

OSCE Commitments Of Special Relevance to Roma

The following are excerpts from agreements of the Organization for Security and Cooperation in Europe (formerly the Conference on Security and Cooperation in Europe) that are especially relevant to Romani human rights issues. (General human rights commitments are not reproduced here, although they are directly applicable to Roma.)

Decisions of OSCE participating States are adopted by consensus and are politically binding on all of the participating States. Resolutions of the OSCE Parliamentary Assembly are adopted by majority vote of the Members of Parliament participating in the annual meeting.

Excerpts from the
DOCUMENT
OF THE COPENHAGEN MEETING OF THE
CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE
[1990]

IV

(30) *The participating States recognize that the questions relating to national minorities can only be satisfactorily resolved in a democratic political framework based on the rule of law, with a functioning independent judiciary. This framework guarantees full respect for human rights and fundamental freedoms, equal rights and status for all citizens, the free expression of all their legitimate interests and aspirations, political pluralism, social tolerance and the implementation of legal rules that place effective restraints on the abuse of governmental power.*

They also recognize the important role of non-governmental organizations including political parties, trade unions, human rights organizations and religious groups, in the promotion of tolerance, cultural diversity and the resolution of questions relating to national minorities.

They further reaffirm that respect for the rights of persons belonging to national minorities as part of universally recognized human rights is an essential factor for peace, justice, stability and democracy in the participating States.

(31) *Persons belonging to national minorities have the right to exercise fully and effectively their human rights and fundamental freedoms without any discrimination and in full equality before the law.*

The participating States will adopt, where necessary, special measures for the purpose of ensuring to persons belonging to national minorities full equality with the other citizens in the exercise and enjoyment of human rights and fundamental freedoms.

(32) To belong to a national minority is a matter of a person's individual choice and no disadvantage may arise from the exercise of such choice.

Persons belonging to national minorities have the right freely to express, preserve and develop their ethnic, cultural, linguistic or religious identity and to maintain and develop their culture in all its aspects, free of any attempts at assimilation against their will. In particular, they have the right

(32.1) - to use freely their mother tongue in private as well as in public;

(32.2) - to establish and maintain their own educational, cultural and religious institutions, organizations or associations, which can seek voluntary financial and other contributions as well as public assistance, in conformity with national legislation;

(32.3) - to profess and practise their religion, including the acquisition, possession and use of religious materials, and to conduct religious educational activities in their mother tongue;

(32.4) - to establish and maintain unimpeded contacts among themselves within their country as well as contacts across frontiers with citizens of other States with whom they share a common ethnic or national origin, cultural heritage or religious beliefs;

(32.5) - to disseminate, have access to and exchange information in their mother tongue;

(32.6) - to establish and maintain organizations or associations within their country and to participate in international non-governmental organizations.

Persons belonging to national minorities can exercise and enjoy their rights individually as well as in community with other members of their group. No disadvantage may arise for a person belonging to a national minority on account of the exercise or non-exercise of any such rights.

(33) The participating States will protect the ethnic, cultural, linguistic and religious identity of national minorities on their territory and create conditions for the promotion of that identity. They will take the necessary measures to that effect after due consultations, including contacts with organizations or associations of such minorities, in accordance with the decision-making procedures of each State.

Any such measures will be in conformity with the principles of equality and non-discrimination with respect to the other citizens of the participating State concerned.

(34) The participating States will endeavour to ensure that persons belonging to national minorities, notwithstanding the need to learn the official language or languages of the State concerned, have adequate opportunities for instruction of their mother tongue or in their mother tongue, as well as, wherever possible and necessary, for its use before public authorities, in conformity with applicable national legislation.

In the context of the teaching of history and culture in educational establishments, they will also take account of the history and culture of national minorities.

(35) The participating States will respect the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities.

The participating States note the efforts undertaken to protect and create conditions for the promotion of the ethnic, cultural, linguistic and religious identity of certain national minorities by establishing, as one of the possible means to achieve these aims, appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances of such minorities and in accordance with the policies of the State concerned.

(36) The participating States recognize the particular importance of increasing constructive co-operation among themselves on questions relating to national minorities. Such co-operation seeks to promote mutual understanding and confidence, friendly and good-neighbourly relations, international peace, security and justice.

