Roma and Sinti Issues” located within the OSCE’s Warsaw-based Office of Democratic Institutions and Human Rights (ODIHR) to act as a clearinghouse for information; to facilitate contact among Roma, participating States, and relevant organizations; and to promote implementation of OSCE commitments. Nicolae Gheorghe (Romania) was ODIHR’s first senior advisor on Romani issues and the first Romani person to serve on the staff of an international organization. He has been followed by Andrzej Mirga (Poland), Mirjam Karoly (Austria), and Dan Doghi (Romania).

The contact point serves as a resource for the OSCE, its field missions, and participating States. This has been particularly important in conflict and post-conflict settings, such as the Balkans and Ukraine.

Following an increase in anti-Semitic violence, OSCE participating States developed additional responses to combat anti-Semitism, racism, and other forms of intolerance. Members of the Helsinki Commission were instrumental in advancing this work, beginning at the 2002 annual meeting of the OSCE Parliamentary Assembly.

Since then, the OSCE participating States have taken the following actions:

- Adopted a number of commitments related to combating anti-Semitism and other forms of intolerance
- Convened a series of high-level conferences and expert meetings to address anti-Semitism and other tolerance-related issues

- Supported the appointment by the rotating Chair-in-Office of three Personal Representatives to focus on these issues
- Created a new unit on tolerance and nondiscrimination within ODIHR that works in parallel the Contact Point on Roma and Sinti Issues

The tolerance and non-discrimination unit is the repository of data on hate crimes—including crimes against Roma—reported to ODIHR by the participating States. The tolerance and non-discrimination unit partners with the Contact Point on Roma and Sinti Issues to build capacity for governments, law enforcement, and civil society.

Issues relating to Roma have occasionally been addressed by the OSCE High Commissioner on National Minorities (HCNM). The HCNM is not an advocate for minorities or minority rights per se, but is mandated to address inter-ethnic situations that have the potential to erupt into conflict. While the HCNM does not have a human rights mandate, it is an OSCE tool for conflict prevention at the earliest stage. The situation of Roma is examined when relevant in that context (such as in western Ukraine and Macedonia).

The HCNM has issued two reports specifically on the situation of Roma. The first, issued in 1993, was the result of a mandate from the Committee of Senior Officials (the precursor to today’s Permanent Council).² The HCNM issued a follow up report in 2000.³ Representatives of the HCNM office have participated in some OSCE field visits relating to the situation of Roma, including to Italy and Hungary.

Action Plan

In 2003, the participating States adopted an “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area.” These guidelines⁴—recommendations for participating States and OSCE institutions—are intended to combat racism and discrimination; ensure equal access and opportunities in education, employment, housing, and health services; enhance Romani participation in public and political life; and address issues relating to Roma in conflict and post-conflict situations.

ODIHR has issued two reports on the implementation of the action plan: the first in 2008, and again in 2013.⁵ The next report will be issued in the fall of 2018, on the 15th anniversary of the adoption of the action plan.

Implementation of the action plan is also reviewed at the OSCE's annual Human Dimension Implementation Meetings (the largest annual human rights forum in the OSCE region) as well as other ad hoc meetings. For example, the OSCE convened an expert meeting in Kyiv in March 2018 on improving access to identity and civil registration documents for Roma.

The OSCE occasionally dispatches field assessments to specific countries, generally triggered by especially concerning developments. To date, field assessments have been conducted in the Czech Republic, Hungary, Italy, Romania, and Ukraine. The OSCE also provides resources for governments regarding teaching about and commemorating the genocide of Roma; police and Romani communities; and political inclusion and participation.

Helsinki Commission Advocacy

The Helsinki Commission's earliest advocacy on Roma issues was in 1990, when a congressional delegation visited Romania and expressed alarm

“The participating States clearly and unequivocally condemn totalitarianism, racial and ethnic hatred, anti-semitism, xenophobia and discrimination against anyone as well as persecution on religious and ideological grounds. In this context, they also recognize the particular problems of Roma (gypsies).”

-Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE (1990)

The Copenhagen Document refers to “Roma (gypsies)” —written with “gypsies” in lowercase—reflecting a then-common way of referring to Roma. After Copenhagen, the term “Gypsies” does not reappear in OSCE documents. Instead, subsequent OSCE documents and agreements generally use the phrase “Roma and Sinti.”

The words “Gypsy” and “Tsigan” are both exonyms—terms outsiders have used for Roma—and linguistically unrelated. Many Roma reject the terms “Gypsy” and “Tsigan” as pejorative and prefer one of several terms of self-ascription such as Roma, Romani, Sinti, or Manouches (all based on Romani words for man, human or person). The loss of the Romani language—typically associated with forced assimilation—has resulted in the loss of self-ascription.

