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To the Points of Contact

HCNM's report on Roma in the CSCE Region

The attached report on Roma(Gypsies) in the CSCE Region produced by the CSCE High Commissioner on National Minorities, in response to the request by the Chairman-in-Office of 28 April 1993, is circulated at the request of the Chairman.

The attached report will be introduced by Mr. Max van der Stoel at the 23rd CSO Meeting.

Only this cover-page is transmitted by telefax to the Points of Contact outside Prague. However, the complete text will be circulated to delegations in Vienna.

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**The Conference on Security and Cooperation in Europe**

**Roma (Gypsies) in the CSCE Region**  
**Report of the High Commissioner on National Minorities**

Meeting of the Committee of Senior Officials  
21-23 September 1993

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**1. Introduction**

In view of the seriousness of the situation of the Roma (Gypsies) in the CSCE region, the High Commissioner on National Minorities was requested at a meeting of the Committee of Senior Officials on 26-28 April 1993 "to study the social, economic and humanitarian problems relating to the Roma population in some participating States and the relevance of these problems to the Mandate of the High Commissioner (Helsinki Decisions, Chapter II, para. 2-7) and to report thereon to the Committee of Senior Officials through the Chairman-in-Office. In the discussion, it was furthermore stated that these problems, which fall into the larger category of migration problems, could also have an international dimension."

This request follows the increasing attention that has been given to the problems of the Roma in the CSCE context during the last three years. It should be noted that almost every major CSCE document since 1990 highlights the situation of the Roma, including the Documents of the Meetings of the Conference on the Human Dimension in Copenhagen (1990) and Moscow (1991), the Report of the Geneva Meeting of Experts on National Minorities (1991), and the Document of the Helsinki Follow-Up Meeting (1992).(Footnote: Relevant passages appear as an appendix) In addition, the problems of the Roma have been raised at each of the Human Dimension Seminars organized by the Office for Democratic Institutions and Human Rights (ODIHR) since the Helsinki

Follow-Up Meeting. These include sessions on "Tolerance," "Migration, Including Refugees and Displaced Persons," and "Case Studies on National Minority Issues: Positive Results" (at which, it should also be noted, a separate sub-group on dispersed minorities, including the Roma, was organized). This sustained interest in the subject of the Roma indicates not only the persistence of problems confronting them but also a willingness by both participating States and non-governmental organizations to use the CSCE process to address Roma issues.

The considerable interest of other multilateral bodies in the situation of the Roma should also be noted, including that of the Council of Europe, various United Nations (UN) agencies, and the European Community (EC).<sup>(Footnote: See appendix for a list of relevant documents)</sup> This attention suggests, again, the urgent need to analyze and respond properly to problems confronting the Roma, as well as the recognition that these problems have an international dimension requiring the response of multilateral bodies. The widespread interest in Roma affairs, by individual governments and non-governmental organizations as well, also underscores the need for greater coordination in order to ensure the complementarity and non-duplication of efforts. These efforts should be aimed principally at addressing the problems of the Roma in concrete terms at the national and local levels.

With the foregoing initiatives in mind, this report does not attempt to duplicate earlier efforts but rather to review the general background to and the salient elements of the present-day situation of the Roma and to offer a number of recommendations for the CSCE participating States to consider on this issue. In light of the dearth of reliable data on many important aspects of the Roma's current condition, a significant problem in itself, the approach of this report is not so much quantitative as it is thematic, underlining major policy challenges and proposing possible measures for addressing them. Drawing on High Commissioner contacts with Roma representatives and government authorities charged with Roma affairs, this report relies on information available through secondary sources, including reports<sup>(Footnote: A small part of this documentation is cited below.)</sup> by and interviews with researchers, advocates, and officials familiar with these issues. This report does not in fact offer new data derived from primary research; it is instead an overview of significant Roma-related issues and suggestions for further steps to be considered by the CSCE.

In sum, this report argues that the Roma are in many ways a distinctive population that has historically experienced -- and continues to experience -- grave challenges to the enjoyment of basic rights and to full participation in the social, economic, and political life of countries in the region. This difficult situation may be contributing to the attractiveness of migration for some Roma, much as similar hopes for an improved "quality of life," including considerations of personal security, have often guided other migrants from the general population. The governments of participating States, with assistance available through international channels, should be encouraged to devise and implement constructive policies for addressing the serious social, economic, and humanitarian problems of the Roma, including attacks and discrimination against them. Not to confront these difficulties now is only likely to lead to even more serious problems for the Roma, for governments, and for the region in the coming years, particularly if economic or political conditions deteriorate sharply.