Every participating State will promote a climate of mutual respect, understanding, co-operation and solidarity among all persons living on its territory, without distinction as to ethnic or national origin or religion, and will encourage the solution of problems through dialogue based on the principles of the rule of law.

(37) None of these commitments may be interpreted as implying any right to engage in any activity or perform any action in contravention of the purposes and principles of the Charter of the United Nations, other obligations under international law or the provisions of the Final Act, including the principle of territorial integrity of States.

(38) The participating States, in their efforts to protect and promote the rights of persons belonging to national minorities, will fully respect their undertakings under existing human rights conventions and other relevant international instruments and consider adhering to the relevant conventions, if they have not yet done so, including those providing for a right of complaint by individuals.

(39) The participating States will co-operate closely in the competent international organizations to which they belong, including the United Nations and, as appropriate, the Council of Europe, bearing in mind their on-going work with respect to questions relating to national minorities.

They will consider convening a meeting of experts for a thorough discussion of the issue of national minorities.

(40) 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). [Emphasis added.]

They declare their firm intention to intensify the efforts to combat these phenomena in all their forms and therefore will

(40.1) - take effective measures, including the adoption, in conformity with their constitutional systems and their international obligations, of such laws as may be necessary, to provide protection against any acts that constitute incitement to violence against persons or groups based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism;

(40.2) - commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;

(40.3) - take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information;

(40.4) - endeavour to ensure that the objectives of education include special attention to the problem of racial prejudice and hatred and to the development of respect for different civilizations and cultures;

(40.5) - recognize the right of the individual to effective remedies and endeavour to recognize, in conformity with national legislation, the right of interested persons and groups to initiate and support complaints against acts of discrimination, including racist and xenophobic acts;

(40.6) - consider adhering, if they have not yet done so, to the international instruments which address the problem of discrimination and ensure full compliance with the obligations therein, including those relating to the submission of periodic reports;

(40.7) - consider, also, accepting those international mechanisms which allow States and individuals to bring communications relating to discrimination before international bodies.

Excerpts from
**REPORT OF THE CSCE MEETING OF EXPERTS
ON NATIONAL MINORITIES, GENEVA 1991**

The participating States, concerned by the proliferation of acts of racial, ethnic and religious hatred, anti-semitism, xenophobia and discrimination, stress their determination to condemn, on a continuing basis, such acts against anyone.

In this context, they reaffirm their recognition of the particular problems of Roma (gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma ordinarily resident in their State and the rest of the resident population. They will also encourage research and studies regarding Roma and the particular problems they face.

They will take effective measures to promote tolerance, understanding, equality of opportunity and good relations between individuals of different origins within their country.

Further, the participating States will take effective measures, including the adoption, in conformity with their constitutional law and their international obligations, if they have not already done so, of laws that would prohibit acts that constitute incitement to violence based on national, racial, ethnic or religious discrimination, hostility or hatred, including anti-semitism, and policies to enforce such laws.

Moreover, in order to heighten public awareness of prejudice and hatred, to improve enforcement of laws against hate-related crime and otherwise to further efforts to address hatred and prejudice in society, they will make efforts to collect, publish on a regular basis, and make available to the public, data about crimes on their respective territories that are based on prejudice as to race, ethnic identity or religion, including the guidelines used for the collection of such data. These data should not contain any personal information.

They will consult and exchange views and information at the international level, including at future meetings of the CSCE, on crimes that manifest evidence of prejudice and hate.

Excerpt from the
CSCE
DOCUMENT OF THE MOSCOW MEETING
OF THE CONFERENCE ON THE HUMAN DIMENSION OF THE CSCE
[1991]

III. (42.2) [The participating States] recognize that effective human rights education contributes to combating intolerance, religious, racial and ethnic prejudice and hatred, including against Roma, xenophobia and anti-semitism.

