

The "New Stage" of Roma Policy – a General Survey of Activities at International Level Concerning Roma Issues

The increased attention paid to Roma and Sinti issues at the national and international level in the last decade of the 20th century was an encouraging sign for the development of a clearer understanding of the complexities of policy issues related to Roma. Nevertheless, the numerous attempts of international and national policies to improve the status of Roma and Sinti don't seem to effect significantly the social, political and economic situation of Roma and Sinti. Political and institutional recognition of Roma is a precondition for still needed reinforced activities to combat prejudices, hostilities, discrimination and violence against Roma and Sinti and promotion of social integration. It seems that the Roma policy is developing to a systematic combination of the methods of the social approach, the implementation of minority rights and prevention of discrimination and violation. Despite the fact that systematic national strategies and action plans exist in SEE countries, measures taken often don't have the desired effect. Nevertheless, one improvement that can be mentioned is the realization by the relevant policy makers that single activities without a long-range concept and without cooperation with Roma are not sufficient to secure the implementation of human and minority rights for Roma. Legislative measures alone are very important but still not enough to strengthen the situation of Roma. At the same time positive action and affirmative actions are not enough, if intensive cooperation between state authorities, civil society and the Roma population doesn't exist. If states were to consider this then the new stage of Roma policy will have good chances to bring about some significant positive developments.

Keywords: Roma, protection of Roma, Roma rights, policies concerning Roma and Sinti, human rights

NOVA FAZA ROMSKE POLITIKE – PREGLED Z ROMSKIM VPRAŠANJEM POVEZANIH MEDNARODNIH DEJAVNOSTI

Čeprav je v zadnjih letih zanimanje politikov in znanstvenikov za Romsko vprašanje naraslo, se očitno ni izboljšal pravni, politični in socialni položaj Romov. Ker so problemi Romov kompleksni je njihova obravnava potrebna iz različnih perspektiv. Zato so ukrepi, ki upoštevajo interdisciplinarnost še najbolj učinkoviti. Na državni in tudi mednarodni ravni so uspešni predvsem ukrepi, ki upoštevanje tako socio-ekonomske, varnostnopolitične kot tudi politične in pravne aspekte. Torej se zaščita Romov ne more nanašati samo na izboljšanje socialnega položaja. Samo celovita zasnova, ki obsega socialni razvoj in jamči človekove pravice ter posebne manjšinske pravice in tudi učinkovito nasprotuje diskriminaciji in rasizmu, je lahko uspešen. Za to pa je potrebno ne samo sodelovanje Romov, ampak tudi večinskega naroda.

Ključne besede: Romi, mednarodna manjšinska zaščita, ukrepi za izboljšanje položaja Romov, človekove pravice

1. INTRODUCTION

The increased attention paid to Roma and Sinti issues at the national and international level in the last decade of the 20th century was an encouraging sign for the development of a clearer understanding of the complexities of policy issues related to Roma. Nevertheless, the numerous attempts of international and national policies to improve the status of Roma and Sinti don't seem to effect significantly the social, political and economic situation of Roma and Sinti. In general the approaches towards Roma and Sinti issues can be distinguished on the one hand as approaches focusing on social problems or problems of integration, and on the other hand as approaches in the context of discrimination, racism and human rights violation. Policies concerning Roma and Sinti are often narrow-minded in their scope and only concentrate on the social problems, using policy development methods of the past. These policies forget and downplay the influence of permanent prejudice, racism, discrimination and violence against Roma, which is worrying. Also the legal framework and policies often include these prejudices which are then formalized in various policy measures concerning Roma and Sinti. Such policies easily ignore the fact that formal equal treatment can cement ethnic and racial discrimination against Roma and Sinti. Effective measures, therefore, must also include Roma and Sinti representatives in policy elaboration, decision making and implementation.

