Roma and Sinti Political Participation:

Opportunities and Risks of Local-level Engagement

Summary Report of the Expert Meeting

Warsaw, 28 November 2014

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ACRONYMS AND ABBREVIATIONS

CPRSI	Contact Point for Roma and Sinti Issues
EC	European Commission
EU	European Union
FCNM	Framework Convention for the Protection of National Minorities
HCNM	High Commissioner on National Minorities
MSG	Minority Self-Government
NDI	National Democratic Institute
NGO	Non-governmental organization
NMC	National Minority Council
ODIHR	Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
RSLC	Roma and Sinti Local Councillor
SPMU	Strategic Police Matters Unit
UN	United Nations

PART I: SUMMARY REPORT OF THE EXPERT MEETING

Introduction

The *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*[1] (the Action Plan) pays ample attention to enhancing the participation of Roma and Sinti in public and political life. The Action Plan calls on the participating States to proactively ensure the participation of Roma and Sinti by solving issues related to the lack of personal identification and by upholding the principles of early involvement, inclusiveness, transparency, meaningful participation at all levels of government and ownership *"for ensuring effective participation of Roma and Sinti in public and political life"*.[2]

With regard to the vulnerable situation of Roma and Sinti women, participating States have underlined that "women should be able to participate on an equal basis with men in consultative and other mechanisms designed to increase access to all areas of public and political life".[3] The participating States should also guarantee women's equal rights when it comes to voting, including a ban on "family voting".[4]

Furthermore, the OSCE Action Plan tasks the Contact Point for Roma and Sinti Issues (CPRSI) of the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and other OSCE institutions and structures with designing programmes that encourage Roma and Sinti representatives to stand as candidates for elected bodies, or to identify creative solutions that would ensure the participation of Roma and Sinti representatives in national and local decision-making processes.[5] The OSCE Action Plan also calls on ODIHR and, where appropriate, other OSCE institutions and structures, to develop and implement voter education and voter registration programmes.[6]

The OSCE Action Plan provisions on the political participation of Roma and Sinti were later reinforced by two relevant Ministerial Council Decisions. In 2008, Ministerial Council Decision No. 6/08 on "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area" encouraged the participating States to "promote effective participation by Roma and Sinti in public and political life".[7] Additionally, in 2013, OSCE Ministerial Council Decision No. 4/2013 was adopted on "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and

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[1] OSCE Ministerial Council, Decision No. 3/03, "Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area", Maastricht, 1 and 2 December 2003, available at:
< http://www.osce.org/odihr/17554 >.
[2] Ibid., Paragraph 88.
[3] Ibid., Paragraph 98.
[4] Ibid., Paragraph 94.
[5] Ibid., Paragraph 105.
[6] Ibid., Paragraph 100.
[7] OSCE Ministerial Council, Decision No. 6/08, "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area", Helsinki, 5 December 2008, Paragraph 7, available at: < http://www.osce.org/mc/35488>.

children".[8] With this decision, the participating States commit to "prevent further marginalization and exclusion of Roma and Sinti" by "enhancing the participation of Roma and Sinti in the elaboration, implementation and evaluation of the policies that affect them, including by fostering Roma and Sinti political participation and by supporting voter education among Roma and Sinti".[9] Furthermore, participating States agreed to take active measures to support the empowerment of Roma and Sinti women by "promoting the effective and equal participation of Roma and Sinti women in public and political life, including through the promotion of women's access to public office, public administration and decision making positions".[10]

OSCE commitments on enhancing Roma and Sinti political participation have been further reinforced by recommendations of the OSCE Parliamentary Assembly. In particular, the OSCE Parliamentary Assembly "Resolution on Gender and Minorities in the OSCE Region", adopted in 2012, "encourages participating States to exchange best practice concerning gender, ethnic, linguistic and religious groups, national minorities, indigenous peoples, and the Roma and Sinti populations in order to develop more effective policies regarding their political, economic and social inclusion and identify priority areas for further capacity building".[11] Furthermore, both the OSCE Parliamentary Assembly "Resolution on Promoting Policies in Favour of the Roma Population" and the "Resolution on Promoting Policies on Equality between Women and Men of the Roma Population", adopted in 2011, ask OSCE participating States to provide more space for the increased public and political participation of Roma[12] and to "promote equal opportunities for Roma women in politics".[13] Prior to that, the OSCE Parliamentary Assembly "Resolution on Combating Anti-Semitism, Racism, Xenophobia and other Forms of Intolerance, Including against Muslims and Roma" adopted in 2007, urged "participating States to increase efforts to work with their diverse communities to develop and implement practices to provide members of minority groups with equal access to and opportunities within social, political, legal, and economic spheres".[14]

In its 2008 and 2013 Status Reports on the implementation of the OSCE Action Plan, ODIHR points to the barriers that hinder the proportionate participation of Roma and Sinti in

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[8] OSCE Ministerial Council, Decision No. 4/13, "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children", Kyiv, 6 December 2013, available at: < http://www.osce.org/mc/109340>.
[9] Ibid., Article 2, Paragraph 2.7.
[10] Ibid., Article 4, Paragraph 4.2.
[11] OSCE Parliamentary Assembly, "Resolutions Adopted by the OSCE Parliamentary Assembly at the Twenty-First Annual Session", Resolution on Gender and Minorities in the OSCE Region, Monaco, 5 to 9 July 2012, Article 14, p. 26, available at: < https://www.oscepa.org/meetings/annual-sessions/2012-monaco-annual-session/2012-monaco-final-declaration/1699-09 >.
[12] OSCE Parliamentary Assembly, "Resolutions of the OSCE Parliamentary Assembly Adopted at the Twentieth Annual Session", Resolution on Promoting Policies in Favour of the Roma Population, Belgrade, 6 to10 July 2011, Article 22, p. 46, available at:
< https://www.oscepa.org/meetings/annual-sessions/belgrade-2011 >.
[13] OSCE Parliamentary Assembly, "Resolutions of the OSCE Parliamentary Assembly Adopted at the Twentieth Annual Session", Resolution on Promoting Policies on Equality between Women and Men of the Roma Population, Belgrade, 6 to 10 July 2011, Article 15, p. 48, available at:
<https://www.oscepa.org/meetings/annual-sessions/belgrade-2011 >.
[14] OSCE Parliamentary Assembly, "Kyiv Declaration of the OSCE Parliamentary Assembly and Resolutions Adopted at the Sixteenth Annual Session", Resolution on Combating Anti-Semitism, Racism, Xenophobia and Other Forms Of Intolerance, Including Against Muslims and Roma, Kyiv, 5 to 9 July 2007, Article 22, p. 37, available at: < https://www.oscepa.org/meetings/annual-sessions/2007-kyiv-annual-session >.

democratic processes and decision making by way of elections.[15] Both reports note problems with Roma and Sinti participation ranging from direct pressure to "controlled voting", vote-buying, lack of voter education and illiteracy, candidates' lack of capacity to run for elected office, lack of registration documents, family voting, and legal and administrative barriers.[16] In particular, the reports note that Roma and Sinti women are under-represented in politics in the OSCE region.[17]

Roma and Sinti participate in local elections either by means of mainstream parties or on Roma and Sinti political party platforms. When it comes to participation through mainstream political parties, the ODIHR 2013 Status Report notes that these are still reluctant to launch Roma and Sinti as candidates in spite of an increasing number of educated and professionally adequate individuals.[18] Representation at the local level remains low; information provided by participating States for the 2013 Status Report reveals that in Romania, 161 Roma serve as local councillors following the 2012 elections,[19] in Hungary 19 Roma local councillors hold seats, in Serbia 26 Roma were elected to local office, in Bulgaria there are 41 Roma elected local representatives and in Slovakia 28 local councillors elected in 2010 have acknowledged their Roma origin. However, according to more recent estimates provided in the 2013 "Atlas of Romani Communities", Slovakia now has 426 local Roma councillors in 197 municipalities and 29 Roma mayors.[20] Since May 2013 in Croatia 12 Roma serve on local councils while two Roma have secured Deputy Mayor positions.[21] While not related to the participation of Roma and Sinti in local elections, it is important to note that during the 2014 European Parliament elections, two candidates of Roma origin won seats in the European Union (EU) body.[22]

An important element that affects the participation of Roma and Sinti is the fact that some participating States in the OSCE region also feature legal frameworks that enable preferential minority representation at the national or local level (or both). For example, in 2011 Hungary

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[15] "Implementation of the Action Plan on Improving the Situation of Roma and Sinti within OSCE Area, Status Report 2008", OSCE/ODIHR, 2008, available at: <http://www.osce.org/odihr/33500> and "Implementation of the Action Plan on Improving the Situation of Roma and Sinti in OSCE Area, Status Report 2013", OSCE/ODIHR, 2013, available at: < http://www.osce.org/odihr/107406 >.

[16] The issues highlighted are confirmed in whole or in part by the OSCE/ODIHR Election Observation Mission, Election Assessment Mission, Election Needs Assessment Mission reports and the International Election Observation statements for: Ukraine (2010, 2012, 2014), Republic of Hungary (2010, 2014), Czech Republic (2010, 2013), Georgia (2010), Slovak Republic (2010), Bosnia and Herzegovina (2010), Republic of Moldova (2010, 2011), Ireland (2011), Republic of Finland (2011), Republic of Albania (2011, 2013), The Former Yugoslav Republic of Macedonia (2011, 2013, 2014), Republic of Turkey (2011), Republic of Bulgaria (2011, 2013, 2014), Spain (2011), Croatia (2011), Slovak Republic (2012), Greece (2012), Republic of Serbia (2012), Romania (2012). For more information, the reports and statements are available at: < http://www.osce.org/odihr/elections >.

[17] Status Report 2008, *op. cit.*, note 15, and Status Report 2013, *op. cit.* note 15.

[18] Status Report 2013, *op. cit.*, note 15 p. 51.

[19] According to the Central Electoral Bureau for the 2012 local elections, a total of 40,256 local councillors were seated during the 2012 local elections. Please see: Biroul Electoral Central, Alegeri Locale 2012, Rezultate, at: <http://www.beclocale2012.ro/>. The 161 seats won by Roma candidates represent 0.39 per cent of the seats. The Council of Europe (CoE) estimated the Roma population in Romania at 1,850,000 or 9.19 per cent of the total population. Please see: CoE Estimates on Roma population at: <http://www.coe.int/en/web/portal/roma> and Recensamantul Populatiei si al Locuintelor 2011, Rezultate, at: <http://www.recensamantromania.ro/>.

[20] "Atlas rómskych komunít 2013", Úrad splnomocnenca vlády SR pre rómske komunity, Združenie miest a obcí Slovenska, Ustav romskych studii na Presovskej univerzite, UNDP, Bratislava, 2013, p. 62, available at: < http://www.minv.sk/?atlas_2013 >

[21] Status Report 2013, *op. cit.*, note 15, p. 53.

[22] The two elected Members of the European Parliament of Roma origin are Mr. Damian Draghici (Social Democratic Party, Romania) and Ms. Soraya Post (Feminist Initiative, Sweden).

adopted an act on the election of parliamentary representatives that ensures preferential quotas that enable each national minority to field a single candidate for election to the National Assembly with only a quarter of the votes that would otherwise be needed.[23] However, as the OSCE/ODIHR Limited Election Observation Mission (LEOM) final report for the Hungarian parliamentary elections held on 6 April 2014 reveals, none of these candidates obtained sufficient votes to win a parliamentary seat. Each national minority's single registered candidate serves as a spokesperson for their minority to the parliament.[24]

Hungary's Minority Self-Government system, introduced in 1993, allows for Roma to establish local, regional, and national self-governments. The self-governments are elected bodies that function in parallel to mainstream institutions and decide on matters related to education, language use in public institutions, and the protection of traditions and culture. At the local level, elected Roma MSGs have access to local council committee meetings; however, they do not have a vote on the matters decided.[25]

In Croatia, since 2002 the National Minority Rights Act guarantees minorities, including Roma, the right to joint representation in the parliament with 21 other minorities (except the Serb minority).[26] Furthermore, the act allows for proportional representation in bodies of local government for national minority members in cities and municipalities where they account for between five per cent and 15 per cent of the population.[27]

Similarly, the Local Elections Act in Slovenia governing municipal council elections and mayoral elections introduced provisions enforcing the Roma community's right to representation on municipal councils. The act allows for a national authority to organize elections for a mandatory Roma community representative in a municipality with a Roma population if, during local elections, no Roma representative has secured enough votes to be elected as councillor.[28]

The Romanian Constitution also allows minorities to secure representation in Parliament by means of reserved seats. The reserved seat can be secured by a minority organization irrespective of whether it passes the five per cent electoral threshold. Roma, along with other recognized minorities, are thus each represented in the Chamber of Deputies by one representative. It must be noted that in spite of their demographic significance (an estimated 1.2 to two million Roma live in Romania[29]), Roma from Romania have not been able to secure further seats by means of proportional representation.[30] At the local level, there are no provisions that would allow for preferential treatment for Roma candidates.