Excerpts from the
CSCE
HELSINKI DOCUMENT 1992
THE CHALLENGES OF CHANGE

Tolerance and non-discrimination

The participating States

(30) Express their concern over recent and flagrant manifestations of intolerance, discrimination, aggressive nationalism, xenophobia, anti-semitism and racism and stress the vital role of tolerance, understanding and co-operation in the achievement and preservation of stable democratic societies;

(31) *Direct the ODIHR to organize, in autumn 1992, a CSCE Human Dimension Seminar on Tolerance;*

(32) Will consider adhering to the International Convention on the Elimination of All Forms of Racial Discrimination, if they have not already done so;

(33) Will consider taking appropriate measures within their constitutional framework and in conformity with their international obligations to assure to everyone on their territory protection *against discrimination on racial, ethnic and religious grounds*, as well as to *protect all individuals*, including foreigners, against acts of violence, including on any of these grounds. Moreover, they will make full use of their domestic legal processes, including enforcement of existing laws in this regard;

(34) Will consider developing programmes to create the conditions for promoting non-discrimination and cross-cultural understanding which will focus on human rights education, grass-roots action, cross-cultural training and research;

(35) Reaffirm, in this context, the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to co-operate to this end.

Excerpts from the
CSCE
BUDAPEST DOCUMENT 1994
TOWARDS A GENUINE PARTNERSHIP IN A NEW ERA

Roma and Sinti

23. The participating States decide to appoint within the ODIHR a contact point for Roma and Sinti (Gypsies) issues. The ODIHR will be tasked to:

- act as a clearing-house for the exchange of information on Roma and Sinti (Gypsies) issues, including information on the implementation of commitments pertaining to Roma and Sinti (Gypsies);
- facilitate contacts on Roma and Sinti (Gypsies) issues between participating States, international organizations and institutions and NGOs;
- maintain and develop contacts on these issues between CSCE institutions and other *international organizations and institutions*.
- To fulfil these tasks, the ODIHR will make full use of existing resources. In this context they welcome the announcement made by some Roma and Sinti (Gypsies) organizations of their intention to make voluntary contributions.

24. The participating States welcome the activities related to Roma and Sinti (Gypsies) issues in other international organizations and institutions, in particular those undertaken in the Council of Europe.

Excerpts from the
OSCE DECISIONS OF THE OSLO MINISTERIAL COUNCIL MEETING
[1998]

**DECISION ON ENHANCEMENT OF THE OSCE'S OPERATIONAL
CAPABILITIES REGARDING ROMA AND SINTI ISSUES**
(MC(7).DEC/5)

The Ministerial Council,

Bearing in mind the existing OSCE commitments regarding Roma and Sinti, and

Recalling the decision taken by the Budapest Summit to appoint within the ODIHR a Contact Point for Roma and Sinti (Gypsies) Issues,

1. Decides to enhance the capability of the OSCE regarding those issues by strengthening the existing ODIHR Contact Point for Roma and Sinti Issues. Among its priorities will be:

- to enhance the OSCE's interaction with the governments of the participating States, with representatives of Roma and Sinti communities, as well as with international organizations, initiatives and NGOs relevant to Roma and Sinti issues, and in particular to secure further mutual reinforcement of co-operation with the Co-ordinator for Roma in the Council of Europe with a view to *avoiding duplication of effort, including the establishment of regular consultations with those organizations, initiatives and NGOs in order to develop synergies and common approaches designed to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity;*

- to enhance co-operation among OSCE institutions and mission/field presences with respect to Roma and Sinti, *if applicable;*

- to develop, on the basis of input from participating States, the OSCE institutions, and in particular the HCNM, Roma and Sinti communities, NGOs, and international organizations and other institutions and initiatives, a work programme which should include, *inter alia*, seminars, workshops and clearing houses;

- to collect information from the participating States on legislative and other measures related to the situation of Roma and Sinti with a view to making it available to the OSCE community, as well as to other interested international organizations, and to elaborating additional reports on the situation of Roma and Sinti in the OSCE area.

2. Further decides that the Contact Point should deal solely with matters concerning Roma and Sinti.

3. Tasks the Permanent Council with devising appropriate ways to ensure adequate resources to implement this decision.

Excerpt from the
OSCE CHARTER FOR EUROPEAN SECURITY
[Adopted at the Istanbul Summit, 1999]

20. We recognize the particular difficulties faced by Roma and Sinti and the need to undertake effective measures in order to achieve full equality of opportunity, consistent with OSCE commitments, for persons belonging to Roma and Sinti. We will reinforce our efforts to ensure that Roma and Sinti are able to play a full and equal part in our societies, and to eradicate discrimination against them.