Nevertheless, there are encouraging new trends and, as the background paper 4 "Public Policies Concerning Roma and Sinti in the OSCE Region" (prepared for the occasion of the 1998 Implementation meeting on Human Dimension Issues under the auspices of ODIHR of the OSCE)¹ calls it, a *new stage* of handling Roma issues becomes visible. This "new stage of public policies concerning Roma and Sinti at national and international level" involves a better articulated security perspective, encompassing socio-economic aspects together with civil and political aspects, especially those related to discrimination, racism and the underlying attitudes which contribute to such manifestations". Thus issues should not be handled separately, but also in the light of the cultural and historical experience of Roma and Sinti population.

In 2003 in its 479th plenary session the OSCE Permanent Council adopted the "Action Plan Improving the Situation of Roma and Sinti within the OSCE Area". The Action Plan "is intended to reinforce the efforts of the participating States and relevant OSCE institutions and structures aimed at ensuring that Roma and Sinti



1 Background paper 4 to the Implementation meeting on Human Dimension Issues under the auspices of ODIHR of the OSCE

people are able to play a full and equal part in our societies, and at eradicating discrimination against them"², i.e. the OSCE for the first time brought together the above mentioned different approaches to Roma and Sinti issues.

2. TRENDS OF *NEW STAGE* POLICIES OF INTERNATIONAL ORGANIZATIONS

2.1. WHAT PRINCIPLES ARE NECESSARY TO CONSOLIDATE STABILITY IN INTERETHNIC RELATIONS? A THEORETICAL FRAMEWORK FOR THE RECOGNITION AND PROTECTION OF MINORITIES

The principle of equality as a basic norm of democratic states has special importance for minority protection: directly connected to the minority issues is the question, which special feature of people or groups should be protected, and whether we require strictly formal adherence to the basic principle of equal rights and equal treatment? Can an exception³ be justified or even called for? Are special treatments justified, that are then designated as "positive discrimination", "privilege", "special rights", "special measures", "preferential treatment", "affirmative action",...? However, this is not a question of unjustified privileges as some of these terms can misleadingly imply, but the fact - if equality of groups is the criterion of comparison - that minorities - despite, or just because of formal equal treatment - are in fact exposed to inequality.

For example the realization of certain minority rights, like the right to use mother tongue before offices and authorities, education in mother tongue; additionally the participation in state bodies is needed to create an environment the majority population itself can already take for granted. Thus only as a result of special treatment can the minority achieve those identical initial positions that other social groups already have. But only if this precondition is fulfilled can minorities participate equally in social and state structures and processes.



2 OSCE Permanent Council, 479th Plenary Meeting "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, 27 November 2003.

3 "Dignity and equality for all individuals and groups are essential components of democracy. The realisation of these rules, by way of non-discrimination and special rights and measures, furthers the fruits of participatory development and improves the quality of life for both, minorities and the society as a whole. This approach reduces internal tensions, prevents dismemberment of states and helps keep the peace." Alfredsson, *Minority Rights: Non-Discrimination, Special Rights and Special Measures*, in: Ermacora/Tretter/Pelzl. (Hg.)(1993), *Volksgruppen im Spannungsfeld von Recht und Souveränität in Mittel- und Osteuropa*, Wien, 149.

Integration presupposes the recognition of the differences of ethnic communities. Depending on how the difference of ethnic communities in states is handled, two ideal typical models are conceivable: exclusion of difference and inclusion of difference.

While exclusion is not a positive solution of minority- majority issues, integration of minorities is necessary for effective minority protection. Integration as maintenance of the specific characteristics of specific groups implies various requirements such as the official recognition of minorities, conditions for maintenance of difference (between individuals and groups), separate minority institutions and the integration of minorities into the common state institutions through representation and participation.⁴

The use of existing minority rights can be restricted also by the definition of the term “minority”. If we compare documents of international law some generally accepted criteria of the definition of minorities can be found. Most standards of the protection of minorities apply to autochthonous minorities, i.e. minorities that have lived in a state for a long time. So-called “new” minorities are excluded from minority protection. Another widely accepted restriction is also, that persons belonging to minorities must be citizens of the state. The UN- Human Rights Committee, that was set up to monitor the International Convention on Civil and Political Rights, explicitly applies the protection to foreign persons, i.e. noncitizens. Current literature assumes that foreign persons must have been residents of a state for a longer time to be entitled to minority protection rights.⁵

Such restrictive definitions of the autochthonous settlement and of citizenship exclude not only Roma as they are often not citizens of the state in which they live, but also foreign workers, immigrants or persons seeking asylum, who plan to remain for a longer time or permanently in a host country. Minority protection is therefore limited to civil rights.