## 2. Background : A difficult legacy

According to most credible estimates, the Roma in the CSCE region currently number at least 7-8 million, approximately 5-6 million of whom reside in central and

southeastern Europe. (Footnote: These estimates reflect the range of more conservative numbers cited, for example, in M. Braham, *The Untouchables: A Survey of the Roma People of Central and Eastern Europe*, A Report to the Office of the United Nations High Commissioner for Refugees, pp. 6-7, and elsewhere. More accurate population numbers have been difficult to ascertain for various reasons including problems in self-identification, especially if considerable disadvantage is perceived to accrue to those identified as Roma or "Gypsy".) For a variety of reasons, the Roma are known by different labels and even use different names to identify themselves. (Footnote: Labels, including "Gypsy" and variants of words sharing the root "tsigan", have often been the basis for stigmatizing Roma and others following a non-mainstream way of life, thus justifying a wide variety of discriminatory practices against them.) They comprise an extremely heterogeneous set of communities that are perhaps best understood in their own specific circumstances.

Nevertheless, without doing justice to complex processes of how group identities are formed, there are significant commonalities perceived as binding the Roma together: commonalities in origin, language, culture, historical experience, and present-day problems in the region. In addition to a Romani cultural heritage, including a strongly itinerant tradition that is both cause and effect of their history, the Roma also share the use (or the remembrance) of a common, though highly variant language, also known as Romani or Romanes. Modern-day Roma group identity is being further strengthened by the recognition and development of these cultural and linguistic commonalities, as well as by an understanding of their similar historical experiences, particularly of discrimination, within the region.

Though lacking a "motherland" in the region, the Roma have had a long and unique history as constituent populations within almost every society of the region, particularly in southeastern and central Europe. According to available linguistic, anthropological, and historical evidence, the Roma are descendant from peoples who migrated from the Indian subcontinent through a centuries-long process that brought them to Byzantium approximately a thousand years ago and to the Balkans at least by the beginning of the 1300s. (Footnote : Cf. Jean-Pierre Liegeois, *Gypsies and Travellers*, Council for Cultural Cooperation (Council of Europe), Strasbourg, 1987, p.14.) Subsequent migration has spread the Roma throughout the rest of what is now the CSCE region: Europe, the Eurasian subcontinent, and North America. Particularly in central and eastern Europe, the Roma themselves constitute large -- if not the largest -- ethnic minorities within a number of CSCE participating States. Because of their numbers, as well as their distinctive socio-cultural position, the relationship between Roma and the societies-at-large has been a significant dimension of their historical experience within the region.

At best this historical experience has been ambivalent, as relations between the Roma and non-Roma communities and between the Roma and political authorities have been complex and varied. On the one hand, this interaction has been characterized by mutual (though perhaps uneasy) socio-cultural accommodation and economic symbiosis. Interacting freely and even intermarrying with non-Roma during some periods in certain societies, Roma have at times been regarded with tolerance by majority populations. The Roma, for their part, have over the centuries demonstrated their willingness and indeed their commitment to form a part of the societies in which they find themselves through various means, most notably by adopting the language, religion, and other practices of the majority group. (Today, contrary to many popularly-held views, the vast majority of Roma in most countries are interested in

retaining, if not perhaps enhancing, their ties to mainstream, modern society at the same time that they continue to develop their own modes of cultural expression.)

On the other hand, however, historical relations between Roma and non-Roma and their political authorities have also been marked by mutual mistrust, inter-communal violence, and popular and even government-sanctioned discrimination against the Roma during certain periods. Distinctive physical characteristics and cultural practices have often caused the Roma to be regarded as "aliens," "inferiors," or even "undesirables" who should be treated with suspicion, forced to change their culture and way of life, or actively excluded from mainstream life. Often darker-complexioned than other historical European populations, the Roma may also have been regarded almost as a racially distinct category by some non-Roma communities, which have usually been differentiated only along ethnonational, linguistic, cultural, and religious lines. Physical characteristics, in association with non-Roma stereotypes about Roma culture and behaviour, may thus have formed a strong basis for anti-Roma attitudes and practices. Oft-cited Roma criminality and "parasitism," whether based in truth or not, has generally figured disproportionately in the expression of anti-Roma sentiments. Supported by the dominant culture and society, as well as by government indifference or connivance in some situations, this anti-Roma prejudice has generally reinforced the exclusion of Roma from mainstream life and has historically served as a backdrop to social and economic discrimination and to physical attacks against the Roma (and their property). Anti-Roma prejudice, furthermore, has often justified non-intervention -- or at times even obstruction -- by government authorities in preventing, investigating, or prosecuting crimes committed against Roma.

Anti-Roma views, both popular and official, have not only justified socio-economic discrimination and xenophobic and racist attacks against Roma at the individual and community levels. Anti-Roma prejudice has also underpinned systematic attempts at the collective exploitation, control, and/or elimination of the Roma in different countries at different times. These measures have included enslavement, well into last century, and officially-sponsored policies, well into this century (Footnote: CF. A. Reyniers, "Evaluation of Gypsy Populations and of Their Movements in Central and Eastern Europe and in some OECD Countries," Report for the Working Party on Migration, Organization for Economic Cooperation and Development, Paris, 1993, p.7.), aimed at destroying traditional Romani culture or the Roma themselves. Actively anti-Roma authorities have promoted such policies as forced settlement, assimilation, and sterilization (of Roma women); mass deportations; and even systematic extermination. During the Holocaust, to cite the most blatant attempt at extermination in recent times, an estimated 500,000 to 600,000 Roma were killed or died as a result of campaigns mounted against them (Footnote: Ibid., p.8). In the past, even under the most benign regimes, government policies toward the Roma have amounted generally to indifference and only more rarely to constructive attempts at addressing their situation.