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[23] Status Report 2013, *op. cit.*, note 15, p. 52.
[24] "Hungary Parliamentary Elections 6 April 2014, OSCE/ODIHR Limited Election Observation Mission Final Report", OSCE/ODIHR, Warsaw, 11 July 2014, p. 22-23, available at: <http://www.osce.org/odihr/elections/hungary/121098?download=true>.
[25] "The Hungarian Minority Self-Government System as a Means of Increasing Romani Political Participation", National Democratic Institute, 2006, available at: <http://www.osce.org/odihr/25974?download=true>.
[26] "Republic of Croatia Parliamentary Elections 4 December 2011, OSCE/ODIHR Limited Election Observation Mission Final Report", OSCE/ODIHR, Warsaw, 3 February 2012, p. 5, available at: <http://www.osce.org/odihr/87655?download=true>.
[27] Status Report 2013, *op.cit.*, note 15 p. 52.
[28] Ibid., p. 52-53.
[29] Council of Europe Roma population estimates, available at: < http://www.coe.int/en/web/portal/roma >.
[30] Oleh Protsyk,"Representation of minorities in the Romanian parliament", IPU and UNDP, 2010, p. 9, available at: <http://www.ipu.org/splz-e/chiapas10/romania.pdf >.

When it comes to the participation of Roma and Sinti women in local or national elections, whether by way of minority participation systems or mainstream political parties, information and research that provide a gender breakdown is scant. However, when looking specifically at this issue, a report published by the ODIHR Best Practices for Roma Integration project, entitled "Gender Dimension of Roma National Minority Councils in the Republic of Croatia", reveals the gender imbalance of the Roma national minority councils.[31] The report notes that only 13.53 per cent of the members of Roma minority councils are women. Furthermore, Roma women are represented in only one-third of the existing Roma councils and all council chairpersons are male. Similarly, in Serbia, according to the preliminary results of the 2014 elections for the Roma National Minority Council, only 11 of 35 Roma Council members are women, or 31.4 per cent.[32]

Past ODIHR involvement in this area includes the project "Roma, Use Your Ballot Wisely!" (RUBW), focused on the electoral participation of Roma, Sinti and other groups commonly referred to as "Gypsies" (such as Egyptians, Ashkalia, Rudari) in South-Eastern Europe. The project was launched in 2003 following a grant agreement between the OSCE/ODIHR and the European Commission (EC) intended to increase the participation of Roma and Sinti in public life by promoting dialogue among Roma and Sinti communities, mainstream society and the authorities, as well as by empowering Roma to become protagonists in decisions involving and affecting them. The CPRSI implemented a series of activities within the RUBW project, including training of Roma voters, model (mock) elections, training of potential candidates, facilitating electoral coalitions, and training and secondment of election observers to OSCE/ODIHR Election Observation Missions (EOMs) and domestic observation efforts. The RUBW project acknowledged in particular the vulnerability of Roma and Sinti women for reasons related to traditional gender roles involving unequal treatment of men and women among Roma, as well as traditional, paternalistic attitudes among party and community leaders. Thus the project activities targeted specifically Roma and Sinti women and youth in their capacity as voters and candidates. Training activities especially targeting women and youth as candidates were carried out in the Former Yugoslav Republic of Macedonia (FYROM) and in Bulgaria.[33]

ODIHR has also implemented a series of activities on Roma and Sinti political participation under the "Best Practices for Roma Integration in the Western Balkans" (BPRI) project. In Albania, the BPRI promoted voter education for Roma women; activities included training on elections for Roma women, an awareness-raising campaign, and political debates. In Bosnia and Herzegovina, a local workshop for Roma elected officials was organized in Konjic Municipality on 22-23 May 2013 in cooperation with the OSCE Mission there. The purpose of the workshop was to develop the capacities of 11 Roma officials elected to local self-governments. In Montenegro, BPRI contracted a consultant to provide an analysis of and recommendations for the elections to National Minority Councils in accordance with the Law on Rights and Freedoms of National Minorities; the consultant highlighted the need for equal regional and gender representation in those recommendations.

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[31] Siniša-Senad Musić, "Gender Dimension of Roma National Minority Councils in the Republic of Croatia: Case Study", December 2013, p. 23-24, < http://bpri-odihr.org/documents.html>.

[32] For more information please see the website of the Serbian Election Commission, at: <http://www.rik.parlament.gov.rs/cirilica/saopstenja_frames.htm>.

[33] Stefan Krause, "Expert Paper. Mapping the Electoral Participation of Roma in South-Eastern Europe", ODIHR – European Commission joint project, available at: < http://www.osce.org/odihr/23693?download=true >.

In co-operation with the United Nations (UN) agencies in Chisinau and the Council of Europe (CoE), ODIHR also co-organized a "Roundtable on Romani women's political participation at national and local level" in Chisinau, Moldova, on 24 February 2014. The event featured the participation of the newly-established Roma Women's Network in Moldova and focused on the challenges faced by Roma women in Moldova with regard to their participation in politics. The Government of Moldova was called upon to address this issue pursuant to their Action Plan for Roma, which includes a commitment "to build the capacity of Romani women and men with a view to increasing their participation in decision making processes".[34] At the same time, the international organizations present expressed their readiness to support concrete initiatives aimed to address the lack Roma women's participation in public and political life.

Issues related to Roma and Sinti political participation were highlighted at the OSCE Supplementary Human Dimension Meeting on the implementation of the Action Plan on Improving the Situation of Roma and Sinti, organized in Vienna on 7 and 8 November 2013. Participants at the meeting emphasized the need to reach out to Roma and Sinti communities with a view to engaging them in political processes. They called on national and local authorities to strengthen the role of Roma and Sinti women and youth in improving the situation in communities. To this end, they called for real support to programmes that enhance Roma and Sinti women and youth political participation as voters and candidates. Furthermore, participating States were called upon to remove barriers that prevent Roma and Sinti from participating in elections and to support Roma and Sinti women's economic and political empowerment.[35]

Specific issues related to the participation of Roma and Sinti women in politics and decision making were one of the focus areas of the roundtable "Women as agents of change in migrant, minority, and Roma and Sinti communities", organized by the OSCE on 6 and 7 September 2012. Participants at the roundtable argued that political party leaders need to support Roma and Sinti women's leadership, if necessary through temporary special measures that enable them to engage in politics. Similarly, participants noted that policy measures are needed to address inequalities regarding access to economic opportunities, education, and health care.[36]

The CPRSI provides support for Election Observation Missions, Election Assessment Missions and Election Needs Assessment Missions organised by ODIHR and promotes the participation of Roma and Sinti professionals in such missions. Furthermore, it provides information and co-operates with the office of the OSCE High Commissioner on National Minorities on matters related to Roma and Sinti political participation.

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[34] Hotararea Guvernului Republicii Moldova Nr. 494 din 08.072012 cu Privire la Aprobarea Planului de Actiuni Privind Sustinerea Populatiei de Etnie Roma din Republica Moldova pentru Anii 2011 -2015, Capitolul 7, Punctul 74, Monitorul Oficial Nr. 114 – 116 art Nr. 565, 15 Iulie 2011.

[35] "Final Report: Supplementary Human Dimension Meeting, Implementation of the Action Plan on Improving the Situation of Roma and Sinti (dedicated to the 10th Anniversary of the adoption of the 2003 OSCE Action Plan)", OSCE/ODIHR, November 2013, p. 14, available at:
<http://www.osce.org/institutions/110011?download=true>

[36] "Women as agents of change in migrant, minority, and Roma and Sinti communities", OSCE, Vienna, 2014, p. 22-23, available at: < http://www.osce.org/secretariat/115941?download=true >.

Course of the November 2014 expert meeting on Roma and Sinti political participation

The November 2014 expert meeting convened 15 Roma and Sinti political activists, elected representatives and other politicians, experts and academics with extensive experience of and knowledge related to the political participation of Roma and Sinti. The meeting aimed to explore current mechanisms of Roma and Sinti political participation at the local level, highlighting opportunities and challenges in this area. It focused on the legal frameworks that govern minority participation in the OSCE area as candidates, members or voters of minority or mainstream parties or through minority representation systems, especially the challenges related to safeguarding the principles of free competition and pluralism. Challenges faced by Roma and Sinti as candidates at the local level, whether as part of minority or mainstream parties, including the relations of Roma and Sinti women and youth with mainstream and Roma parties and their prospects as candidates and representatives were explored. The experts also discussed key issues related to voter mobilization among Roma and Sinti (including women and youth) and their participation as voters, focusing on existing challenges ranging from direct pressure to "controlled voting", vote buying, lack of voter education and illiteracy, family voting, lack of registration documents, and other legal and administrative barriers.

The expert meeting aimed to achieve the following outcomes:

- Identifying the opportunities and risks of different frameworks governing the local political participation of Roma and Sinti (especially minority representation mechanisms and minority representation in mainstream political parties);
- Sharing experiences of local political participation and exploring the advantages and disadvantages of various models enabling the local participation of Roma and Sinti, including their effective impact on local policy-making;
- Identifying the key challenges with regard to Roma and Sinti representatives, especially with regard to Roma and Sinti women standing as local candidates;
- Discussing key challenges with regard to Roma and Sinti exercising their civil rights and their right to vote at local level.

Summary of the sessions

Welcome and opening remarks

ODIHR's First Deputy Director Beatriz Balbin opened the meeting by highlighting that it was an opportunity to focus institutional attention on an issue that has received significantly less consideration than have the other challenges faced by Roma and Sinti communities. She noted that the OSCE is among the first international organizations to recognize that participation in decision making processes by Roma and Sinti is crucial to ensuring Roma and Sinti ownership of the policies and programmes concerning them.

It was emphasized that policy-makers should recognize that the success of inclusion programmes is often dependent on target group ownership of them; this is why the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area (Action Plan) stresses that "the guiding principle in the efforts of participating States and relevant OSCE institutions should be that each policy … be elaborated and implemented with the active participation of Roma and Sinti communities".

The Deputy Director added that Roma and Sinti political participation should also be seen in the wider context of democratic consolidation. ODIHR's mandate is to assist participating States to build and strengthen democratic institutions and to help governments become more responsive, accountable and representative to their citizens. In order to do so, ODIHR supports efforts to ensure the participation of women and youth in politics, to develop multiparty political environments, to improve the integration of migrants, and to modernize population-registration systems. ODIHR's main tool to assess respect for fundamental political freedoms in the OSCE area is its EOMs, which assess the extent to which elections abide by the principles of equality, universality, political pluralism, transparency and accountability. That is why each and every ODIHR observation mission features recommendations supporting authorities' efforts to improve electoral processes.

Past ODIHR EOM reports have paid significant attention to minority participation, in particular that of Roma and Sinti, in electoral processes, and ODIHR has identified numerous challenges with regard to Roma participation in electoral processes, including in the areas of legislation, voter education, and registration. ODIHR also co-operates with the OSCE High Commissioner on National Minorities (HCNM), who is mandated to promote the effective participation of minorities in public life as a prerequisite to a peaceful, democratic society. The OSCE recognizes that minority groups' lack of effective participation can undermine social cohesion and be a contributing factor to inter-ethnic tension and conflict.

The OSCE's and especially ODIHR's specific work on Roma and Sinti political participation is mandated by the Action Plan, which calls on the participating States to proactively ensure Roma and Sinti participation by solving issues related to the lack of personal identification and upholding the principles of early involvement, inclusiveness, transparency, meaningful participation at all levels of government and ownership. The Action Plan calls on participating States to ensure that Roma voters can make free and informed choices in elections, that Roma and Sinti have opportunities to stand as candidates for elected bodies and opportunities to serve in appointed office at all levels of government, and that Roma and Sinti women are guaranteed their voting rights and are able to participate in all areas of public life. The Action Plan is also the guiding document for the activities of ODIHR and other OSCE institutions and structures in this area. It instructs ODIHR and others to develop and implement voter education and voter registration programmes, to build the capacity of Roma NGOs and media organizations, to act as a catalyst for action with other international organizations, and to involve Roma and Sinti activists in election observation missions.

In her concluding remarks, the Deputy Director expressed the need for ODIHR to learn from the meeting participants what the current opportunities for and challenges to Roma and Sinti political participation are; what the actions most likely to succeed when tackling known challenges are; and how to engage with authorities in participating States to improve legislation and the various minority participation frameworks. ODIHR is keen to record the experiences of political activists, elected officials and researchers on the ground. This knowledge is meant to serve the further development of programmes and activities that stimulate real participation by Roma and Sinti people in political life.

Ms. Mirjam Karoly, Senior Adviser and Chief of the Contact Point for Roma and Sinti Issues, also noted that Roma and Sinti participation has received significantly less consideration than other challenges faced by Roma and Sinti communities in recent years, including by international organizations. She stressed that effective participation, particularly at local

level, is crucial to successful policy implementation addressing the needs and interests of communities and is a tool to enhance ownership with regard to policies concerning communities. Effective participation also has the potential to counter negative stereotypes, racism and discrimination against Roma and Sinti and to counter increasing anti-Roma rhetoric in public discourse.