4 See Thornberry and Minority Rights Group (1991), *Minorities and Human Rights*; see also Marko (1995) *Autonomie und Integration*.

5 Hofman, *Minderheitenschutz in Europa*, ZaöRV 1992, 7.

2.2. INTERNATIONAL AND REGIONAL ROMA PROTECTION

2.2.1. *The United Nations*

The basic provision concerning the protection of the rights of minorities is the non-discrimination principle, which is also guaranteed in the Charter of the United Nations (Article 1, paragraph 3) and the Declaration on Human Rights, which prohibits discrimination on the grounds of “*race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth, or other status*”¹ (Article 2). The non-discrimination principle guarantees equal treatment to every person, irrespective of their origin or status. Actually, the scope of the non-discrimination principle has been expanded by including also the need for special measures to remedy disadvantages for the benefit of (national) minorities and other vulnerable groups. The UN developed many specific minority rights instruments, which are relevant for the protection of Roma. In addition various organs and bodies of the United Nations have been continuously involved in combating racism and racial discrimination. But there had been no reference to the Roma issue until the resolution of the “Sub-commission on the Promotion and Protection of Human Rights” (in the following text: Sub-Commission) in 1991.⁶ Since then more attention has been drawn to Roma Rights at the international level.

At its fifty-first session, the Sub-Commission, in its decision 1999/109, decided to entrust Mr. Sik Yuen with the task of preparing a working paper, without financial implications, on the human rights problems and protections of the Roma, for submission to the Working Group on Minorities at its 6th and to the Sub-Commission at its 52nd session, in order to enable the Sub-Commission to take a decision at that session on the feasibility of a study on the subject. At its 52nd session, the Sub-Commission had before it the working paper prepared by Mr. Sik Yuen (E/CN.4/Sub.2/2000/28)⁷. In its decision 2000/109, the Sub-Commission decided to endorse the conclusions contained in the working paper - including the recommendation to undertake an updated study on the human rights problems and protections of the Roma - and submitted to the Commission on Human Rights for adoption a draft decision requesting the Economic and Social Council to authorize the Sub-Commission to appoint Mr. Sik Yuen as Special Rapporteur with the task of preparing a comprehensive study on the human rights problems



⁶ Resolution 1991/21 see the working paper “The human rights problems and protection of the Roma”, E/CN.4/SUB.2/2000/28 in the 52 session on 23.6.2000 The United Nations High Commissioner on Refugees (UNHCR) has recently elaborated an analysis on the situation of Roma in the Czech Republic and Slovakia.

⁷ Working paper prepared by Mr. Y.K.J. Yeung Sik Yuen pursuant to Sub-Commission decision 1999/109 (E/CN.4/Sub.2/2000/28).

and protections of the Roma based on his working paper. At its 57th session, the Commission on Human Rights took no action on the above draft decision.⁸ Only in the 7th preambular paragraph of its resolution 2001/55, the Commission took note of Sub-Commission decision 2000/109: “*Calls upon* special representatives, special rapporteurs and working groups of the Commission to continue to give attention, within their respective mandates, to situations involving minorities”.⁹

Additionally, from the perspective of the Roma and their protection, the following UN documents and bodies are relevant:

UN treaties relevant for Roma issues:

- Convention on the Prevention and Punishment of the Crime of Genocide (9.12.1948) A/RES/260A (III)
- Universal Declaration of Human Rights (10.12.1948), A /RES/2200A (XX)
- International Convention on the Elimination of All Forms of Racial Discrimination (21.12.1965); A/RES/2106 A (XX)
- International Convention on Civil and Political Rights (16.12.1966), A/RES/2200A (XXI)
- International Convention on Economic, Social and Cultural Rights (16.12.1966), A/RES/2200A (XXI)
- Declaration on Principles of International Law concerning Friendly Relations and Co-operation among states in accordance with the Charta of the United Nations (24.10.1970) A/RES/2625 (XXV)
- Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (10.12.1984), A/RES/39/46
- Declaration on the Human Rights of Individuals Who are not Nationals of the Country in Which they live (13.12.1985) A/RES/40/144
- Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Groups, (18.12.1992), A/RES/47/135



⁸ Point 132 ff of the Annotations to the Provisional Agenda” prepared by the Secretary-General on the occasion of the 53rd session of the Sub-Commission.

⁹ Commission on Human rights resolution 2001/55.

Charter (of UN)-based bodies:

- Commission on Human Rights
- Sub commission on the Promotion and Protection of Human Rights

The most important treaty-based bodies:

- Committee against Torture (Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment)
- Committee on Economic, Social and Cultural Rights (International Convention on Economic, Social and Cultural Rights)
- Committee on Elimination of Racial Discrimination (International Convention on the Elimination of All Forms of Racial Discrimination)
- Human Rights Committee (International Convention on Civil and Political Rights)

2.2.2. The efforts of the European Union

The process of EU enlargement towards Central and Eastern Europe has also given higher “visibility” to Roma and Sinti issues at the international level. In preparing European Union accession in 1993 the European Union’s Heads of State and Government gathered in Copenhagen for the European Council and agreed upon a set of criteria for countries wishing to join the EU. These “Copenhagen criteria” state that membership requires that the candidate country has – in addition to fulfilling certain economic criteria - achieved stability of institutions and guaranteed democracy, the rule of law and human rights and respect for and protection of minorities. The situation of Roma is therefore an important factor for the fulfilling of the Copenhagen criteria. In July 1997 the European Commission published the document “Agenda 2000” which dealt with the main areas of Community policy, the EU’s financial perspectives for the period 2000-2006 and EU enlargement.

As part of Agenda 2000 “Opinions on the application for membership” of the Union for each of the candidate countries were adopted. Agenda 2000 mentioned, on the subject of minorities, that integration in the societies of applicant countries was in general satisfactory but the situation of Roma gives cause for concern in a number of applicant countries. In 1998 the European Commission produced Accession Partnerships to help countries to fulfill the membership criteria. In the 1998 Accession Partnerships for Bulgaria, the Czech Republic, Hungary and Romania, Roma protection was explicitly mentioned. Also the regular reports of

the Commission showed that in many candidate countries the discrimination of Roma continued.¹⁰

The European Parliament has published many resolutions in this field.¹¹ In the resolution on “Racism, xenophobia and anti-semitism and on further steps to combat racial discrimination” (OJ 1999, no. C 98, p.488) the Parliament says that it “attaches great importance to the participation of cultural, racial and ethnic minorities in both the social and political decision making processes” and the Parliament itself should “represent the cultural diversity of Europe”

Some other measures/documents of the European Union concerning minorities are:

- 1981 European Parliament’s Resolution on a Community Charter of Regional Languages and Cultures and on a Charter of Rights of Ethnic Minorities (based on the Arfe report OJ 1981 no. C 287, p. 106)
- 1983 European Parliament’s Resolution on Measures in Favour of Linguistic and Cultural Minorities (OJ 1983 no. C 68, p. 103)
- 1987 European Parliament’s Resolution on the Languages and Cultures of the Regional and Ethnic in the European Community (OJ 1987 no.318, p. 160)
- 1991 European Parliament’s Resolution on Union –Citizenship (Unionsbürgerschaft)
- Maastricht-treaty 7.2.1992
- 1993 European Council Copenhagen (Subchapter “HR and the protection of minorities”, political criteria for accession)
- 1994 European Parliament’s Resolution on Linguistic Minorities in the European Community” (OJ 1994 no. C 61, p.110)

The following measures are addressing in particular Roma:

- European Parliament’s Resolution on discrimination of Roma (OJ 1995 no C 249, p 15)



10 See also “EU support for Roma communities in central and eastern Europe, European Commission, Directorate General for Enlargement.