This long and complex experience in the region has left the Roma with a difficult legacy in social, cultural, economic, and political terms. The Roma have generally maintained considerable distance from the non-Roma mainstream in various ways for complex reasons including this historical experience and their own cultural prerogatives. Furthermore, the vast majority of Roma in most countries have occupied, and often continue to occupy, unique niches in and across societies. These

niches have generally left the Roma at the lowest socio-economic strata, often as a class apart. In addition, the traditional trades, occupations, and other bread-winning strategies of the Roma, sometimes involving "travelling" or seasonal migrations, have generally not relied on formal education as the basis for training, thus leaving large proportions of the population illiterate, poorly schooled in formal terms, and thus ill-prepared for participation in modern technology- and information-based economies.

Though the Roma are mostly settled now, their migrations have left them dispersed and intermingled with other communities throughout the region and without a "kin-state" to act as a safe-haven or protector. Various factors -- including this dispersed settlement pattern, traditional forms of group organization, and widespread poverty among Roma -- have often kept Roma communities divided politically. In addition, the Roma have been passively and at times actively excluded from political power in many countries during historic and even more recent periods, leading to extremely low levels of Roma participation in formal governance processes. Anti-Roma policies by different governments during different periods have generally engendered among many Roma a certain distrust of central authorities and institutions such as the police, schools, and the health-care system.

Thus, for complex and interrelated reasons, the vast majority of Roma could be regarded as traditionally occupying an extremely vulnerable position in the societies, economies, and political systems of the region. (It should be reiterated that this position, characterized by considerable distance from mainstream social, economic, and political processes, may often be reinforced by certain customs and practices that Roma have deemed necessary for survival, and that may often have been looked upon unfavorably by the majority society itself.) At the same time, the vast majority of Roma have not been integrated into the most important social, economic, and political processes of modern life. Recent economic and political changes, moreover, have generally exacerbated this structural and legal vulnerability of the Roma, leading to the manifestation of additional problems, including in the area of migration.

### **3. Present-day status of the Roma**

#### **3.1 Conjunctural factors**

The present-day problems of the Roma must be understood in the context of the overall situation of the region, which can be broadly characterized in terms of major political and economic transitions. The dissolution of communist rule in central and eastern Europe and throughout the former Soviet Union has vastly changed the political, social, and economic circumstances under approximately 5-6 million Roma live. At the same time, the lifting of the Iron Curtain has greatly increased the possibilities for mobility within Europe. As a consequence, the relatively low profile of Roma issues in western Europe before 1989 has been replaced by more politically volatile issues associated with migration from the south and the east.

The significant, simultaneous, and often difficult transitions in the political systems of numerous participating States have sometimes resulted in the lack of institutional capacity to deal with complex problems related to the Roma. Material hardship, associated with economic recession and transformation as well as greater government

austerity throughout the CSCE region, have hit the vast majority of the Roma particularly hard.

These circumstances also make government action involving the allocation of scarce resources all the more difficult. The overall climate of political and economic uncertainty confronting people throughout the region may also encourage the collective "scapegoating" of certain groups, such as the Roma, for the ills of society-at-large.

At the same time, the initial post-1989 period has witnessed the greater feasibility and indeed attractiveness of internal and cross-border migration for a significant number of people, predominantly in eastern and southeastern parts of the CSCE region. Cold War restrictions on mobility are no longer in place, and the relative stability and prosperity of western Europe, coupled with increased uncertainty and difficulties elsewhere in the region, have prompted sizeable outflows, thus placing considerable burdens on underdeveloped governmental and multilateral agencies. Higher levels of migration, involving Roma as well, have led to additional problems associated with regulating migration by transit and receiving countries. New measures have been introduced recently by these countries to tighten east-to-west migration controls.