Excerpt from the
ISTANBUL SUMMIT DECLARATION
[1999]

31. We deplore violence and other manifestations of racism and discrimination against minorities, including the Roma and Sinti. We commit ourselves to ensure that laws and policies fully respect the rights of Roma and Sinti and, where necessary, to promote anti-discrimination legislation to this effect. We underline the importance of careful attention to the problems of the social exclusion of Roma and Sinti. These issues are primarily a responsibility of the participating States concerned. We emphasize the important role that the ODIHR Contact Point for Roma and Sinti issues can play in providing support. A further helpful step might be the elaboration by the Contact Point of an action plan of targeted activities, drawn up in co-operation with the High Commissioner on National Minorities and others active in this field, notably the Council of Europe.

Excerpt from the
DECISION No. 7
BY THE MINISTERIAL COUNCIL
(MC(9).DEC/7)
[Bucharest 2001]

The Ministerial Council,

Noting the conclusions of the Bucharest Conference on Equal Opportunities for Roma and Sinti,

Expressing its support for the work of the Contact Point on Roma and Sinti Issues and its commitment to strengthening the Contact Point,

Tasks the ODIHR to elaborate an Action Plan of targeted activities as mandated by the Istanbul Summit, as one of the ways the ability of the Contact Point can be strengthened to assist participating States in fulfilling their commitments to improve the situation of Roma and Sinti, and to submit it to the Permanent Council;

Encourages the Contact Point on Roma and Sinti Issues to continue its work in close co-operation with participating States, Council of Europe and other relevant organizations and to inform the Permanent Council of these matters.

**BERLIN DECLARATION
OF THE
OSCE PARLIAMENTARY ASSEMBLY
AND
RESOLUTIONS ADOPTED
DURING THE ELEVENTH ANNUAL SESSION
BERLIN, 10 JULY 2002**

**RESOLUTION ON
ROMA EDUCATION**

1. Noting that the OSCE High Commissioner on National Minorities has found that discrimination and exclusion are fundamental features of the Roma experience and condemning violence and other manifestations of racism and discrimination against the Roma;
2. Recognizing that in many countries Roma face significant barriers to education – including racially segregated schools or classes, exclusion from enrolment, and channelling Roma into "special schools" regardless of their abilities – which contribute to their under-education;
3. Further recognizing that the under-education of Roma contributes to a downward spiral of other problems, including low employment, poor housing and high infant mortality; and
4. Understanding that increased access to education will increase the ability of Roma to ensure that their civil rights are protected and to participate fully in political processes.

Therefore, the OSCE Parliamentary Assembly

5. Welcomes the continued engagement of the High Commissioner on National Minorities and of ODIHR on Roma issues in the context of his work;
6. Welcomes the Finnish initiative to set up a democratically elected European Roma Consultative Forum that can articulate and transmit the voice of Romani individuals and communities;
7. Supports the work of the Contact Point for Roma and Sinti;
8. Recalls the commitment of all OSCE participating States made at the Istanbul Summit to adopt anti-discrimination legislation;
9. Urges the OSCE Member States to commit themselves to ensure that their national laws and policies fully respect the rights of Roma and, where necessary, to promote anti-discrimination legislation to this effect;

10. Recognizes the urgent need to develop effective educational programmes addressing problems of individuals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of their respective societies;
11. Encourages the participating States to eradicate practices that segregate Romani children in schooling, particularly the practice of routing Romani children to certain schools or classes for mentally disabled students;
12. Calls for voluntary pre-school preparatory educational programmes for Romani and other children who could be at risk;
13. Urges the participating States to ensure that Roma are included in adult education and re-training programmes to assist with the challenges of the transition from command-to-market economies;
14. Supports efforts to increase the number of Roma educators and increase the involvement of Romani parents in their children's education;
15. Recognizes the right of Roma to learn and be educated in their mother tongue, if they so desire, on an equal basis with other linguistic minorities to the extent permitted under national legislation; and
16. Underscores the importance, in the field of education, of conducting national censuses in a manner that fosters confidence among Roma and other minorities.