11 See Toggenburg, A Rough Orientation Through a Delicate Relationship: The European Union’s Endeavours for (its) Minorities, in: European Integration online Papers (EioP), Vol.4 (2000), No 16, <http://eiop.or.at/eiop/pdf/2000-016.pdf>, 13.8.2007.

- European Parliament Resolution on the Situation of the Roma in the European Union of 28.4.2005.

The following are other measures important for minorities:

- Articles 3, 6, 7, 29 and 149 of the EC Treaty, which commit the Member States to ensuring equal opportunities for all citizens,
- Article 13 of the EC Treaty, which enables the European Community to take appropriate action to combat discrimination based on racial or ethnic origin,
- Council Regulation (EC) No 1035/97 of 2 June 1997 establishing a European Monitoring Centre on Racism and Xenophobia (OJ L 230, 21.8.1997, p. 19.),
- 1997 and 1998 European Parliaments Resolution on human rights in the world,
- European human rights policy (OJ 1999 no. C 98, p.270, paras.20-26),
- 1997 European Parliaments Resolution on respect for human rights in the European Union (OJ 1999 no. C 98, p.279, para.10),
- European Parliaments Resolution on racism, xenophobia and anti-Semitism and on further steps to combat racial discrimination (OJ 1999 no C 98, p.488 (reasoning N)).

Although the activities of the European Union seem to be less intensive than those of the UN, OSCE and the Council of Europe, many measures concerning Roma issues have been developed.¹² Due to the lack of normative competence of the EU in the field of minority protection it has not been possible to create binding normative acts. Until the Amsterdam¹³ Treaty there had not been treaty provisions dealing with the protection of minorities. But in its Art 128 Title IX "Culture" the cultural dimension of the EU was clearly stressed. But the EU eastern enlargement process called for a clearer political and legal dimension.

The Amsterdam Treaty (entered into force on 1.5.1999) represents an important development in efforts to promote and protect human rights at the European level. The possibility, introduced in Art 7 of the Treaty of the EU, to take sanctions



¹² See several interdependent reasons for the seeming less engagement of the EU in this field in Toggenburg, A Rough Orientation.

¹³ However some hints in the Accession Treaties of UK, Austria, Sweden, Finland and Norway.

against states that violate human rights and fundamental freedoms in a serious and persistent manner, has been reinforced by the Treaty of Nice. The Charter of Fundamental Rights of the EU represents a further step in the efforts to reinforce the human rights protection system at the European level.

Art 13 of the EC Treaty (introduced by the Amsterdam Treaty) gives the Commission for the first time the power to take legislative action to combat racial discrimination. A package of measures has been proposed and adopted:

- Council Directive of 29.6.2000, implementing the principle of equal treatment on grounds of racial and ethnic origin, OJ no. L180, 19.7.2000,
- Council Directive of 27 November 2000, establishing a general framework for equal treatment in employment and occupation, OJ no. L 303, 2.12.2000,
- Council Decision of 27 November 2001, establishing a Community Action Programme to combat discrimination (2001-2006), OJ no. L303, 2.12.2000.