### 3.2 Social, economic, and humanitarian problems of the Roma

Because of the extremely varied situations in which the Roma may find themselves, the status of the Roma within different countries and indeed within different localities should be analyzed specifically. Nonetheless, there is a complex and interrelated set of factors that generally characterize the current condition of a significant proportion of Roma in the CSCE region. These factors manifest themselves in widespread poverty, low levels of integration into mainstream socio-economic and political processes, and the overall precariousness of the Roma position in societies. (Footnote: These general conditions, including available data thereon, have been recently reviewed in region-wide studies including Braham, op. Cit., Reynier, op. Cit., and Costarelli (ed.), *Gypsies – Children of Minorities*, UNICEF, International Child Development Centre, Florence, 1993, and others, and in country-specific studies such as Institute voor Arbeid en Sociale Zaken Bratislava [Institute for Employment and Social Affairs, Bratislava], "Analyse van de huidige situatie van etnische minderheden in de CSFR (Studie geïntereerd op de problemen van Zigeuners)" [Analysis of the Current Situation of Ethnic Minorities in the CSFR (Study oriented on the problems of the Gypsies)], Gouda (Netherlands), November 1992; E. Zamfir and C. Zamfir, "The Romany Population, Socio-Economic Situation and Coordinates of a Support Programme," Centre of Economic Information and Documentation, Bucharest, 1993; and others. Problems of discrimination in the social and economic sectors are also described in country-specific reports by Helsinki Watch and other human rights monitors. This section summarizes the major themes and data of these and similar reports.) There is a strong indication that the negative dimensions of this overall condition may be mutually reinforcing (for example, Roma poverty may contribute to their low levels of political participation while, at the same time, their lack of political input may mean that certain changes in socio-economic policies affecting their communities are not being considered).

The general socio-economic condition of the Roma can be characterized as one of poverty: widespread, generally acute, and specifically typified by massive unemployment, poor education, inadequate health care, and substandard housing for major portions of the population. Literacy and training for relatively secure and gainful job sectors are far lower for the Roma than for the general population, and in many countries Roma who work in the formal economy are for the most part relegated to unskilled, low-wage sectors. Though poor education and low levels of socio-economic integration clearly contribute to this impoverished condition, anti-Roma discrimination by non-Roma, at times supported by the indifference or connivance of government agencies, also exacerbates problems in equal opportunity

in the areas of employment, health care, education, and housing. Low levels of socio-economic integration -- intimately related to the lack of literacy, formal education, and training for modern employment sectors -- is reinforced by socio-cultural factors that generally maintain considerable distance between Roma and mainstream society.

As a result, Roma have been particularly vulnerable to the impoverishing effects of economic transformation and cuts in government-sponsored social services and support. Various reports have pointed to alarming increases in unemployment among the Roma, a joblessness which in numerous localities has been known to reach almost universal levels. Furthermore, because of low levels of employment in formal sectors, jobless Roma are often ineligible for official unemployment assistance. With reduced opportunities to maintain former sources of income, alternative sources may become increasingly attractive, including delinquency, begging, prostitution, and the sophisticated use of available social resources. These developments may, in turn, contribute to greater anti-Roma sentiments on the basis of exaggerated Roma criminality or "parasitism."

The lack of adequate income has direct ramifications for the Roma in other areas of life such as housing, health care, and education. In many localities throughout the CSCE region, Roma find themselves inhabiting shanties, huts, and other forms of severely substandard housing in marginal residential areas often lacking basic sanitation and communications infrastructure. With often limited access to modern health care, impoverished Roma have been noted to have basic medical problems on a far more prevalent basis than society-at-large. Widespread and acute poverty has also impeded formal education among the Roma, as children may be undernourished and ill-prepared for schooling, or needed for income-generating activities by their families. Though largely structural in nature, problems in such areas as employment, housing, health care, and education have also been greatly compounded by anti-Roma discrimination as well as by traditional attitudes and customs through which Roma have maintained considerable distance from the mainstream. (Given recurrent anti-Roma sentiments and practices in many societies, this distance may be considered necessary by many Roma.)

In light of the overall situation of the Roma, the predicament of youth and women may be especially troubling. The prevalence of larger-than-average families among the Roma has generally translated into a larger proportion of youth and young mothers among the Roma than among the non-Roma. These parts of the Roma population may have special problems, particularly in the areas of education, training, and health care. Without proper measures to increase their long-term socio-economic prospects, young Roma -- and especially young Roma women -- will face dramatically diminished opportunities for prosperity and integration into mainstream life, potentially exacerbating the position of the Roma in future generations.

Economic stabilization and indeed positive economic growth will help to improve basic living standards for the Roma. However, as the estrangement of the majority of Roma from formal educational systems and from mainstream socialization processes is often closely tied to their poverty, there may be the need for specific policies to facilitate the general integration of the more socially-isolated Roma into the modern technology- and information-oriented economy. Proper participation by the Roma in identifying and addressing their own needs is a prerequisite for the effective



implementation of policies in these areas. With greater input in efforts to improve their material condition, Roma will also be better able to demonstrate their commitment to and participation in society-at-large. If interested in the benefits of such integration, offered on a good-faith basis by governmental authorities and the society-at-large, Roma will also have to reciprocate with social responsibility and self-help of their own.

The current problems require incisive analysis of the mutually-reinforcing dynamics of socio-economic status, culture, and education, as well as innovative solutions for catalyzing a positive transformation of this complex interrelationship. A critical assessment of policy approaches for addressing similar problems of "marginalized" communities elsewhere might prove useful as a point of departure, and innovations in effective education and community development policies will no doubt be important experiences to consider for applications to present-day circumstances in Roma communities. Such programs might best be carried out locally, specifically, and with the active participation of the Roma themselves. Clearly, considerable resources from all available sources, including international assistance, will have to be devoted to addressing these problems.