The Senior Adviser underscored the strong commitments by OSCE participating States regarding Roma and Sinti participation in public and political life, which promote early involvement, inclusiveness, transparency, meaningful participation and ownership. It was highlighted that participating States have tasked the CPRSI with building capacity for Roma and civil society on democratic processes and encouraging Roma and Sinti representatives to stand as candidates by paying particular attention to increased access by Roma women to all areas of public and political life. These commitments were reinforced by the participating States with the adoption of two Ministerial Council Decisions in 2008 and 2013.

Ms. Karoly recalled that in the past ODIHR has targeted Roma and Sinti participation in politics and public life through specific programmes such as the EU-funded regional project "Roma, Use your Ballot Wisely" in 2003 and through smaller-scale activities at the national level, including supporting civic education for Roma voters, for example in Ukraine. CPRSI includes Roma and Sinti participation in its monitoring reports on implementation of the Action Plan. However, the findings of ODIHR's 2013 Status Report are that Roma candidates in mainstream political parties remain an exception and Roma representation at local level remains low. Also, Roma and Sinti across the OSCE still face obstacles in exercising their voting rights due to lack of identification, not being listed in voter registries, manipulation through "controlled voting" or vote-buying, lack of voter education, illiteracy, lack of capacity to run for elected office, family voting, or because of legal and administrative impediments. The ODIHR Status Reports have painted a bleak picture regarding local Roma and Sinti political representation.

In some participating States the representational gap has been addressed through legislation establishing minority representation systems. In Hungary, Croatia and Slovenia, while such systems allow for local preferential representation with various degrees of competencies, the effectiveness of these models has often come into question. Another particular challenge that ODIHR identified in connection with Roma and Sinti political participation is the reluctance of mainstream political parties to launch Roma and Sinti candidates in spite of an increasing number of educated young Roma and Sinti. Furthermore, the increase in the intensity of anti-Roma political rhetoric affects opportunities for Roma and Sinti to participate effectively. In conclusion, the Senior Adviser revealed that the CPRSI will be focusing more work on political participation and will develop activities responding to the obstacles Roma and Sinti communities face when it comes to participation, especially in local electoral processes.

Introduction of participants

The introductory session of the meeting featured commentary by participants on the evolution of Roma and Sinti political participation across Central and Eastern Europe. Some participants noted that Roma participation in politics has suffered continual decline since the early 1990s when, following the regime change, Roma and Sinti politicians were initially very active in mainstream politics (i.e., in the former Czechoslovakia).

Participants also noted that Roma and Sinti local councillors (RSLCs) have a very important role to play when it comes to social inclusion at the local level. There are real examples where RSLCs have achieved concrete results benefitting communities: extending electricity grids, enabling garbage collection, and funding after-school programmes for children. However, RSLCs need support in the form of training and capacity building, as they often find themselves unprepared for the work they are expected to do. The quality of RSLCs' work is often deficient due to their lack of education. Past experience in this area shows a significant improvement in the quality of their work if training programmes are implemented.

In some countries such as Ukraine and Moldova there are no RSLCs. Current programmes regarding Roma and Sinti participation focus on influencing public policy at the local level (see the ROMACT and ROMED programmes of the Council of Europe).[37] Through these programmes community action groups are being set up and Roma mediators being trained. Overall political participation at the local level is very low in these countries.

In other countries (i.e., Serbia) the number of RLSCs is very low; however, local authorities frequently hire Roma affairs coordinators who are public employees. It was underlined that such coordinators are not well-positioned to make decisions for the local community, as they work on implementing decisions made by the authorities.

In some countries the situation has been gradually improving. In Slovakia, for example, there are close to 400 elected RSLCs and 30 mayors. Still, Roma remain underrepresented given that there are almost 20,000 local council seats total there. In the FYROM, Roma do have what can be called self-government in Šuto Orizari municipality,[38] as the mayoralty and local council are controlled by Roma there. Roma are also represented in national politics both in Parliament and in Government.

Participants noted generally that Roma and Sinti are still not sufficiently engaged as citizens and that there is a lack of community organizing efforts. Communities need more such efforts, including education about voting procedures. Campaign financing is also a major problem for Roma and Sinti candidates in general. Some participants noted that in some cases the Roma community frequently votes against its own interest and that this is a major problem. However, good examples where RSLCs, including mayors, have had a positive influence in their communities do exist. In eastern Hungary, for example, a Roma mayor is being credited with the development of local economic programmes in agriculture that are very useful for Roma communities.

Plenary session: Presentation and discussion of the background paper "Roma and Sinti political participation: Opportunities and risks of local-level engagement"[39]

Reflecting on the importance of participation beyond electoral processes, experts noted that influence on policy-making can be exerted through other forms such as social movements, protests, demonstrations, civil disobedience and informal political participation of different kinds. For the most part, Roma and Sinti are not actively involved in political life in such a

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[37] The ROMED and ROMACT programmes of the Council of Europe have been in implementation since 2011 and 2013, respectively.

[38] Šuto Orizari is a municipality in FYROM neighbouring Skopje featuring a majority-Roma population. The municipality is administered by Roma politicians. For more information please consult: < http://www.sutoorizari.gov.mk/ >

[39] The background paper is an integral part of this report and is reprinted herein.

manner and the emphasis has been and is on their formal participation though electoral processes. However, political mobilization often evolves out of social movements. This element is missing in the case of Roma and Sinti.

Social movement mobilization, a prerequisite for a real bottom-up approach to Roma and Sinti participation, implies the existence of solidarity. Solidarity is linked to self-esteem, which is lacking in most Roma and Sinti communities (as exemplified by the low numbers of Roma and Sinti who declare their ethnic identity during censuses). Creating solidarity among lower social strata, to which a majority of Roma and Sinti belong, is a difficult endeavour. Key objectives of efforts to increase Roma and Sinti political participation are building solidarity and organizing communities.

Participants noted that currently the Roma and Sinti civic movement in the participating States is too weak. There is a disconnect between the Roma and Sinti civic movement, Roma and Sinti leaders, and Roma and Sinti communities, which remain disorganized and thus are vulnerable to manipulation. The same can be said of Roma and Sinti politicians. At the same time, in some countries such as Hungary where systems of minority representation exist, Roma political participation is heavily influenced by the major mainstream parties. The Minority Self-Government (MSG) system there is essentially controlled by the ruling political party (or coalition). Several participants with political experience noted that Roma and Sinti should make active use of politics and should not allow themselves to become passive political objects.

While in some cases Roma and Sinti civil society activists engage in politics, this is more the exception than the norm. Activists will often find themselves isolated as a result of political engagement. Roma and Sinti NGOs shy away from getting involved in political life and from undertaking joint efforts with Roma and Sinti politicians due to their perception of politics as "partisan". Roma and Sinti elected politicians have to exert influence within their own parties, but that task is difficult without support from civil society.

In some countries forms of deliberative consultation can be a different way of exerting influence on decision making. In Serbia, for example, the National Minority Councils (NMC) system should in principle allow this, but there is a limit to the influence that structures such as NMCs can exert locally. Mayors and local councils may decide according to their own priorities and, in an age of austerity, programmes dedicated to Roma and Sinti inclusion are usually the first to be cut from local budgets.

The economic aspect of Roma and Sinti political participation is not often discussed. Most Roma and Sinti communities are not economically independent, which is why they are very vulnerable to many forms of manipulation (i.e., vote-buying, pressure, etc.).

One participant who ran for the NMC in Serbia noted that a key obstacle to Roma and Sinti participation is a lack of campaign financing. Roma and Sinti candidates, whether running for mainstream or Roma parties or in elections for minority representation systems, lack the resources to do so effectively. Furthermore, it is difficult to mobilize large numbers of Roma and Sinti in elections for minority representation systems. Many voters find that Roma and Sinti leaders are not able to keep the promises they made during their campaigns; this is also due to the limited competences of such minority representation bodies.

Another aspect related to Roma and Sinti participation is inter-generational conflict. Older Roma elites hold on to their power, no matter how limited it may be. Younger Roma and Sinti will often find it hard to break the elders' monopoly on power. A direct consequence of this phenomenon is the lack of reform or renewal of Roma and Sinti politics. Roma and Sinti youth, therefore, choose to stay away from politics, which is often perceived as "dirty".

The participants agreed that Roma and Sinti youth need to be educated about politics. Those who do get engaged in politics and are elected need a lot of support (i.e., training and education) in order to make the most of their office to benefit the community.

Participants also highlighted that Roma and Sinti political participation has been neglected by key international institutions and organizations. Little or no investment into it is being made, and in this sense the institutions have abandoned Roma and Sinti political activists. The ODIHR initiative was said to be a very welcome step forward that must be followed up.

While democratic systems provide opportunities for Roma and Sinti to participate, participants emphasized that electoral processes are also used by politicians to control Roma and Sinti communities. Organized communities are less vulnerable to manipulation and control, which leads to more and better representation. Community organizing as a tool to increase participation should be emphasized. Some participants noted that as a first step, Roma and Sinti need to gain more experience by working in public administrations, where they are also under-represented. In countries such as Serbia there is a legal obligation to ensure representation in the public administration for Roma, but their actual representation is neither monitored nor evaluated.

Some participants noted some positive trends with respect to participation. For example, more data about Roma and Sinti participation is now available (although there are still significant gaps). Overall, the quality of election processes in the OSCE area is improving, including for Roma and Sinti voters. Demographic trends are in favour of the Roma and Sinti population. Civil services are improving too, which means better governance for Roma and Sinti communities. Trust in traditional politics, however, is in decline. New forms of participation are said to be on the rise, which provide new opportunities for Roma and Sinti, especially for youth.

It is important that elected Roma and Sinti politicians at all levels not lose touch with their communities. Responding to the concerns and needs of Roma and Sinti voters is paramount to developing strong constituencies. RSLCs also need to develop relations with their fellow local councillors to gain support for their programmes. Where possible, they should gain a majority or at least be able to provide a swing vote, as this will give them leverage.

Working group sessions, challenges and key recommendations

Working Group I: Minority representation systems vs. mainstream political participation at the local level – a critical review

At the outset, participants underlined that real change in terms of inclusion comes through political participation. They discussed Roma and Sinti representation in mainstream political parties and minority representation mechanisms. The differences between minority representation mechanisms versus Roma and Sinti representation in mainstream parties were discussed using examples from local and national politics with a view to whether Roma and

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Sinti political representation is effective. Participants agreed that each specific political context has a huge impact on Roma and Sinti political participation and identified key challenges. For one, they highlighted the lack of independence of Roma and Sinti political actors when it comes to minority representation bodies and their selection mechanisms. Minority representation bodies can become a tool in the hands of the ruling parties. The authorities prefer to see the members of such bodies as loyal partners, not as independent, strong critics. Examples were given of how such groups could be used by the parties solely to achieve short-term political goals. Also experience was shared when Roma politicians were target of racism and gender-based discrimination. The impact of such groups in terms of political representation is usually limited. If they are equipped with leadership and independence, then minority representation mechanisms can implement their mandates and exercise power to effectively manage the problems faced by their national minority. Participants also discussed whether these representation mechanisms should be automatically set up as separate institutions or as part of the mainstream representation system.

Participants noted that Roma and Sinti have the highest voter turnouts during local elections because they see local authorities as important to their everyday lives. However, strong patronage politics and misuse of state resources by powerful local mayors pose a challenge in local politics. Manipulation is often practiced, as Roma and Sinti community leaders are co-opted into existing local patronage systems. As a result, narrow groups of community leaders benefit while the larger community is left without adequate channels to influence measures affecting the whole minority. The distribution of benefits is often disrupted by such manipulation. The group also discussed different strategies for ending such cycles, including civil society activism and working with the next generation of leaders on alternatives to such corrupt cartels.

One significant challenge is that mainstream political parties often reject Roma and Sinti candidates. This can also lead to low turnout by Roma and Sinti voters as their issues are not included in party platforms. Sometimes discussion with party leadership is not sufficient, so different strategies are needed to achieve change in this regard. For example, promoting mixed groups in party youth organizations can lead to better results, creating connections between young non-Roma and Roma and Sinti political activists.

Participants discussed issues related to the motivations for mainstream political parties to include Roma and Sinti as candidates. The discussion addressed the risk of tokenism and examples were given of how some mainstream political parties approach Roma and Sinti community leaders. Some parties merely conduct public relations exercises by placing Roma and Sinti leaders on lists as candidates, but in terms of their political agenda and policy goals, these parties are evidently not seriously interested in reaching out to the Roma community nor in promoting policies addressing Roma inclusion.

The group agreed that a comprehensive, long-term strategy is needed to address key challenges to Roma and Sinti political participation. As the situation of Roma and Sinti communities is context-specific, different strategies need to be researched and analysed in order to produce a compendium of good practices for recommendation and application to achieve concrete results.