2.2.3. The activities of the OSCE

Almost every major CSCE/OSCE document since 1990 has highlighted the situation of Roma. In addition to that, the problems of Roma have been raised at each of the Human Dimension Seminars organized by the Office for Democratic Institutions and Human Rights since the Helsinki Follow-Up Meeting. This sustained interest in the subject of the Roma indicates not only the persistence of problems but also the willingness of participating states and non-governmental organizations to use the CSCE process to address Roma issues, the High Commissioner on National Minorities noted in his Report on Roma in 1993.¹⁴

As part of its efforts to formalize co-operation between international organizations on Roma and Sinti issues, the ODIHR Contact Point on Roma and Sinti Issues was established. In addition to the ODIHR and the Council of Europe, the European Commission was represented at the first meetings of this group in 2000.¹⁵

Thus the ODIHR has increasingly been at the forefront of international efforts aimed at improving the situation of Roma in the OSCE area, including within



¹⁴ See CSCE HCNM Report on Roma, 1993.

¹⁵ See Annual Report 2000 on the Interaction Between Organizations and Institutions in the OSCE Area, (1.11.1999-31.10.2000) of the OSCE.

the framework of the Stability Pact for South Eastern Europe. In early 2000, the Contact Point started to implement a work programme, which comprises a number of activities designed to assist governments in formulating and implementing more effective national policies on Roma and Sinti. Within the framework of its efforts to promote international consultations among government and Roma leaders on the increasingly contentious issue of Roma refugees and asylum seekers, the ODIHR Contact Point for Roma and Sinti Issues organized a series of meetings. The Contact Point has also facilitated the participation of Roma voters in the process in various electoral countries through training programmes, which have included printed voters' leaflets targeting the Roma communities.

In 2000, the ODIHR Contact Point for Roma and Sinti Issues co-operated closely with the UNHCR on activities related to Roma refugees from Kosovo and internally displaced persons. The ODIHR also co-operated with the UNHCR in the preparation of an international consultation meeting on Roma refugees and asylum seekers on 23 October 2000 in Warsaw.

The ODIHR Contact Point for Roma and Sinti Issues has established contact with the UNHCR in preparation for the United Nations World Conference against Racism, Racial Discrimination, Xenophobia and related Intolerance in South Africa in 2001.

In Kosovo, the ODIHR, in co-ordination with the OSCE Mission, has launched an action plan designed to assist in the re-organization of Roma communities by focusing on democracy- and capacity-building programmes, the dissemination of information in the Roma language and the ensuring of proper representation of Roma in governmental bodies. The ODIHR Contact Point has also enhanced its clearing-house function by facilitating exchanges of information among governments, international organizations and NGOs, and has intensified its efforts to document and analyze the situation of Roma and Sinti in crisis areas.

Another important activity/document of the OSCE concerning Roma has been the "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area", which was adopted in 2003. "Each national policy or implementation strategy should: (1) respond to the real problems, needs and priorities of Roma and Sinti communities; (2) be comprehensive; (3) introduce a balanced and sustainable approach to combining human rights goals with social policies; and (4) maximize Roma ownership of the policies that affect them. At the same time, national policies or implementation strategies should be adapted and implemented according to the specific needs of Roma and Sinti populations in particular situations in participating States. Implementation strategies should also

include mechanisms to ensure that national policies are implemented at the local level.”¹⁶

Some OSCE commitments on Roma and Sinti can be seen in the following:

- Document IV. 40 of the Conference on the Human Dimension of CSCE, Copenhagen, 1990: “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),
- Moscow meeting of the Conference on the Human Dimension of CSCE Document of 1991,
- Report of the Geneva CSCE Meeting of Experts on National Minorities 1991,
- Concluding Document of Helsinki 1992,
- Budapest Summit Declaration 1994,
- Istanbul Summit Declaration 1999.

In 1992 the OSCE High Commissioner on National Minorities was established. The High Commissioner's function is to identify and seek early resolution of ethnic tensions that might endanger peace, stability or friendly relations between the participating States of the OSCE. His mandate describes him as "an instrument of conflict prevention at the earliest possible stage.

Although Roma and Sinti constitute significant minorities in many countries, they are vastly underrepresented in public institutions across Europe. In December 2000 therefore a European network of parliamentarians, mayors and local councilors of Roma origin was established and the ODIHR and the Czech Ministry of Foreign Affairs in Prague organized the first meeting of elected Roma officials. This was one further step to improve the participation of Roma in public affairs.