Outside support will be critical in this regard as low levels of Roma political participation, though somewhat improved in recent years, have limited their ability to influence decisionmaking processes on issues, such as education, health care, social services, and the criminal justice system, which are clearly related to their condition. This alienation from the processes of governance also has clear ramifications in the area of legal protection against anti-Roma discrimination and attacks, which can only be countered if effective remedies are available through the legal-judicial systems. The rule of law is all the more urgent in the recent context of collective "scapegoating" of Roma for societal ills through anti-Roma discrimination and the persistent practice of "popular justice" by skinheads, by organized vigilantes, and in some cases, even by members of government security forces. (Footnote: According to Reyniers, *op. cit.*, p. 31, information collected by various national and international human rights monitors puts the number of serious attacks against Roma during the last three years at 50 cases, at the least. Country-specific reports on documented cases of anti-Roma violence have been published by Amnesty International, Helsinki Watch, and other human rights organizations.) Such incidents have also greatly increased the extent of inter-communal tensions and mutual suspicion. A lack of appropriate response by government institutions in these situations only contributes to the erosion of the Roma's confidence in the impartiality and efficacy of legal-judicial systems. At the same time a lack of effective government response increases the climate of impunity in which physical attacks and social and economic discrimination are carried out. In this context, recent efforts by some non-governmental organizations to provide victims with legal defence services through lawyers assisting in court cases against attacks and anti-Roma discrimination are particularly noteworthy.

### 3.3 Migration

Present-day migration by the Roma must be seen in the context of general migration within the CSCE region. Though there may now be increased rural-to-urban migration within certain countries, involving the Roma as well, "migration" is understood here as an inclusive term meaning long-term if not permanent change of residence across international borders for any reason. This migration is also usually divided into separate categories for "voluntary" and "involuntary" migrants,

categories which then imply different requirements for the legal sojourn of the migrants in receiving countries. Voluntary migrants are required to meet the criteria and the procedures necessary for legal immigration, such as valid work permits. Involuntary migrants are able to stay legally with the approval (or pending consideration) of a formal application for political asylum. Without proper legal status, a migrant, whether voluntary or involuntary, is generally under the obligation to return to his or her country of origin by the authorities of the receiving (or transit) country; however, illegal immigrants may attempt to avoid this involuntary return. No precise figures on overall migration, or Roma migration in particular, are currently available, due to problems in quantifying complex individual behaviour occurring on a wider scale. Despite varying estimates, though, the annual total of east-to-west migrants within the CSCE region during recent years is thought to number at least in the hundreds of thousands (Footnote: As one indication of the level of east-to-west migration within the region, "The Rapid Information System on International Migration in the UN/ECE Region Bulletin," No. 1 (November 1992) and No. 2 (May 1993), cites 245,000 asylum applications filed in western Europe by persons from countries in central-eastern Europe and the former Soviet Union during 1991. In large part due to the war in former Yugoslavia, asylum applications from central-eastern European countries rose to approximately two-thirds of the 800,000-plus total for 1992. These numbers do not include illegal migration.), although such estimates do not account for immigrants, legal or otherwise, who have returned (or who, in the case of illegal immigrants, have been returned) to their country of origin in eastern parts of the region.

Given the overall scale of this intra-regional migration, not to mention migration from outside of the region, it is quite possible that Roma migration, though perhaps highly visible, may have been assumed to be numerically far more significant than it really is.

Clearly this aspect requires further study, but initial projections would place the Roma contribution to intra-regional migration at perhaps over a hundred thousand during last four years, an amount that should be divided over the period of time and across the number of host countries in western Europe. (Footnote: Based on figures cited in Braham, op. cit., pp. 100-103, and Reyniers, op. cit., pp. 11-13, including, for example, estimates of 70,000 Roma taken in by Germany, the target receiving country, during this period.) Again, these estimates do not account for Roma migrants who have returned to their countries of origin, or who have migrated illegally. Roma migrants, however, may actually be contributing to migration flows in roughly the same proportion as their share in the overall population of the region. (Footnote: Ibid., p. 15) The vast majority Roma may actually lack the resources to undertake international relocation, which generally does involve considerable expense and hardship for the migrants.

It is nonetheless important to evaluate the dynamics involved in this recent migration and to analyze specific dimensions of this complex phenomenon as they relate to the Roma. For the most part, recent migratory pressures have been generated by considerable discrepancies in living conditions and economic opportunities between countries in the region. Except in certain conflict zones, where large numbers of civilians have been and continue to be displaced by armed hostilities, involuntary migration resulting from unfavourable political conditions has probably not contributed significantly to east-to-west migration in the region since 1990. (With regard to involuntary migrants including refugees and displaced persons resulting from wartime conditions, note should be made of credible reports of the particularly acute situation of Roma in the former Yugoslavia, whose pre-war numbers have been estimated between 600,000 and 1 million.) (Footnote: Ibid., p. 22) It should also be noted that various international instruments, including the 1951 United Nations Convention

relating to the Status of Refugees and its 1967 Protocol, govern the protection of certain categories of involuntary migrants.