Recommendations:

In order to enhance the effectiveness of Roma and Sinti political participation, action by all stakeholders, including the OSCE/ODIHR, is needed. Support for Roma and Sinti political leaders should be made available through evidence-based research and examples of good practices in political participation. A comprehensive study of good practices taking different strategies into consideration could allow for knowledge transfer. In particular, evidence of successful strategies used by other disenfranchised groups such as women and youth could be evaluated and adopted accordingly.

Roma and Sinti political participation needs to be undertaken in a holistic manner through a wide range of measures including voter awareness, training programmes for candidates and campaign managers, and building bridges with mainstream political parties. Stakeholders should provide support and training to elected Roma and Sinti representatives at all levels to improve their efficiency in representing the interests of Roma and Sinti communities.

Training in the permanent communication that a political career involves does not begin or end with elections alone. Political success requires constant communication, not just with Roma and Sinti communities, but also with other local groups of potential supporters and is an important part of awareness-raising and outreach to the electorate and to donors.

Stakeholders should stimulate Roma and Sinti participation by implementing programmes for political education in Roma and Sinti communities. Such programmes should have a special focus on political participation in general and on prevention of vote-buying, on voter mobilization, and on gender equality in particular, especially in marginalized communities.

Addressing the issue of money and politics is necessary. Roma and Sinti politicians need to realize the importance of financial resources to a successful presence in politics. They need resources for funding different phases and activities of their political careers. Knowing what these expenses might be and planning appropriately will be critical during key moments in their political activity, particularly when running for public office. This includes access to donor networks and plans or strategies for building such connections. Access to early money at the beginning of a campaign is crucial so that while others are still fundraising, Roma and Sinti leaders can already be campaigning and communicating with voters.

Improving regulations and legislation about electoral processes is also a necessity, as is combating voters' negative stereotypes and perceptions. In the case of Roma and Sinti women's participation, child care is an important aspect that must be taken into account. Furthermore, OSCE/ODIHR should provide more opportunities for Roma and Sinti to participate in elections observation missions.

Working Group II: Electoral systems in the OSCE area – the challenges for Roma and Sinti as candidates for local office

Participants looked at electoral systems in the OSCE area and the challenges for Roma and Sinti as candidates for local office. They noted that context is especially important when considering the benefits and potential shortcomings of different electoral systems for national minority participation. The context in each country is defined by the size of the Roma community, its geographical concentration, how this aligns with electoral districts and the thresholds for representation. It can also depend on relations with larger ethnic communities

and the range and strength of mainstream political parties. A rich variety of experiences were presented and underscored the importance of context in understanding challenges and considering ways in which improvements can be made.

Participants highlighted the fact that Roma and Sinti need to adopt different strategies depending on their country's context and the electoral system in use. This can include standing as independent candidates, in Roma and Sinti parties, or in mainstream nationwide parties. There may be technical and substantive advantages and disadvantages to these choices. For example, by joining a mainstream party, Roma and Sinti candidates may benefit from enhanced resources and political machinery, which could help with paying candidates' deposits, collecting signatures for candidate registration, and campaigning. It may also lead to Roma-specific issues or concerns being mainstreamed into national policies.

However, it was also stressed that this can lead to mainstream parties deliberately dividing the Roma and Sinti community among various parties and leading to overall lower representation for the Roma and Sinti community. It was also stressed that mainstream parties are not always sincere in working with Roma and Sinti communities and may care more about candidates' ethnicity than about their professional skills or competence as a potential elected official. It was also noted that joining a mainstream party does not necessarily guarantee a candidate more funds. Lastly, mainstream parties are not always willing to include Roma and Sinti candidates on their lists.

Participants noted that inter-community plurality is important. Roma and Sinti individuals are defined by more than their ethnicity, and various political options need to be accounted for. A fine balance must be struck to ensure coherence within the community so that representation thresholds are met and Roma and Sinti needs can then be addressed instead of sidelined.

When discussing minority representation systems, participants expressed concerns that these may lead to either/or scenarios where Roma and Sinti politicians are identified either as national level political actors or as representatives for a niche constituency, but not as both. It was also noted that such systems can lead to confusion among Roma and Sinti voters as to what the most appropriate mechanism is for raising their issues.

Irrespective of what kind of system is involved or what approach, it was stressed that voter awareness is needed to explain how each system works, especially for first-time voters. While preferential systems are largely seen as advantageous, they can also be confusing and can have a negative impact on promoting Roma participation.

Recommendations:

The lack of training for potential Roma and Sinti candidates (and indeed for elected officials) was noted in several countries. Prior efforts by the National Democratic Institute (NDI) to support Roma candidates were welcomed and more efforts by the international community are encouraged. Peer-to-peer training and sharing of lessons learned by Roma and Sinti groups in other countries was also encouraged. The possibilities of establishing Roma and Sinti caucuses across different parties within a country's legislature were also seen as a measure to explore further.

It was also noted that training should be directed at mainstream parties and non-Roma and Sinti candidates to sensitize them to the benefits of a broad-based, inclusive politics and to

change any negative stereotypes they might hold about Roma candidates. It was widely noted that Roma candidates usually face significant negative campaigning and racism. When Roma candidates are seen as competent, they are often described as being exceptions to the norm.

The role of Roma and Sinti women candidates was also emphasized, including that they often face double discrimination, as Roma and as women. Childcare duties and illiteracy levels among Roma women are seen as barriers, and the choice to become involved in politics is reportedly not an easy one for Roma women, although awareness-raising initiatives show there is a clear interest among them. There is also said to be a need to convince Roma youth to become involved in electoral politics.

Lastly, it was noted that long-term policies for Roma and Sinti political participation are needed. Political deals made right before an election are often short-term, and there is a need for long-term thinking on how best to promote minority participation, as well as how to improve the general situation of minorities in society. Wider efforts at promoting inclusion and improving conditions would have a subsequent impact on Roma involvement in politics.

Working Group III: Voter mobilization and voter education – overcoming the barriers

Participants in this working group analysed the situations of Roma and Sinti voters in specific countries. They generally agreed that political apathy among Roma and Sinti voters, caused by disappointment and by abuse of their trust, is a major issue of concern. It was noted that a lot of promises have been made to Roma and Sinti voters, both by mainstream and by Roma and Sinti politicians, but without positive, visible change and results for the lives of Roma and Sinti, trust in political solutions is being lost. Some participants noted that disappointment is especially visible in the European Union (EU) countries that joined recently (i.e., Bulgaria, Romania). For these countries, the message the EU is sending concerning their democratic transformation has been and continues to be a contradictory one, both before and after their accession.

Participants also agreed that political parties are facing a voter crisis in general (an issue that affects both mainstream and Roma and Sinti political parties) and that strategies to motivate higher participation can make a difference in post-election processes and negotiations. A series of issues that impede Roma and Sinti voter participation were identified: vote-buying, voter harassment at the polls, coercing individual voters through threats to withhold social subsidies, etc. In cases where minority political parties enjoy more favourable conditions (e.g., a lower threshold for entering parliament or local, provincial or regional bodies) abuse of the system is common. Fraudulently establishing a minority party or launching non-Roma and Sinti candidates from an ostensibly Roma and Sinti party is a common practice where such systems do exist. It was also emphasized that the lack of identification, especially for internally displaced persons (IDPs), severely limits voting rights (i.e., in Ukraine and Serbia).

In some countries (i.e., Ukraine) groups of Roma and non-Roma candidates are formed to visit settlements and discuss their political programmes. These groups have found that Roma and Sinti lack information about voting and registration procedures and are therefore less motivated to go and vote for a specific candidate (and that this applies to all voters irrespective of ethnicity). Participants emphasized the need for voter education, specifically on the pre-voting process and on how to use public mechanisms crucial to mobilizing constituencies. Increasing the accountability of politicians to voters was seen as key.

Various motivation strategies for voter mobilization were highlighted. In Hungary, voter participation at the local level can exceed 70 per cent, a phenomenon due to independent candidates running. Targeting the community at large, not just the Roma and Sinti community, is also a good strategy for Roma and Sinti candidates. In terms of campaigning, the strategy most implemented is that of face-to-face discussions with voters. Translating the power of elected office into benefits for the entire community is also important for incumbents seeking re-election.

Participants agreed that the current political context across Europe has also changed Roma and Sinti priorities, as the rhetoric of some political parties is worrisome. Nowadays Roma and Sinti activists are fighting more against anti-Gypsy rhetoric instead of arguing in favour of the Roma and Sinti voice. Politicians are afraid to put Roma and Sinti on the political agenda, whether that is to do with Roma and Sinti concerns in plans and programmes or Roma and Sinti as candidates.

Recommendations:

Participants urged international organizations, including the OSCE, to support education programmes targeting both voters and candidates. These should focus on explaining voting systems, budgeting, and negotiations in post-election processes.

Providing identification documents to IDPs or setting up systems to overcome limitations for IDP voters were called for. Supporting political development structures such as youth committees within both Roma and Sinti parties and mainstream political parties was also seen as necessary.

Stakeholders should support the use of community organizers and of organizations working in communities and use their skills to mobilize voters (through campaigning and education) to ensure better voter participation among Roma and Sinti. In this sense the use of modern technologies, especially social media (Facebook, Twitter) should also be further explored.

Education for Roma and Sinti candidates is also necessary. Including them in existing political academies can ensure capacity building.

Experts also called on participating States to introduce systems of sanctions for "false" minority parties and candidates where these take advantage of and misuse a minority representation system. Stakeholders were also encouraged to provide support to the grassroots work of Roma and Sinti political parties and independent candidates by creating a Roma and Sinti woman leaders' platform to take a systematic approach to participation through voter education, increasing voter registration and the adoption of government recommendations about minority women's representation.

At the same time, OSCE participating States and political parties should mobilize resources to attempt to change the general negative image of politicians. OSCE partner organizations should better include Roma and Sinti representation in political structures, with a special focus on youth and women, and OSCE partners should recommend political parties include Roma and Sinti in their platforms, programmes and as candidates.

OSCE/ODIHR should support the establishment of a steering group of Roma and Sinti candidates or persons with political experience in order to transfer their know-how to

younger leaders and advocate at European level for Roma and Sinti participation issues. OSCE/ODIHR was also encouraged to organize a high-level meeting with representatives of those political parties participating at EU level to present their results achieved and to discuss further strategies and recommendations about the political participation of Roma and Sinti, with the cooperation of Roma and Sinti experts and politicians.

PART II: BACKGROUND PAPER

Roma and Sinti political participation:
Opportunities and risks of local-level engagement[40]

Introduction

Roma and Sinti are considered the largest minority group in Europe, yet they remain absent from the important political debates taking place in the power centres of the political systems of the countries where they live, whether those debates are at national, regional or local level. Nevertheless, over the last 25 years, one could notice improvements with regard to Roma and Sinti political participation in the different OSCE participating States.

Not only do Roma and Sinti voters freely cast ballots, some Roma and Sinti individuals have run for public office, a number of political agreements have been reached between Roma and Sinti organizations and mainstream parties, and Roma and Sinti politicians have set up their own political parties. In some instances, Roma and Sinti have been elected members of parliaments (Bulgaria, Hungary, Macedonia, Romania, Serbia, Slovakia); or members of the European Parliament (Spain, Hungary and Romania); some Roma and Sinti individuals have even assumed executive positions as ministers (Macedonia) and deputy ministers as part of political negotiations between Roma and mainstream political forces; and some Roma have been elected as mayors or representatives on local deliberative bodies. In some participating States, complex systems of national minority representation and autonomy institutions have been set up, and Roma and Sinti have used these avenues to influence government decisions.

Nevertheless, the progress achieved does not allow Roma and Sinti to exert a level of political influence that is proportional to their estimated numbers. For example, according to information provided by the participating States, in the 2012 local elections in Romania, 161 Roma were elected as local councillors out of 40,311 positions within the administration.[41] This figure contrasts both with the proportion of Roma in Romania of 8.5 per cent as estimated by the European Commission and the CoE[42] and with the official proportion of 3 per cent that resulted from the most recent census.[43] Hence the common use of different terms to describe Roma and Sinti political participation, such as "under-representation", "meaningful participation", "adequate representation", "limited participation", etc.

A closer look at the electoral processes in many OSCE participating States indicates some of the obstacles Roma and Sinti face in achieving higher political influence. Some of these obstacles have been openly established by law, such as in Bosnia-Herzegovina, where Roma

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[40] This paper is by Mr. Iulius Rostas, Ph.D. It provided background information for the expert meeting and was presented at the outset of the plenary session.

[41] Status Report 2013, *op. cit.*, note 15, p. 53.

[42] "An EU framework for National Roma Integration Strategies up to 2020", European Commission, available at: <http://ec.europa.eu/justice/discrimination/roma/index_en.htm>. Based on data from the Council of Europe, the European Commission estimated the average number of Roma in Romania as 1,850,000 people, 8.32 % of the total population of Romania.