¹⁶ See point 4 OSCE Action Plan 2003.

2.2.4. *The Council of Europe*

Since 1993, the Roma/Gypsy issue has been at the heart of three of the Council's top priorities: protection of minorities, the fight against racism and intolerance and the fight against social exclusion. Indeed, the difficult situation facing numerous Roma/Gypsy communities ultimately represents a threat to social cohesion in member states. Moreover, increasingly active Roma/Gypsy associations have repeatedly appealed to the Council of Europe to ensure that minority's fundamental rights.

In this field two Council of Europe treaties deserve special attention:

- European Charter for Regional or Minority languages 1992,
- Framework Convention for the Protection of National Minorities 1995.

Accordingly, the Council of Europe decided to focus more on Roma/Gypsy issues and to bring a long-term improvement in their situation. In order to place these issues on an institutional footing, the Committee of Ministers set up a Specialist Group on Roma/Gypsies in 1995, tasked with advising member states on all Roma/Gypsy-related matters and encouraging international authorities to take action where it was needed. In 2002, the Specialist Group expanded its areas of responsibility to include Travellers and was given a new name, the Group of Specialists on Roma, Gypsies and Travellers (MG-S-ROM). Its role complements that of the Secretary General's Co-ordinator of Activities on Roma/Gypsies¹⁷, who was appointed by the Secretary General in 1994 and who is responsible for promoting co-operation with other relevant international organizations and developing working relations with Roma/Gypsy organizations.

In 1996, the Committee of Ministers launched a Project on Roma/Gypsies in Central and Eastern Europe. In 1998, the scope of the Project was extended so as to include all the member states of the Council of Europe. The Project operates on the basis of voluntary contributions by member states of the Council of Europe and the Programme of co-operation and assistance with member states. The objectives of the project were inter alia to help the member states to establish good relations between the Roma/Gypsy communities and the majority population, to foster the integration of the Roma/Gypsy populations on the basis of equality of rights and opportunities, and respect for their identity and to make an international contribution to the projects concerning Roma/Gypsies running in member states.



¹⁷ See the activities of the Coordinator on Roma/Gypsies http://www.coe.int/t/dg3/romatravellers/Coordinator/default_en.asp, 13.8.2007.

One of the main objectives of the Council of Europe, as an intergovernmental organization, is to encourage member states to adopt a comprehensive approach to Roma/Gypsy issues. One of the fundamental principles guiding the Council of Europe's approach is participation of the communities concerned, through Roma/Gypsy representatives and associations. Without this, no lasting progress will be accomplished.

On the initiative of the EU on 10 June 1999 the "Stability Pact for South Eastern Europe" was signed in Cologne. One attempt by the international community has been to introduce a new long-term conflict prevention strategy. Through three areas of activities,¹⁸ conflict prevention and peace building should be developed in the countries of SEE. At its inaugural meeting in Geneva on 18./19. October 1999 the working table on Democratization and Human Rights noted the need for special attention to the vulnerability and displacement of the Roma and Sinti population. It requested that the Human Rights and Ethnic Minorities Task Force should investigate specific measures to safeguard the rights of such populations on a region-wide basis.¹⁹

With the Project "Roma under the Stability Pact" the Council of Europe (Project Division (Secretariat): Migration and Roma/Gypsies, Directorate General III – Social Cohesion) and the OSCE-ODIHR became involved in the process of the Stability Pact. The programme, aiming at promoting the status of the Roma population, was composed of 3 elements: (1) addressing the most acute crisis situations, (2) policy development on Roma affairs and (3) participation of Roma in civil society. The Council of Europe concentrated on the second area: supporting policy-development on Roma affairs. The project should also maximize cooperation between the EU, the Council of Europe and the OSCE in the field of Roma-related activities. The Council of Europe started organizing several activities under the joint ODIHR/Council of Europe Project „Roma under the Stability Pact“. The second joint European Commission/Council of Europe project started in February 2003 with the project "Roma und Stability pact for Southern Europe". The Council of Europe's part came to an end in July 2005 and consisted in fostering the elaboration and adoption of national comprehensive strategies to improve the situation of Roma in "the former Yugoslav Republic of Macedonia", Bosnia and Herzegovina, Albania and Moldova through a constructive dialogue between state and local authorities and Romani NGOs. The project also aimed at assisting the implementation, at the local level, of strategies that have already been adopted