Contemporary attention on migration, however, focuses more on changes of residence across international borders for voluntary reasons, particularly involving migrants from southern-eastern Europe to northern-western countries. This migration has been driven by certain "push" factors in sending countries and by certain "pull" factors in receiving countries. In addition to considerable uncertainty in their political affairs, the former communist countries are undergoing significant economic transformations involving large scale unemployment, sharp increases in the prices of basic consumer goods, and reduced social spending by the state. Reinforced by the media and by word-of-mouth, countries in northern-western Europe present images of political stability and relative economic well-being including employment and/or government assistance for certain categories of immigrants.

A central challenge in this regard will be to provide a roughly comparable "quality of life," including an enduring sense of belonging, for people in their own countries throughout the region. In addition to economic opportunity, an important dimension of this "quality of life" is greater confidence in the capacity of government authorities to protect human rights, ensure the rule of law, and promote tolerance and understanding within the society-at-large. In the case of the Roma, as well as other groups singled out for discrimination or harassment, it should be noted that manifestations of ethnic hatred harm not just individual victims. As expressions of intolerance against a specific group, physical attacks affect whole communities and may serve as an additional inducement for migration, including international migration. Discrimination in employment, housing, and other sectors may also undermine the perception of credible economic opportunity and thus contribute to migratory pressures. The aim, in short, should be to improve the "quality of life" in migration-producing countries (and areas within those countries) for the sake of such improvements, but also for the reduction in pressures on international migration. In addition to commerce, investment, and development assistance leading to economic opportunity, efforts at addressing the specific problems of the Roma, including discrimination and violence against them, will contribute considerably to improving their "quality of life." Such efforts are likely to encourage people to continue their lives where they already are.

There are a number of additional issues related to migration and the Roma that may require further study, analysis, and policy response, particularly in the context of recent developments. These issues include the legal status of certain groups of international migrants, or presumed international migrants; the implementation of controls on international migration; and the problems of re-integration for involuntarily returned migrants. Not considered here is international migration by Roma for seasonal agricultural work in some areas, although there may be certain problems associated with this reportedly growing phenomenon<sup>(Footnote: Ibid., p. 13)</sup>. It should also be pointed out that an extremely small minority of Roma still engage in traditional forms of "travelling" as full or semi-nomads, generally in connection with certain itinerant trades and occupations, without wanting to settle in one place on a permanent or even long-term basis. Numerous legal, administrative, and popular obstacles to full freedom of movement and encampment have been noted over the years. On the one hand, a few governments have attempted to provide designated

camping-grounds with modern amenities, as well as educational facilities for children of travelling Roma, but on the other hand, popular sensibilities often remain opposed to their itinerant lifestyle. In accordance with local laws, these travelling Roma are nonetheless entitled to the enjoyment of their lifestyle, and governments should be encouraged to protect and promote it.

Whether or not the vast majority of international migrants in the CSCE region may currently be impelled by economic considerations, there are a number of issues related to the legal status of presumed or actual international migrants in the area of citizenship. These concerns may be of special applicability in successor states of formerly larger state structures. Laws on citizenship and aliens should be drafted and then implemented in such a way as to not increase the number of stateless persons, to take into account extensive if not life-long residence in the country, and to serve as the basis for loyal citizenship bonds to the state. Uncertain or unclear legal status resulting from new citizenship laws should not be seen as the pretext for considering long-time or life-long residents as foreigners or recent immigrants, thus subjecting them to possible limits on their political rights or even expulsion from the country. Roma in and from some successor states of formerly larger state structures, as well as other groups, may be confronted with this situation.

In the context of tighter controls aimed at reducing east-to-west migration in the region, recent and prospective international migrants are being regarded by transit and receiving countries with greater scrutiny. Newly-established controls include more extensive border patrols and migration procedures, more rigorous political asylum procedures, bilateral agreements between transit and receiving countries on stricter visa requirements for entrants from third countries, and bilateral agreements between receiving and sending countries for the repatriation of illegal immigrants. Leaving aside the question of its effectiveness in stemming international migration within the region,<sup>(Footnote: In light of the newness of this system of migration control, it is difficult to predict its long-term effectiveness in reducing overall migration without, perhaps, encouraging increased illegal migration.)</sup> this relatively new complex of migration controls raises additional issues with regard to Roma migrants in particular. If physical characteristics, as opposed to non-discriminatory means, are used for identifying presumed migrants, then Roma may be disproportionately targeted for migration control including repatriation. Because of a certain distinctiveness in appearance, many Roma, including citizens and legal residents, may be attracting the attention, suspicion, and at times harassment by law-enforcement and immigration officials. Anti-Roma prejudice among some of these officials may also be leading to arbitrary or even discriminatory treatment during document checks, round-ups, and repatriation procedures<sup>(Footnote: Cf. Braham, op. cit., pp. 103-106 and 109-111, and elsewhere.)</sup>. Currently there seem to be no effective means for verifying the impartiality and propriety of such policies in action.