[43] The 2011 national census results in Romania report 621,573 Roma out of a population of 20,121,641, or approximately 3%. Institutul National de Statistica, Recensamantul Populatiei si al Locuintelor 2011, available at: <http://www.recensamantromania.ro>.

cannot register to run for the Presidency;[44] some other obstacles include the indirect consequences of electoral regulations, such as when the electoral threshold for entering national parliaments is raised, or when more restrictive rules for registering political parties and candidates in parliamentary and local elections are instituted. Practices like vote-buying, which highly disrupt democratic processes, have gone unsanctioned by authorities, and mainstream political forces especially see Roma and Sinti communities as the perfect target for such illegal practices.[45]

The aim of this paper is to analyse local Roma and Sinti political participation and to identify obstacles to and opportunities for Roma and Sinti participation. Usually, reports[46] on Roma and Sinti political participation focus on participation at national level – parliamentary elections, selection of government personnel, and policy-making towards Roma. This paper primarily focuses on the local level, the place where many of the problems faced by Roma can be effectively addressed.

The areas of competence and the public policy instruments at the disposal of local administrations for addressing the social problems faced by vulnerable groups - such as unemployment, access to education, access to health care and social housing - have increased due to ongoing decentralization processes in some participating States. This paper also focuses on special mechanisms set up to ensure national minority participation through which Roma and Sinti can influence political decisions at local, regional or national level. It also assesses the effectiveness of different models and forms of Roma participation, both as candidates of minority parties or of mainstream political parties.

The paper is based on desk research, legal analysis and literature review, analysing the legislative framework for minority participation in different participating States and reviewing the relevant literature on the political participation of Roma and Sinti. Featuring case studies, the paper specifically analyses the legal framework for minority participation in Hungary, Serbia, Slovakia and Slovenia. As per the terms of reference and the subsequent guidance from the CPRSI, this paper does not include field research and interviews. It will serve as a background paper for expert meeting discussions on the political participation of Roma and Sinti to be organized by ODIHR. For the purposes of this paper, political participation at local level is seen primarily as participation in local electoral processes and in those minority institutions based on electoral competition among different minority groups.

Defining political participation

This paper considers the political participation of Roma and Sinti at local level primarily in terms of Roma and Sinti participation in electoral processes for local decision making institutions. However, reference will be made throughout to forms of political participation outside the electoral process and must be made to fully understand the complexity of political participation as collective action, to understand the factors influencing group collective action, and to explain differences in the ways various groups engage in collective action.

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[44] The European Court of Human Rights, *Sejdic and Finci vs Bosnia and Herzegovina* (27996/06 and 34836/06).

[45] Stefan Krause, "Mapping the Electoral Participation of Roma in South-Eastern Europe", OSCE, <http://www.osce.org/odihr/23693?download=true>. See also OSCE/ODIHR, "Review of Electoral Legislation and Practice" (Warsaw:15 October 2013), <http://www.osce.org/odihr/elections/107073?download=true>.

[46] Some examples include National Democratic Institute, "Roma Political Participation in Bulgaria, Romania, and Slovakia",31 March 2003, <https://www.ndi.org/node/13222> or Project on Ethnic Relations, "Political Participation and the Roma in Hungary and Slovakia", Princeton, 1999, <http://www.per-usa.org/Reports/PoliticalPart99.pdf >.

Political participation is that "activity that has the intent or effect of influencing government action either directly, by affecting the making or implementation of public policy, or indirectly, by influencing the selection of people who make those policies".[47] Burns, Schlozman and Verba make a distinction between voluntary political activity and other forms of activity in which the target is not a public official. In their view, only those activities that target public officials are considered political participation, while other forms of activity – discussing politics with friends, reading the newspaper or watching political television shows – are not considered political participation. The most important mechanism to influence political decisions, in their view, is that of voting, followed by working in or contributing to an electoral campaign; contacting public officials; attending protests, marches or demonstrations; involvement in organizations that take stands in politics; taking part in informal efforts to resolve community problems; and voluntary service on local governing boards. These forms of participation are both conventional and unconventional, happen at either local or national level, and include both electoral and non-electoral forms.

The forms of political participation vary over time. Robert Putnam[48] has noticed changes in political participation in the United States of America and has explained these changes through the decline in social capital there. Other scholars have analyzed the link between civic engagement and political participation as well.[49] By making a distinction between participation in the civic and the political spheres, Zukin and his colleagues underline that "the 'gold standard' for a democratic polity would be equitable and substantial participation"[50] in both spheres and that "citizens need to be able to engage in the institutions and process of government and of civil society, since both are authoritative determiners of how goods, services, and values are allocated in a society".[51] Following a similar path in reference to Roma, Angela Kocze shows not only how civic engagement reinforces political participation, but also how civic engagement supports successful policy implementation.[52]

An important issue when analysing the political participation of Roma and Sinti is the issue of gender disparities. The position of Roma and Sinti women as a group is affected by multiple discrimination, which in turn influences their political participation. As pointed out by the 2012 Warsaw Romani, Sinti and Travellers Women's Declaration at the OSCE Human Dimension Implementation Meeting, "poverty and multiple deprivations faced by Roma have a strong gender dimension, particularly amongst those Roma who are living in ethnically and socially segregated settlements".[53] In the relevant literature, the gender gap between women and men as regards political participation is believed to be the result of their differing access to time and mental space; of patriarchal family organization; of disparities in socioeconomic

[47] Nancy Burns, Kay Lehman Schlozman, Sidney Verba, *The Private Roots of Public Action: Gender, Equality, and Political Participation*, (Cambridge, Massachusetts: Harvard University Press: 2001) p. 4.

[48] Robert D. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

[49] Cliff Zukin, Scott Keeter, Molly Andolina, Krista Jenkins, and Michael X. Delli Carpini, *A New Engagement? Political Participation, Civic Life, and the Changing American Citizen* (New York: Oxford University Press: 2006)

[50] Ibid., p. 9.

[51] Ibid., p. 207.

[52] Angela Kocze, "Depletion of Social Capital: Shrinking Civil Society Involvement of Roma", *Roma Rights*, 2012, pp. 19-27.

[53] Warsaw Romani, Sinti and Travellers Women's Declaration at the OSCE HDIM, Warsaw, Poland, 28 September 2012, <http://www.osce.org/odihr/94410>.

resources; of discrimination; and of socialization.[54] Specialists have noticed gender differences not just in the degree but also in the kind of political participation.

When analysing gender differences in political participation, one looks at socially-constructed rather than biologically-determined differences. Gender differences are contextual and their extent and nature vary across social domains; these contextual differences impact the political participation of men and women, as do education, income, family circumstances, other voluntary commitments, and interest in and knowledge about politics. Special attention should be paid to the intersection of gender and other social characteristics such as class, ethnicity and/or race.

There are not many studies concerning gender disparities with regard to Roma and Sinti political participation. Cukroswa and Kocze have showed that gender disparities as regards political participation at local level in Roma and Sinti communities are significantly higher than those among non-Roma.[55] When asked whether household members are represented on a local municipal council or assembly, the reports indicate that Roma and Sinti men are represented on local councils at a proportion of 1.1 per cent in comparison to Roma and Sinti women's proportion of 0.2 per cent, i.e., men are 5.5 times more likely to hold such an office.[56] Among non-Roma, men are 2.5 times more likely to hold office in local government than women, non-Roma men being represented at a proportion of 1.5 per cent, while non-Roma women are represented at a proportion of 0.6 per cent. Comparing Roma and Sinti women's representation to non-Roma women's representation in local governments, non-Roma women are three times more likely to be represented in local government, an indicator that matches the multiple aspects of Roma and Sinti women's vulnerability and further worsens the exclusion of Roma and Sinti women from local politics due to gender disparities in mainstream parties.

The concept of political participation is closely related to the concept of representation. A citizen can attempt to influence government action through different strategies, including by running for office and, eventually, being part of a deliberative, elected structure or holding an elected position at local, regional or national level. In assessing the effectiveness of a group's political participation, it is mandatory to evaluate the political strength of that group through the number of candidates the group is able to register in elections and the number of their candidates elected.

There are a number of options open to Roma and Sinti political activists for running in local elections: as candidates of Roma political parties or organizations, as independent candidates, or as Roma and Sinti candidates running on the lists of mainstream parties. In addition, in those countries that provide for a special system of minority protection and representation, Roma and Sinti political activists could run for positions in the different minority protection arrangements meant to ensure minority participation in public life. These forms of participation will be scrutinized as part of the case studies reviewed herein.

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[54] Nancy Burns, Kay Lehman Schlozman, Sidney Verba, *op. cit.*, note 7, p. 8.
[55] Ewa Cukrowska, Angela Kóczé, *"*Interplay between gender and ethnicity: exposing structural disparities of Romani women. Analysis of the UNDP/World Bank/EC regional Roma survey data." Roma Inclusion Working Papers. Bratislava: UNDP, 2013.
[56] Ibid., p. 65.

International standards on minority political participation

Minority participation is important to maintaining and strengthening other minority rights protection mechanisms that could be substantially weakened in the absence of such participation. Not surprisingly, international human rights documents contain provisions for the right of minorities to participate in public life and guarantee that right. The Universal Declaration on Human Rights[57] and the European Convention on Human Rights and Fundamental Freedoms[58] include provisions regarding freedom of assembly, equality of rights, and non-discrimination. The International Covenant on Civil and Political Rights (ICCPR)[59] and the International Covenant on Economic, Social and Cultural Rights (ICESCR)[60] provide for the right of people to self-determination. In addition to non-discriminatory provisions, the ICCPR includes the right of every citizen "to take part in the conduct of public affairs, directly or through freely chosen representatives" and "to vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors".[61] The provisions of these documents are not minority-specific, but are general and vague in content, and can be thus primarily seen as prohibiting any discrimination of minorities. One notable exception is the International Convention for the Elimination of Racial Discrimination, which provides for the possibility to adopt special measures to enhance the participation of certain racial and ethnic groups.[62]

The Council of Europe Framework Convention for the Protection of National Minorities (FCNM), a legally binding document for the signatory parties, also includes a rather general clause regarding the political participation of national minorities: "The Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those

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[57] UN General Assembly, Universal Declaration of Human Rights, 10 December 1948, 217 A (III), Article 21:
"(1) Everyone has the right to take part in the government of his country, directly or through freely chosen representatives.
(2) Everyone has the right of equal access to public service in his country.
(3) The will of the people shall be the basis of the authority of government; this shall be expressed in periodic and genuine elections which shall be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures."
[58] Council of Europe, European Convention for the Protection of Human Rights and Fundamental Freedoms, as amended by Protocols Nos. 11 and 14, 4 November 1950, ETS 5, Article 10 on freedom of expression and Article 11 on freedom of assembly and association.
[59] UN General Assembly, International Covenant on Civil and Political Rights, 16 December 1966, United Nations, Treaty Series, vol. 999, p. 171.
[60] UN General Assembly, International Covenant on Economic, Social and Cultural Rights, 16 December 1966, United Nations, Treaty Series, vol. 993, p. 3.
[61] ICCPR, *op. cit.* note 59, Article 25 states: "Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions:
(a) To take part in the conduct of public affairs, directly or through freely chosen representatives;
(b) To vote and to be elected at genuine periodic elections which shall be by universal and equal suffrage and shall be held by secret ballot, guaranteeing the free expression of the will of the electors;
(c) To have access, on general terms of equality, to public service in his country."
[62] UN General Assembly, International Convention on the Elimination of All Forms of Racial Discrimination, 21 December 1965, United Nations, Treaty Series, vol. 660, p. 195. Article 1 paragraph 4 states: "Special measures taken for the sole purpose of securing adequate advancement of certain racial or ethnic groups or individuals requiring such protection as may be necessary in order to ensure such groups or individuals equal enjoyment or exercise of human rights and fundamental freedoms shall not be deemed racial discrimination, provided, however, that such measures do not, as a consequence, lead to the maintenance of separate rights for different racial groups and that they shall not be continued after the objectives for which they were taken have been achieved."

affecting them".[63] Through its regular assessment of the signatory states' implementation of the FCNM provisions, the Advisory Committee has developed the meaning of this article, particularly of what participation means, and has set standards in terms of minority participation.[64] The Advisory Committee has criticized measures negatively impacting minority representation, has endorsed special measures seeking to facilitate the representation of minorities, and has clarified to governments that special measures for minorities do not violate the principle of equality.[65]

At the initiative of the OSCE High Commissioner on National Minorities (HCNM), in 1999 the OSCE adopted a set of recommendations on the effective participation of national minorities in public life.[66] The recommendations cover general principles of participation in decision making, including arrangements at the central, regional and local levels; elections; advisory and consultative bodies; self-governance, covering territorial and non-territorial arrangements; and guarantees, including constitutional and legal safeguards and remedies. In 2014 the HCNM and ODIHR published a handbook on observing and promoting national minority participation in elections, offering an overview of international standards and good practice in promoting such participation, as well as outlining the methodology used by ODIHR election observation missions to observe such participation.[67]

As regards specific provisions on Roma and Sinti political participation, the Action Plan[68] dedicates a whole chapter to this issue, calling on participating States to take a proactive role in ensuring effective Roma and Sinti participation in public and political life by resolving issues related to lack of identification and by upholding the principles of early involvement, inclusiveness, transparency, meaningful participation at all levels of government, and ownership. The OSCE Ministerial Council (MC) adopted Decision No. 6/08 on "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area"[69] and Decision No. 4/2013 on "Enhancing OSCE efforts to implement the Action Plan on Improving the Situation of Roma within the OSCE Area, with a particular focus on Roma and Sinti women, youth and children".[70]

Case studies

The section below analyses the different institutional arrangements in participating States meant to ensure the effective participation of Roma and Sinti in political life. The selected cases cover systems that ensure the cultural autonomy of national minorities (Hungary, Serbia and Slovenia); electoral mechanisms to ensure the integration of Roma and Sinti,

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[63] Council of Europe, Framework Convention for the Protection of National Minorities, 1 February 1995, ETS 157, Article 15.