18 Working Table 1: Democratization and Human Rights, Working Table II: Economic Reconstruction, Working Table III: Security Issues.

19 See the conclusions by Max van der Stoep, Working Table on Democratization and Human Rights, Geneva, 18/19 October 1999 <http://www.stabilitypact.org/wt1/991019-geneva.asp>, 13.8.2007.

in Croatia and Serbia and Montenegro.²⁰ A further project on Roma in South East Europe focuses on training sessions on participative monitoring and evaluation for members of interministerial commissions in charge of national programmes for Roma and/or Action Plans (Roma Decade, OSCE, etc.) and launches a two-year awareness-raising campaign against Anti-Gypsyism in the countries concerned.²¹

To give Roma a voice at international level some kind of a consultative assembly - the European Roma and Travellers Forum (ERTF) - was set up and registered in Strasbourg as a non-governmental organization in September 2004. Based on an agreement with the Council of Europe, the Forum has certain privileges in relation to the Council of Europe. Among the priorities that the Forum set up for the next years is the fight against school segregation of Roma.

3. CONCLUSION

Without doubt increased awareness for Roma and Sinti issues is observable at national and international level. Political and institutional recognition of Roma is a precondition for still needed reinforced activities to combat prejudices, hostilities, discrimination and violence against Roma and Sinti and promotion of social integration.

At the international level it is necessary to prevent unnecessary duplication of activities among international organizations. Co-operation is necessary such as between the OSCE, the Office for Democratic Institutions and Human Rights and the Council of Europe or between the Contact Point on Roma and Sinti Issues and the Co-ordinator for Roma /Gypsies' activities of the Council of Europe.

Meanwhile international organizations and states should support effective and protective legislation in these fields, civil society organizations should also promote the legal defense, human rights education and community organization.

To sum up, the following measures are necessary to control and prevent conflict producing components in Roma –non-Roma relations:

- effective legislation, including affirmative action,



20 See the evaluation report of the two projects "Roma under the Stability Pact I and II, Alain Phillips, April 2007, <http://www.coe.int/t/dg3/romatravellers/JP3/regions/evaluationreport.pdf>, 13.8.2007.

21 For further information see http://www.coe.int/T/DG3/RomaTravellers/Default_en.asp, 13.8.2007.

- training of public officers and persons in state apparatuses most directly in contact with Roma and Sinti, such as police, justice and local administration,
- better management of communities with high Roma populations, focusing on representation and participation in councils and public administration,
- Roma and Sinti should not be treated as the object of protective measures but the subject, i.e. strengthening the right to self-determination.

It seems that the proclaimed *new stage* of Roma policy is developing to a systematic combination of the methods of the social approach, the implementation of minority rights and prevention of discrimination and violation.

With regard to South eastern Europe it can be said that although since over a decade every country in SEE tried to improve the status of Roma, none of the countries, can be pointed out as best practice model. Despite the fact that systematic national strategies and action plans exist in SEE countries, measures taken often don't have the desired effect. Nevertheless, one improvement that can be mentioned is the realization by the relevant policy makers that single activities without a long-range concept and without cooperation with Roma are not sufficient to secure the implementation of human and minority rights for Roma. Legislative measures alone are very important but still not enough to strengthen the situation of Roma. At the same time positive action and affirmative actions are not enough, if intensive cooperation between state authorities, civil society and the Roma population doesn't exist. If states were to consider this then the *new stage* of Roma policy will have good chances to bring about some significant positive developments!

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