Sinti is a plural term of self-ascription for Romani people in historically German-speaking areas. The inclusion of the term “Sinti” at the behest of the Government of Germany reflected the political influence of German Sinti activists who were actively engaged on matters related to the genocide under National Socialism.

According to the European Commission, “Roma is the term commonly used in EU policy documents and discussions, although it encompasses diverse groups that include names like Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti and Boyash.”

In the Council of Europe (CoE), terminology has varied considerably since 1969, reflecting the evolution of thinking: “migrants,” “Gypsies and other travelers,” “Nomads,” “populations of nomadic origin,” “Gypsies,” “Roma,” “Roma/Gypsies,” “Roma/Gypsies and Travellers,” and “Roma.” Since 2010, CoE usage has coalesced around the term “Roma:” “the term ‘Roma’ used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies [rendered in French as “Tsiganes”].”

Source: Council of Europe, “Roma and Travellers Team,” www.coe.int/en/web/portal/roma.

about violent attacks against Roma fomented by the government during the so-called “miners strikes.” Commissioners have focused on pogroms and other deadly violence; the denial of citizenship; sterilization without informed consent; and forced expulsions.

The commission has held five hearings on the situation of Roma and numerous briefings. Members of the commission have met with American Romani activists in Washington and with Romani civil society in countries including Bosnia-Herzegovina, Greece, Spain, Portugal, the Czech Republic, and Slovakia. The commission also addressed the situation of Roma through its work surrounding the war in the former Yugoslavia and its aftermath. Commission staff participated in the negotiations on establishment of the Contact Point at ODIHR, the action plan, and other OSCE ministerial and summit commitments.

As members of the OSCE Parliamentary Assembly, Helsinki Commissioners have introduced and secured support for resolutions on Roma. The 1996

Stockholm Declaration includes a provision on ensuring citizenship in the context of state succession introduced by former commission chairman Rep. Steny Hoyer. The 2002 Berlin Declaration includes a resolution on access to education for Roma introduced by current Helsinki Commission Co-Chairman Rep. Chris Smith.

In 2007, former chairman Rep. Alcee Hastings introduced a resolution on combating anti-Semitism, racism, xenophobia, and other forms of intolerance, including against Muslims and Roma that was included in the Kyiv Declaration. In 2012, Rep. Smith introduced a resolution on protecting vulnerable populations from human trafficking that was included in the Monaco Declaration. The 2016 Tbilisi Resolution includes a resolution introduced by Sen. Ben Cardin, which called for action to address increased hate-motivated violence and discrimination in the OSCE region.

About the Helsinki Commission

The Commission on Security and Cooperation in Europe, also known as the U.S. Helsinki Commission, is an independent agency of the Federal Government charged with monitoring compliance with the Helsinki Accords and advancing comprehensive security through promotion of human rights, democracy, and economic, environmental and military cooperation in 57 countries. The Commission consists of nine members from the U.S. Senate, nine from the House of Representatives, and one member each from the Departments of State, Defense, and Commerce.

Learn more at www.csce.gov.

Report Contributors

- Erika Schlager, Counsel for International Law, U.S. Helsinki Commission

Editor

- Stacy Hope, Communications Director, U.S. Helsinki Commission

¹ OSCE Office for Democratic Institutions and Human Rights. “Roma and Sinti.” Organization for Cooperation and Security in Europe, 2018, www.osce.org/odihr/roma-and-sinti.

² Following the breakup of Czechoslovakia, missions were sent to Czechia and Slovakia in connection with their decision to join the OSCE as newly independent states. The mission to the Czech Republic was among the very early reports to express concern about the situation of Roma, including the denial of citizenship. The report of the mission to the Czech Republic led the CSO to mandate a follow-up report by the HCNM on the situation of Roma, not restricted to Czechia. See: <https://www.osce.org/hcnm/36441?download=true>.

³ OSCE High Commissioner on National Minorities. "Report on the Situation of Roma and Sinti in the OSCE Area." *Organization for Cooperation and Security in Europe High Commissioner on National Minorities*, Organization for Cooperation and Security in Europe, 10 Mar. 2000, www.osce.org/hcnm/42063?download=true.

⁴ Organization for Security and Cooperation in Europe Permanent Council. Plenary Meeting, 479th 2003, Maastricht, the Netherlands. Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area: adopted by the Permanent Council at its four-hundred and seventy-ninth plenary meeting, Maastricht, 27 November 2003 / Organization for Cooperation and Security in Europe. Maastricht, 2003.

⁵ OSCE Office for Democratic Institutions and Human Rights. "Implementation of the OSCE Action Plan for Roma and Sinti: Status Reports." OSCE Office for Democratic Institutions and Human Rights, Organization for Cooperation and Security in Europe, 2013, www.osce.org/odihr/154696.