Similar problems exist in monitoring the reintegration of returned migrants in their countries of origin. In view of generalized anti-Roma sentiments and prevalent anti-Roma discrimination in many countries from which Roma migrants are originating, returned Roma may be encountering additional difficulties in reintegration and may be lacking recourse to government support in this area. Returned migrants who are unable to reintegrate at home may be likely to consider international migration again. Every effort should be made to support such returned migrants, particularly in the

context of more comprehensive programs for improving literacy, job-training, and economic opportunity for Roma in their own countries.

### 3.4 Positive developments

The post-1989 period has also witnessed certain developments with a largely positive impact on Roma issues. Greater freedom of movement, association, and communication has facilitated new forms of politically- and socially-oriented organizations for the Roma. Pro-Roma advocates, including recently-formed Roma political parties in some countries, have initiated political campaigns to gain visibility, as well as material redress, for their plight. Non-Roma organizations, both those operating within countries and throughout the region, have begun efforts to explore Roma issues, analyze specific problems, and lend support to their resolution, and various international human rights monitors have started to add Roma-specific reports to the growing documentation available on their situation. Bilateral assistance from governmental and philanthropic sources in western Europe and North America has also been increasingly directed to governmental agencies and non-governmental organizations attempting to study and address Roma issues. Such organizations, particularly those of the Roma themselves, may be the most suitable partners for constructive government action at the community level.

Though varying considerably in the nature of their responses, states, for their part, are recognizing the seriousness and urgency of problems facing the Roma. Some states have recently acknowledged the Roma for the first time as ethnic/national minorities or otherwise special social groups. Greater government action has generally been promised, and in some cases, it is starting to be delivered. Roma cultural activities such as conferences, festivals, and publications have received official funding by many states. More ambitious steps toward Romani-language schooling and Roma-specific educational and community development programs are also being taken. Most notably, for the first time in many countries, certain government ministries have been assigning responsibilities for Roma-related issues to specific offices and personnel, many of whom are capable and well-intentioned, if lacking resources, training, and practical experience.

This process has involved -- and is continuing to involve -- inter-governmental organizations, including UN agencies and European multilateral institutions such as the Council of Europe, the EC, and the CSCE. These organizations have provided a framework for raising the political visibility of Roma issues, discussing the various aspects of their condition, establishing general standards for government policy, and mobilizing resources for more in-depth study and action. It is important, though, that these efforts at the international level are mirrored by concrete governmental and non-governmental action to improve the status of the Roma at the national and local levels. Decidedly positive developments serving to highlight the problems of the Roma in the last few years have unfortunately not yet translated into material improvements in their well-being.

## **5. Conclusions and recommendations**

### 5.1 Relevance of the High Commissioner's mandate

The High Commissioner should become involved in only those situations that meet the criteria of the mandate. In view of the seriousness and complexity of the issues related to the Roma, however, a number of general and specific recommendations, as elaborated below, should be made for considering further CSCE involvement in addressing their problems.

## 5.2 General recommendations

The following general measures are recommended for consideration by the participating States of the CSCE:

1. The participating States should reaffirm all of their CSCE commitments relevant to the situation of the Roma as the first step towards addressing the grave problems that confront them. In particular, the participating States should underscore the need to implement the measures agreed to and elaborated in the Document of the Copenhagen Meeting of the Conference on the Human Dimension, Chapter IV, under para. 40 and its sub-sections.
2. The participating States should furthermore acknowledge that the problems of the Roma generally require measures within each participating State to address the situation of the Roma. At the same time, it should be recognized that the non-resolution of their problems may also have serious international implications, including in the area of migration. The measures to be taken by participating States include the implementation of civil, political, economic, social, and cultural rights and the strengthening of democratic institutions and the rule of law. They may also include special government policies for addressing certain Roma-related issues in such areas as employment, education, health care, and general welfare. It should be recognized that such policies should be initiated on the basis of objective analyses of community needs, designed in consultation with the affected population, and implemented with their participation. Policies should also be considered and instituted in such a way that intra-community tensions are not exacerbated by (the appearance of) unfairly favourable treatment for one group over others.
3. The participating States should underscore the relevance of the Human Dimension, under which Roma issues generally fall, in assisting participating States to improve, implement, and evaluate the effectiveness of policies at the national and local levels aimed at addressing the problems of the Roma. In this connection, the participating States should also note that international cooperation will be important in providing additional material and technical assistance for participating States to devise and implement constructive policies vis-a-vis the Roma. Multilateral organizations and individual States should form a partnership in this regard. For example, experience and expertise developed in other countries in dealing with Roma issues -- and indeed in other parts of the world in addressing the problems of similarly "marginalized" populations -- may be a valuable resource in this connection, and the CSCE may be able to play a special role in making such knowledge available to participating States.
4. In the area of international migration, the participating States should acknowledge the complex causes of recent increases in intra-regional migratory flows, including factors such as socio-economic discrimination and racist or xenophobic attacks that