[64] Joseph Marko, "Effective Participation of National Minorities: A Comment on Conceptual, Legal and Empirical Problems", Strasbourg 20 October 2006, <http://www.coe.int/t/dghl/monitoring/minorities/6_Resources/PDF_DH-MIN_EffectiveParticipation_JMarko_en.pdf>.

[65] Ibid., p 2.

[66] "The Lund Recommendations on the Effective Participation of National Minorities in Public Life", OSCE, 1 September 1999, <http://www.osce.org/hcnm/32240>.

[67] OSCE "Handbook on Observing and Promoting the Participation of National Minorities in Electoral Processes", Warsaw 2014, <http://www.osce.org/odihr/elections/124067>.

[68] 2003 OSCE Action Plan, op. cit., note 1.

[69] OSCE MC Decision No. 6/08, op. cit., note 7.

[70] OSCE MC Decision No. 4/2013, op. cit., note 8.

including reserved seats for minorities (Slovenia); favourable legislative provisions to promote representation or ethnic quotas in state institutions (Serbia, Hungary); and electoral mechanisms utilized in absence of any legal framework for the protection of minorities in this regard (Slovakia).

Hungary

The Act on the Rights of National and Ethnic Minorities[71] provides for the right of national and ethnic minorities to set up local and national self-governments. A 2005 amendment provided for the creation of Minority Self-Governments (MSGs) at county and capital level. The 13 recognized minorities in Hungary can establish elected bodies to represent their interests at different levels of governance. The MSGs are primarily empowered in the fields of education and culture, where they may request information, submit proposals, initiate measures, and file complaints regarding measures or practices that impede the exercise of minority rights. On issues of education, mother tongue use, and promotion of culture they have a right of veto at the local level. MSGs are often partners of state institutions, especially the national government, and can manage minority institutions of education and culture financed by the government from the national budget.

According to the 1993 law, five persons who identify as belonging to a recognized minority can initiate the election of a local MSG. These persons are not required to certify their identity or prove their membership in a minority organization or association. To place the name of a candidate on an MSG ballot, the support of five citizens who are eligible to vote is required. The threshold for a valid MSG election in settlements with a population of less than 10,000 is 50 votes for a candidate to become the elected representative of a local MSG. In communities with over 10,000 inhabitants, 100 votes are needed. Any eligible voter can cast a vote in an MSG election regardless of his or her ethnic identity, a fact that has questioned the legitimacy of those members elected to MSGs as the voice of or representative of minority interests. The size of a local MSG varies according to the size of the settlement represented; those with populations of less than 1,300 were initially permitted to elect three representatives, while larger settlements were permitted a maximum of five.

In October 2005, Parliament amended the law regulating MSG elections and other laws concerning national minorities.[72] The number of representatives to be elected at local and regional level would be respectively five and nine, while at national level, depending on the number of local minority elections held, it would vary between 15 and 39.[73] The most important change was the required registration of those who intend to vote in MSG elections. Thus, these individuals should declare their affiliation with an ethnic minority in advance in order to be eligible to vote for an MSG. The deadline for registration is approximately three months prior to the election date; an individual cannot be included in the list after this time. Self-declaration is the basis of registration, cannot be challenged, and no legal penalties are provided for voters abusing the system by misrepresenting themselves.[74] Voters must re-register prior to each election, as the voters' list for each MSG election is destroyed after the

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[71] Act LXXVII of 1993 on the Rights of National and Ethnic Minorities.

[72] Act CXIV of 2005 on the Election of the Representatives of Minority Self-Governments and the Amendment of Certain Acts Concerning National and Ethnic Minorities.

[73] For a detailed analysis of the changes see Parliamentary Minority Ombudsperson, "Annual Report 2005", <http://www.kisebbsegiombudsman.hu/word/04-16-2008_11_14_59/reports_2005.html>.

[74] Andras Kadar, "Roma and Law: A Semi-Pessimistic Overview", *Roma Rights*, 21 November 2007, <http://www.errc.org/article/roma-and-law-a-semi-pessimistic-overview/2911>.

results are made final as a way to protect the privacy of the individuals who declared their affiliation with a national minority.

The changes also included the possibility to establish regional-level MSGs. Elections for these regional MSG offices can be scheduled only if at least 10 local MSGs are established in a county or in the capital. As regards national MSG elections, these can be organized if the given minority establishes MSGs in at least four settlements nationally.

There were changes to the law in 2007, in 2010, the adoption of the new Constitution in 2011, several constitutional amendments in 2012 and 2013, and changes to the electoral laws in 2011 and 2014. Through Government Order 375/2007, a new system of budget allocation for MSGs starting in January 2008 was established, ensuring a more equitable distribution of funds according to the tasks performed by an MSG in promotion of cultural autonomy and the size of the respective minority.[75] Prior to this system, the amount received from the state by each local MSG had been equal irrespective of the activities it implemented, a situation that even the Government described as "unfair".[76] The new system involves two types of subventions, one for general operations and one for tasks implemented. While the operations subvention is equal for all local MSGs, the task-based subvention must be pre-approved by the Department of National and Ethnic Minorities of the Prime Minister's Office.

According to the State Report to the Advisory Committee of the Framework Convention for the Protection of National Minorities, through Act XLIII of 2008 the Government has included the Romani and Beash languages among those protected by the European Charter for Regional or Minority Languages.[77] This means Romani and Beash can be used in education as languages of instruction, in the state administration, and in the justice administration. This is an important development, as Roma MSGs are supposed to be consulted and to give their agreement to the most important issues concerning the life of the community. Only through this amendment is the provision for Roma minority cultural autonomy fully in place as regards the establishment, running and managing of educational and cultural institutions.

Through Act LXII of 2010 on modifying the tasks required by reducing the number of minority local government representatives, some significant changes occurred to the MSG elections.[78] According to the modification, the number of representatives is now four people per settlement and seven people in the county and capital MSGs, and 30 registered people were needed to organize MSG elections.

According to the 2013 law on elections,[79] during the 2014 local government elections the number of MSG representatives was to be determined by the number of voters in the ethnic voter registry. In order to hold minority elections, a local MSG election may be scheduled in a locality where at least 25 inhabitants identified as belonging to that particular national minority during the 2011 census and where there are at least as many candidates as the

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[75] Department of National and Ethnic Minorities, Office of the Prime Minister, "Selection of news on national and ethnic minorities in Hungary September-December 2007", Budapest, January 2008, <http://www.minelres.lv/mailing_archive/2008-January/005438.html> .
[76] Ibid.
[77] Third Report Submitted by Hungary Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, Strasbourg, 4 June 2009, p. 87.
[78] István Zoltán PÁSZTOR, János PÉNZES, "Studying the Number of the Gypsy Minority in Hungary and Their Involvement in Local Governments on the Example of the North Great Palin Region", *Revista Română de Geografie Politică* Year XV, no. 1, May 2013, pp. 17—26.
[79] Act XXXVI of 2013 on Electoral Procedure, last modified by Act CCVII of 2013.

number of eligible local representatives. The number of representatives will be three if the number of voters in the registry is less than 100 and four if there are more than 100. The act also determined the number of regional (county) MSG representatives to be seven if the number of MSG representatives is between 15 and 47 people, based on the number of registered voters. All of these representatives are directly elected, unlike in previous elections, when national-level MSGs were elected indirectly. The MSG members' term of office is for five years, unlike previous terms, which were for four years.

Following the 2014 elections, during which 1,383 settlements were able to organize MSG elections, Roma established 1,198 MSGs at local level throughout the country, 20 MSGs at regional level, and elected 47 representatives to the national level Roma MSG.[80] This lower number of Roma MSGs established (i.e., fewer MSGs than there are settlements) is the result of the electoral law's restrictions stipulating that MSGs can only be established in settlements where there were at least 25 persons who identified themselves as members of a particular national minority during the last census. The following table shows the number of Roma MSGs already in place during the elections; as of this writing, the results of the 12 October 2014 elections are not available yet. The data from each source differ, which might be due to the fact that some MSGs seem to have disintegrated over time, a practice that remains unclear to observers.

Table 1 - Number of Roma Minority Self-Governments established in Hungary

Election/Sources	Government	Pasztor & Penzes 2013
1994	416	477
1998	766	771
2002	999	1004
2006	1118	1113
2010	1248	1248
2014	1198	-

Source: Third Report Submitted by Hungary Pursuant to Article 25, Paragraph 2 of the Framework Convention for the Protection of National Minorities, István Zoltán PÁSZTOR, János PÉNZES, "Studying the Number of the Gypsy Minority in Hungary and Their Involvement in Local Governments on the Example of the North Great Plain Region", *Revista Română de Geografie Politică* Year XV, no. 1, May 2013, pp. 17—26 and the National Election Office website http://www.valasztas.hu/ .

In 2006, 106,333 Roma voters registered for MSG elections, while in 2010 the number rose to 133,492 people, a 25 per cent increase. In 2014 the number of Roma registering for MSG elections had not yet been made publicly available as of this writing.

According to the results of a 2000 survey,[81] the majority of Roma assess MSGs rather negatively. Thus,

> 28.2% ranked the MSG as bad, followed by 18.3% ranking it 'rather bad', 19.7% ranking it as 'rather good', and 16.9% ranking it as 'good' (16.9% refused to answer). On the quality of life scale, 7.4% agreed the MSG was a contributor, 59.3% said it had 'no influence' and according to 18.6% the existence of an MSG made life more difficult (14.8% did not answer).

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[80] National Election Office, <http://www.valasztas.hu/>.
[81] Robert Koulish, "Hungarian Roma Attitudes on Minority Rights: The Symbolic Violence of Ethnic Identification", *Europe-Asia Studies*, Vol. 57, No. 2 Mar., 2005, pp. 311-326.

According to the survey, 8.6% said the MSG gave Roma a political voice, 49.4% said it gave no voice to the Roma, and 23.5% said a negative voice (18.5% did not answer). The MSG drew more support, 18.5%, for having some role to play in terms of alleviating ethnic tensions, but 46.9% thought the MSG had no influence and 16.0% felt that the MSG actually exacerbated ethnic tensions (18.6% did not answer).[82]

Scholars have criticized the MSG system. In a 2001 paper, Sobotka stated that "the present system of minority self-governments does not allow Roma to participate in the decision-making and policy-making process effectively. Romani needs remain inadequately represented and the Romani leaders remain powerless in responding to those needs".[83] In a 2000 article, Szalai categorized the MSG as the "biggest lie of the majority society against the biggest minority of the country".[84] Kovats has identified several major challenges for the MSG system in Hungary, the main one being the tension between the MSGs' need to address and reduce Roma disadvantage and establish equality of opportunity, and the actual design of MSGs as institutions meant just to ensure minority cultural autonomy.[85] Other significant challenges identified by Kovats were the role of internal opposition within the MSGs; the limited funds available to MSGs; the trend of Roma MSGs extending their areas of competencies to other sectors like social assistance; the unclear relations between structures at the local, regional and national levels of the MSGs; the lack of accountability of the MSG system; and lastly, the MSG system's capacity to accommodate the competitive, pluralist character of national-level Roma politics. Evaluating the representation of Roma in Hungary 20 years after the MSG system was instituted, Maria Bogdan is of the opinion that the MSG system cannot fulfil its mission to ensure political representation for minorities and that MSGs have "rather functioned as administrative bodies on the local level and could not represent Roma rights on a nationwide level".[86] Bogdan contends that the Parliamentary Minority Ombudsperson institution was more effective than Roma MSGs in defending Roma rights at national level until 2012, when that institution was terminated.[87]

This minority protection system is seen as one of the most advanced in Europe[88] and the legislative changes to it, especially those regarding registration and relations among MSGs at different levels, were meant to strengthen it. However, a few issues are still unclear or not properly addressed. Roma women's participation in elections for MSGs as well as local councils remains a mystery, as no disaggregated data by gender are presented by the authorities. Another aspect of this situation is that there is no research conducted regarding Roma and Sinti women's participation in politics in Hungary, which deepens gender disparities in politics, as political actors and society remain unaware of exclusionary practices. In addition, a report analysing the situation of Roma women in Hungary underlined

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[82] Ibid., p. 317.

[83] Eva Sobotka, "The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia", *Journal on Ethnopolitics and Minority Issues in Europe*, Winter 2001/2002, p. 13

[84] Julia Szalai, "Azelismerespolitikajaes a ciganykerdes," In: Horvath, A., Landau, E., Szalai, J. (eds.), *Ciganyakszuletni* 569. Budapest: UjMandatum, cited by Eva Sobotka, op. cit., note 11, p. 13.

[85] Martin Kovats, "The Political Significance of the first National Gypsy Minority Self-Government (OrszágosCigányKisebbségiÖnkormányzat)", *Journal on Ethnopolitics and Minority Issues in Europe*, Autumn 2001, p. 8.

[86] Maria Bogdan, "The Political Representation of the Roma in Hungary and Its Neighbouring Countries" 27 October 2013, <http://romediafoundation.wordpress.com/2013/10/27/the-political-representation-of-the-roma-in-hungary-and-in-its-neighbouring-countries/ >.

[87] Ibid., p 1.

[88] Niall Crowley, Angela Genova, Silvia Sansonetti, "Country Report on Hungary - Empowerment of Romani Women within the European Framework of National Roma Inclusion Strategies" European Parliament, 2013.

the lack of specific measures in Roma policy documents to promote Roma women's empowerment: "No specific policy has been considered in the National Strategy to increase the number of Romani women in political institutions and gender equality issues are left out of the priorities of the national strategy".[89]

The registration of minority voters for the MSG elections addresses the legitimacy of the MSGs. That legitimacy has been seriously undermined by some cases of abuse, when a person not belonging to the Roma minority ran for an MSG and was elected as a Roma representative.[90] Registration still remains a challenge and abuses are still possible, as the law fails to provide for sanctions or a solution to such misrepresentation. Nevertheless, this registration also provides an opportunity for Roma to espouse their ethnic identity. The increasing number of Roma participating in a voter registration system based on self-declaration of membership in this national minority could be seen as a positive development.

A major challenge as regards Roma MSGs is related to their competencies. The MSG system was designed to provide cultural rights to national minorities, but the problems faced by Roma go well beyond MSG competencies. Even those problems directly connected to MSG competencies – minority education, culture, and use of language - have not been properly addressed in the Roma case; for example, the Romani language was not recognized under the European Charter for Regional or Minority Languages until 2008. In addition, as noted by Kovats above, the strategy of the Roma MSGs has been to assume roles beyond their competencies in order to penetrate the state administration and acquire power. This situation has led to disenchantment among Roma about the MSG system, with the decline in MSG legitimacy representing another major challenge.

As a rule, the legitimacy of actors speaking on behalf of Roma has been questioned by other actors or by Roma themselves. As Agarin notes, the legitimacy of Roma advocates has been questioned because "they either do not form a part of the community or because they advocate particularistic interests that do not resound with their constituents".[91] In the case of MSGs in Hungary, one more cause might be added to this lack of Roma actors' legitimacy: the lack of competencies to deal effectively with community problems beyond protection of national minority rights. This is compounded by a lack of adequate financing to deal with social issues like unemployment, access to public services, or combating discrimination.

Kadar has pointed out the limits of the law in improving the functioning of the Roma MSGs in Hungary, suggesting that there are other tools for changing social behaviour.[92] Thus, Roma disenchanted with the MSG system might opt to seek representation through local councils. In fact, as reported by Hungary in the OSCE 2013 Status report, 19 local councillors of Roma origin were elected in 2010[93] and at least one Roma mayor was elected as an independent candidate.[94] A combination approach between representing Roma and Sinti interests through both an MSG system and that of local authorities seems to be one way forward. While Roma

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[89] Ibid.,p. 83.

[90] Andras Kadar, *op. cit.*, note 34, offers a detailed analysis of the shortcomings of such registration and of the Jaszladany case, in which a non-Roma man assumed Roma minority identity to run for a Roma MSG.

[91] Timofey Agarin, "Angels with dirty faces? European identity, politics of representation and recognition of Romani interests", Ethnicities 2014, Vol. 14(6) 849–860, p. 853

[92] Andras Kadar, *op. cit.*, note 34.

[93] Status Report 2013, op.cit., note 15.

[94] Laszlo Bogdan has been the independent Roma mayor of Cserdi, Baranja county, since 2006, according to media reports. "Ellenpélda élőben: roma polgármester virágoztatta fel a falut", ATV website, 15 January 2012, <http://www.atv.hu/belfold/20120115_ellenpelda_eloben_roma_polgarmester_viragoztatta_fel_a_falut >.

representation through MSGs is guaranteed by legal provisions, electoral competition with other groups for votes and seats in the local councils or as mayor presupposes a more complex strategy for attracting votes from a larger constituency than just the members of the national minority. The benefits of such a strategy are not to be disregarded, as the competencies of local authorities greatly exceed the competencies of MSGs.

Serbia

Roma were recognized as a national minority in Serbia in 2002 by a federal Act on the Protection of the Rights and Liberties of National Minorities. The law provides for the formation of a Federal Council on National Minorities including national minority representatives, and national minorities enjoy the right to form their own National Councils.

The 2009 Act on National Councils of National Minorities (ANCNM) created a new system of self-governance for ethnic minorities in the Republic of Serbia. The law establishes the legal framework for national minority councils (NMCs) and empowers them to legitimately represent members of their respective minorities in matters of culture, education, the media, and official use of language. The law contains 139 articles regulating the status of national minority councils, their jurisdiction, their relationship with other state institutions and international co-operation, as well as their elections and composition. The NMCs can have between 15 and 35 members, depending on the size of the respective minority.

According to experts, the law provides for a 120-day period for each NMC already in place based on the 2002 law to produce a registry of its members willing to vote in the elections for the NMC: "direct elections are to be held by a national minority if more than 50 per cent of its members (per the 2002 census), reduced by 20 per cent, register to vote. If the voter list contains fewer than that 'magic number' then the method of election is indirect, through an electoral assembly".[95] Zeljko Jovanovic has described the efforts made by Roma civil society in Serbia to comply with these requirements (i.e., registering at least 45,000 people for the NMC system), noting the important obstacles to overcome: "The major challenges for Roma to participate in any kind of registration or elections have been the collective memory of the Nazi registration and living experience of exclusion from political life".[96]

The elections for the NMCs took place on 6 June 2010 and Roma, along with 15 other minorities, elected their NMC directly, while three other minorities elected their NMC through electoral assemblies. The Government praised the formation of the NMCs for their "legitimate representatives for protection, maintenance, fostering and improvement of the rights to their identity and their own language and script" but also because "the state gets the partners [sic] in creation and implementation of minority policy the [sic] final strategic goal is the integration of national minorities into all spheres of social life of the Republic of Serbia"[97] since NMCs play an advisory role in relation to the state authorities.

The NMCs "are a form of cultural autonomy of national minorities and functional decentralization" and can "adopt and amend their statutes, financial plans and statements,

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[95] Tibor Purger, "Ethnic Self-governance in Serbia: The First Two Years of the National Minority Councils", *International Relations Quarterly*, Vol. 3. No.2. (Summer 2012/2), p. 7.
[96] Zeljko Jovanovic, "Roma in Serbia: Building on Strength", 14 October 2014, <http://www.opensocietyfoundations.org/voices/roma-serbia-building-strength>.
[97] Second periodical report presented to the Secretary General of the Council of Europe in accordance with Article 15 of the Charter, Strasbourg, 23 September 2010. pp. 27-28. <http://www.coe.int/t/dg4/education/minlang/report/PeriodicalReports/SerbiaPR2_en.pdf>.

they dispose of their own property, decide on the names, symbols and seals of national councils, establish national symbols, signs and holidays of national minorities, establish institutions, associations, foundations and commercial companies in the field of culture, education, information and official use of language and script, propose representatives of national minorities in the council of ethnic relations in the units of local self-government and establish and grant recognitions", have the power to initiate "laws and other regulations in the field of education, culture, information and official use of language and script",[98] can monitor the implementation of minority policies, and can complain to the Constitutional Court or the Ombudsperson at all levels about potential violations of the protection of the individual and collective rights of national minorities.

In the 2012 national census, 147,604 Roma declared their ethnicity, an increase of more than 40 per cent compared to the prior census. While this affirmation of ethnic identity was positively assessed by observers, as it gives the Roma minority the possibility of claiming positions within local administrations according to their proportion of the local population, when it came to election to an NMC, this posed another challenge, as the quota of Roma to be registered as voters in the NMC register was increased. Once again, following the announcement of a 3,000-voter gap in the voter registry for the Roma minority to achieve the quota imposed by the 2002 law (i.e., 50 per cent of the minority population as per the latest census, reduced by 20%), Roma NGOs and activists had to work to close that gap.[99]

The Serbian legal system provides for the proportional representation of national minorities within public service.[100] The Constitution provides that "Members of national minorities shall have the right to participate in administering public affairs and assume public positions, under the same conditions as other citizens. When taking up employment in state bodies, public services, bodies of autonomous province and local self-government units, the ethnic structure of population and appropriate representation of members of national minorities shall be taken into consideration".[101] A similar provision is included in the Statute of the Autonomous Province of Vojvodina.[102] The Law on the Protection of Rights and Freedoms of National Minorities also provides for hiring national minority persons in public service, especially in the police.[103] In 2006 the Government adopted a set of measures to ensure national minority participation within public service, including constant review of the measures, data collection, and training.[104]

Representation of Roma and Sinti women within the NMC structures has not improved since they were first established. According to the 2014 election results for the Roma National

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[98] Ibid., p. 28.
[99] Zeljko Jovanovic, op. cit., note 56.
[100] For a detailed analysis of the legal framework, see Tatjana Peric, "Analysis of the Implementation of Roma Inclusion Measures of the Government of the Republic of Serbia: Employment", unpublished paper, September 2012, Office of the High Commissioner for Human Rights, United Nations Development Programme Country Office, Serbia, and the Ombudsman of the Republic of Serbia.
[101] Constitution of the Republic of Serbia, Official Gazette of the Republic of Serbia, No 98/2006, Article 77, <http://www.ustavni.sud.rs/page/view/sr-Latn-CS/70-100028/ustav-republike-srbije>.
[102] Statute of the Autonomous Province of Vojvodina, Official Journal of APV, No 17/09, Article 24, <http://www.vojvodina.gov.rs/index.php?option=com_docman&task=cat_view&gid=19&Itemid=70>.
[103] Act on the Protection of Rights and Freedoms of National Minorities, Official Journal of FRY No 11/2002, Official Journal of Serbia and Montenegro No 1/2003 and Official Gazette of the Republic of Serbia No 72/2009, Article 21.
[104] Zaključak o merama za povećanje učešća pripadnika nacionalnih manjina u organima državne uprave, Official Gazette of the Republic of Serbia, No 40/2006, <www.hnv.org.rs/docs/ZAKLJUCAK.pdf>.

Council in Serbia there are 12 women out of 35 councillors.[105] After the 2010 election the National Council of the Roma National Minority included 13 female members out of a total of 35.[106] While the proportion of women is at around one-third of the NMC, the trend is declining. One way to ensure proportional representation of women within the NMC structures could be through specific provisions, as is the case with the representation of national minority persons within the public service. Other measures, as suggested by experts, could include: gender awareness-raising among both the female and female NMC leaders, training for improving the political and leadership skills of elected Roma women, increasing the visibility of Roma women in the NMC as role models, stimulating cooperation among elected women in all NMCs, and promoting cooperation with gender equality mechanisms at all levels, etc.[107] As noted by the Advisory Committee of the Framework Convention for the Protection of National Minorities, in spite of the generous system in favour of NMCs' competencies, "flaws in the drafting and conception of the Law on National Councils of National Minorities, as well as conflicts with provisions of other laws, have led to serious problems regarding its implementation in practice."[108]

The NMCs have the right to establish institutions for the accommodation, education and up-bringing of pupils and students and to exercise the rights of school founders. The NMCs have significant influence over pre-school programmes, the curricula and programmes in primary and secondary education, and programmes in a national minority's mother tongue.

As regards culture, the NMCs may establish cultural institutions to preserve specific cultural properties and the national identity of national minorities and shall exercise the rights and obligations of founders of such institutions. The state authorities – central ones, the Autonomous Province, the units of local self-government – may also either entirely or partially transfer founders' rights to the NMCs. The NMCs may develop their own cultural development strategy, define which institutions and manifestations in the field of culture are of special importance for the preservation, promotion and development of the specific properties and national identity of a certain national minority, and influence elections to the National Council for Culture.