might encourage migration by such groups as the Roma. In light of states' prerogative to regulate the entry and sojourn of aliens on their territory, the CSCE should also underscore the need for humane policies and procedures on such issues as political asylum and refugee provisions. Similarly, citizenship laws in the successor states of formerly larger state structures should be devised and implemented in a humane fashion giving due consideration to humanitarian concerns in determining citizenship and naturalization qualifications. In this connection, the participating States should reaffirm their CSCE commitments on nationality and refugee issues, and give serious consideration, if they have not already done so, to signing and ratifying relevant international instruments, including, among others, the 1961 United Nations Convention on the Reduction of Statelessness and the 1951 United Nations Convention relating to the Status of Refugees and its 1967 Protocol. Furthermore, the participating States should continue to devote attention to the implementation of migration procedures, including border controls and repatriation arrangements, in order to ensure that additional problems are not being generated by these practices.

### 5.3 Specific recommendations

The following specific steps are also recommended for further consideration by the participating States:

1. In light of the general applicability of the Human Dimension to Roma issues, it is recommended that such issues be a standard topic of consideration at Review Conferences, Implementation Meetings, and other relevant fora organized within the context of the Human Dimension of the CSCE. At such fora, participating States and non-governmental organizations should be encouraged to present concrete information on the current state of the Roma population in individual participating States, recent progress in implementing constructive new policies for addressing their issues, and an evaluation of issues still to be addressed.
2. It is furthermore recommended that the resources available in the Human Dimension relevant to Roma-related affairs be enhanced, most logically through the Office for Democratic Institutions and Human Rights, and that a point of contact for Roma issues be established within the ODIHR.
3. Through enhanced support for addressing Roma issues through the Human Dimension, the CSCE should contribute to more constructive Roma-related policies by assisting participating States in their elaboration and implementation. In view of the lack of reliable data on these issues, the CSCE should, as appropriate, "encourage research and studies regarding Roma and the particular problems they face," as recommended by the Geneva Meeting of Experts on National Minorities in their report (Chapter VI). As a first step towards improving Roma-related policies, individual States may also want to consider inviting the participation of CSCE and other international representatives in conducting factual inventories of the state of existing government policies and their implementation.
4. With an eye towards complementarity and non-duplication of efforts on Roma issues, consultations should be undertaken between the CSCE and the Council of Europe, EC, pertinent UN agencies, and other relevant multilateral institutions; government officials responsible for Roma affairs; and non-governmental

organizations involved in these issues. An issue to be considered during such consultation would be the effective provision of technical assistance to governments on Roma issues, perhaps through a region-wide mechanism that would function to collect, evaluate, and disseminate expertise on constructive policy approaches.

## **6. Appendices**

### 6.1 CSCE commitments pertaining to the Roma (Gypsies)

#### 6.1.1 Document of the Copenhagen Meeting of the Conference on the Human Dimension

(1990), Chapter IV, para. 40 and sub-sections:

"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).

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

- take effective measures, including the adoption, in conformity with their constitutional systems and their international legal 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;

- 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;

- 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;

- 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;

- 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;

- consider adhering, if they 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;

- consider, also, accepting those international mechanisms which allow States and



individuals to bring communications relating to discrimination before international bodies."

6.1.2 Report of the Geneva Meeting of Experts on National Minorities (1991), Chapter VI:

"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 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."

6.1.3 Document of the Moscow Meeting of the Conference on the Human Dimension (1991), Chapter III, para. 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."

6.1.4 Document of the Helsinki Follow-Up Meeting (1992), Chapter VI, para. 35:

"The participating States

"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;

"... 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 procedures, including enforcement of existing laws in this regard;

"Will consider developing programs 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;

"Reaffirm, in this context, the need to develop appropriate programs 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."

## 6.2 Other international documents pertaining to the Roma (Gypsies)

In recent years, other inter-governmental bodies have also adopted noteworthy commitments pertaining specifically to the Roma (Gypsies), including the following:

- Resolution 89/C 153/02 of the European Community Council and the Ministers of Education Meeting within the Council "on school provision for gypsy and traveller children" (1989).
- Resolution 1992/65 of the United Nations Commission on Human Rights on the "Protection of Roma (gypsies)" (1992).
- Council of Europe Parliamentary Assembly Recommendation 1203 on "Gypsies in Europe" (1993).
- Council of Europe Standing Conference of Local and Regional Authorities of Europe (CLRAE) Resolution 249 on "Gypsies in Europe: The Role and Responsibility of Local and Regional Authorities" (1993).