As for information, the NMCs may establish institutions and commercial companies to perform newspaper publishing and radio and television activities, to publish and reproduce media programmes, and to exercise the rights and duties of founders. In the field of language, the NMCs shall establish the traditional names of the units of local self-government, settlements and other geographic names in their minority language if that minority language is in official use in such areas; propose the competent authority display the names of the units of local self-government, settlements and other geographic names in minority languages; propose establishment of a minority language and script as the official language and script in the unit of local self-government; propose amending the names of streets, squares and other parts of settlements that have been established as of special importance to the national

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[105] Electoral Commission of the Republic of Serbia, Р Е Ш Е Њ Е О ДОДЕЛИ МАНДАТА ЧЛАНОВА НАЦИОНАЛНОГ САВЕТА РОМСКЕ НАЦИОНАЛНЕ МАЊИНЕ, 31 October 2014, <http://www.rik.parlament.gov.rs/cirilica/propisi_frames.htm>.

[106] Tatjana Perić, "Achieving Human Rights of Roma Women in Serbia: An Analysis of the Implementation of Existing Institutional Measures", Niš: Women's Space, 2012, p. 12.

[107] Ana Popovicki Ćapin, "Položaj žena u nacionalnim savetima nacionalnih manjina u Srbiji", OSCE Mission to Serbia, <http://rp.ombudsmanapv.org/index.php/2012-11-27-20-00-25/nase-publikacije/65-polozaj-zena-u-nacionalnim-savetima-nacionalnih-manjina-u-srbiji>.

[108] Advisory Committee on the Framework Convention for the Protection of National Minorities, "Third Opinion on Serbia adopted on 28 November 2013", Strasbourg, 23 June 2014.

minority concerned; and propose the competent authority supervises the official use of the minority language and script.

As the results of a 2012 comprehensive research into the NMCs' functioning indicates, based on questionnaires, legal analysis, and interviews with relevant actors, the implementation of the NMCs' competencies is rather weak.[109] During their two years of existence there have been 17 cases of legal disputes about the transfer of founders' rights to NMCs as regards educational institutions. There have been conflicts regarding the ownership rights of media, and tensions between "public-media workers over decisions of their own national councils which, they felt, were intruding into their autonomy of public-service journalism, down to arbitrary, politically motivated dismissals of editors who 'did not meet expectations' by their national-council superiors, or even shutting down public commenting channels at online media sites".[110] As showed by the research findings, no NMC is satisfied with its funding, but there are already speculations about the "ethno-business phenomenon"[111] when it comes to their activities and funding. As noticed by Purger, the NMC system has generated intra-minority conflicts over competition for power and resources. Sometimes foreign interventions or support have contributed to divergences among different minorities. Purger has categorized the NMCs as weak, lacking legislative or taxing powers, as they can only "suggest," "propose," "recommend," or "give an opinion" to state institutions; NMCs lead to fights among minority leaders and emphasize voter registration as a specific issue of the NMC system, not as a more general issue.

A review of NMCs in 2013 highlighted several issues.[112] The contradictions between the ANCNM and the Act on Culture (even though they were adopted on the same day), the lack of criteria according to which institutions are to be declared as of particular significance for a minority, the relations between the NMCs and other state institutions, especially ombudspersons, and the difficulties with implementing the Act on the Official Use of Language and Script , which lacks sanctions for failing to comply with its provisions, are the most important findings. The authors also mentioned legal instability, as nine requests for determination of the constitutionality of the ANCNM had already been submitted to the Constitutional Court by 2013.

In spite of aiming to ensure minority participation and cultural autonomy, in practice, this system has shortcomings. The Advisory Committee of the Framework Convention has recommended as an issue for immediate action that the Government "pursue work towards revising the Law on National Councils of National Minorities, in close consultation with representatives of all national minorities and of civil society, in order to ensure the effective participation of persons belonging to national minorities in all matters concerning them."[113]

A major challenge the NMC system must address is the will of the Roma to engage in politics. A survey conducted among all of the ethnic minorities that have established NMCs in Vojvodina shows that Roma have expressed the least willingness to engage in politics for

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[109] Tibor Purger, op. cit., note 55, p. 7.

[110] Ibid., p. 8.

[111] The term "ethno-business" refers to a situation in which individuals and organizations, in the name of the Roma, use opportunities to attract funds and then use them for purposes that impact only a limited group of beneficiaries instead of using them for the collective good of the community.

[112] Nikola Kovačević, Nevena Nikolić, Dušan Pokuševski, "Realisation of rights of national minorities – Implementation of recommendations of independent institutions for the protection of human right in Serbia" (Beograd: The Belgrade Centre for Human Rights: 2013).

[113] *Op. cit.*, note 108.

the benefit of their community.[114] The rate of those not willing to engage in politics at all reached approximately 75 per cent and that of those willing to engage was about 15 per cent.[115] These negative attitudes towards political engagement are in sharp contrast with their declared availability to engage in voluntary work. Thus, Roma expressed the highest level of willingness to support their community through voluntary activity (69.6 per cent) as well as the most willingness to engage in humanitarian and NGO work in order to contribute to the benefit of their community (53.6 per cent).[116]

An increasing number of Roma and Sinti are declaring their ethnicity in the national census and the existing legal framework provides for the proportional representation of national minority members within the public service, both of which provide opportunities for Roma and Sinti participation. These opportunities lead to a major challenge for Roma and Sinti representatives and activists, namely, observing the implementation of the legal provisions concerning the representation of national minorities within the state administration.

As in the case of Hungary, the Roma could choose to seek representation through an NMC, through elected institutions at local level, or through both. As reported by Serbia, in 2013 there were 26 Roma elected as local councillors. The mandate and competencies of a local councillor include larger powers than that of a NMC representative, the election strategies for each office are different, and the requirements to become a local councillor are more difficult to meet. Lazar and Ristic's research shows that national minority members perceive NMCs as institutions dealing with "tradition and customs (28%) and the group identity (25%), as well as the care for economic status of the members of national and ethnical communities (22%)",[117] while the local councillors have competencies as regards the setting of local community priorities and distribution of resources.

Slovakia

According to the most recent review by the Advisory Committee of the Framework Convention for the Protection of National Minorities,[118] persons belonging to the Roma minority are affected to a much greater extent than the rest of the Slovak population by poverty and social exclusion, which, in turn, severely limits their public participation. Many Roma continue to face discrimination in access to employment, education, housing and healthcare. Data on the situation of persons belonging to the Roma minority in the different sectors remains limited at best, with information on housing or employment almost missing.

Compared to a decade ago, however, Roma are increasing their representation in elected bodies at the local level. According to the National Democratic Institute, which is heavily vested in promoting the political participation of Roma in Central and Eastern Europe, in the 2006 local elections the number of Roma candidates for local councils almost doubled compared to 2002 and totalled 1,449, of which 220 became Roma local councillors, including 10 in towns with Roma populations of less than 15 per cent, and 19 were elected as mayors.[119] According to estimates of the United Nations Development Programme, in 2013 in Slovakia there were 426 Roma local councillors in 197 municipalities and 29 elected Roma

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[114] Zsolt Lazar, Dušan Ristić," Znacaj nacionalnih saveta i aktivizam pripadnika nacionalnih manjina u Autonomnoj Pokrajini Vojvodini", Socioloski pregled, vol. XLIV (2010), no. 4, pp.567-593.
[115] Ibid., p. 585.
[116] Ibid., pp.582-583.
[117] Ibid., p. 593.
[118] Advisory Committee on the Framework Convention for the Protection of National Minorities, "Third Opinion on the Slovak Republic, 28 May 2010".
[119] National Democratic Institute, "Slovak Local Elections Brief", (Bratislava, December 2006).

mayors.[120] However, when reporting to the OSCE, Slovakia mentioned only 28 local councillors, mostly in localities where Roma constitute the majority population.[121] At the same time, when compared to the Hungarian minority, the participation of the Roma minority in the Parliament is still unsatisfactory.[122] The Advisory Committee also states as regrettable the fact that mainstream political parties see little interest in including Roma on their electoral lists. The situation of Roma appears not to be on the agenda of political parties and the latter's programmes reportedly do not adequately reflect the concerns of the Roma minority.

Despite several rounds of recommendations from international organizations, Slovakia has yet to adopt comprehensive legislation on national minorities that could include institutional mechanisms for the effective protection of minority rights, including the right to participation. Currently, national minorities are recognized *de facto* through national censuses, declarations, and reports made in compliance with international standards on minority protection. The government consults all national minorities through the so-called Consultative Council on issues related to minority protection. The appointment procedure of the Consultative Council guarantees a seat for each national minority *de facto* recognized, including one for Roma. However, the transparency of the Council's appointment procedure and of its working methods needs further improvement, as the information is scarce and not publicly shared. It is also very important to note that no consultative process has been established at regional and local levels, which reportedly could be impeding full public participation of Roma in local affairs.

Slovakia holds two types of elections besides national ones – municipal elections and regional elections; the latter were introduced for the first time in 2001. Act No. 346/1990 on local elections, adopted on 28 August 1990, with subsequent amendments and revisions (Law 346/1990), regulates municipal elections in Slovakia. Act No. 303/2001 Coll., on Elections of the Bodies of Self-government Regions and on an Amendment to the Code of Civil Procedure of 4 July 2001 (Law 303/2001), regulates the elections to eight regional self-government councils and their heads.

The Slovak election system follows a simple-majority model. Based on the above laws, every individual residing legally in the respective municipality, including citizens of an EU Member State, can vote in local and regional elections. Any individual citizen over the age of 18 can be elected as a member of a local or regional council. Any individual over the age of 25 who can vote can run for mayor or head of the regional council. Slovakia can serve as a positive practice as regards voter registration. Both laws allow voters to prove their identities and proceed to cast a ballot at the polls even if they lack identification papers. Those lacking identification can prove their identity by having two persons known to the electoral commission vouch for them at the polls. This is a situation that, in theory, could allow Roma who do not have identification to vote.

According to Act 346/1990, in each municipality voters elect council members and the mayor. With the exception of Bratislava and Košice, which have more than one municipal department council, every city, town or small village in Slovakia is a municipality. The

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[120] *Op. cit.*, note 20.
[121] Status Report 2013, *op. cit.*, note 15, p. 53.
[122] As a result of the 2012 general elections, Peter Pollák became the country's first Roma citizen to be elected to Parliament in Slovakia. His victory was the culmination of a decade-long campaign and grassroots mobilization preceded by three failed attempts to get elected, twice at local level in 2005 and 2009 and once for Parliament in 2010. He is also the Plenipotentiary of the Government of Slovakia for Roma Communities at the Ministry of the Interior and was the Slovak National Coordinator of the Decade of Roma Inclusion 2005-2015.

number of seats on individual municipal councils varies according to the number of inhabitants, from three to more than 30 in big cities. All voters are eligible to run in local elections either as candidates of a political party, or of coalitions of political parties, or as independent candidates. Political parties can nominate their candidates for all 2,891 municipalities.[123] Independent candidates should register through a petition signed by a number of persons proportionate to the size of the respective municipality, which could vary from 10 to 400. It is interesting to note that on the ballot voters can select as many candidates as there are seats on the respective council. Also, the law prescribes that the names on the ballot be listed alphabetically, irrespective of party affiliation.

According to Tomáš Hrustič[124] and the NDI Slovakia 2005 national survey, Roma there trust municipal government most, primarily due to its usefulness to Roma communities. Municipalities are the sole provider of social services and local councils are becoming increasingly accessible to Roma through elections. Based on NDI monitoring over the past eight years, the number of Roma candidates running in local elections and the number of Roma elected to municipal councils has been growing constantly. For example, the total number of Roma candidates increased six fold since 1998, from 254 to 1,449 in 2006, a number that reportedly doubled in 2010.[125] In the 2010 elections 330 Roma joined 130 municipal councils, compared to 220 joining 95 councils in 2006. Of these 330, almost two-thirds were elected on lists of mainstream parties, with the remaining councillors split between the three Roma parties and coalitions. Similarly, the number of mayoral candidates doubled from 2006 to 2010, reaching 120, of which one-fourth were elected as mayors, mostly in eastern and central Slovakia, and mostly in municipalities with a significant or majority-Roma population. In 2010 Roma managed to elect the first female mayor in Slovak history, Mária Oračková of Lomnička, who joined 20 other women who became local councillors. According to Tomáš Hrustič, the November 2014 elections produced at least 33 Roma mayors, one of them female, and approximately 400 municipal councillors, approximately 20 of whom are women.[126] There are no official ethnic statistics regarding elections in Slovakia and therefore it is very difficult to get exact data. According to the data collected by the NDI, the number of elected Roma representatives has slightly increased. Many of the mayors were re-elected, which means their work has been assessed positively by their voters. There are also a few new, young Roma mayors elected with great potential to manage their municipalities in progressive ways, for example, at Luník IX, Markušovce, and Rimavská Seč.

Slovakia is administratively divided into eight regions or higher territorial units (VUC), each region being composed of electoral districts. Every district is assigned a specific number of council seats based on population size. Political parties and coalitions nominate candidates for the VUC according to the number of council seats per district. Voters from all districts in a particular region also choose one candidate to head their region (VUC) on a separate ballot.

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[123] Tomáš Hrustič, "The Trends in the Participation of Romani Candidates in Elections in Slovakia", *Roma Rights 2012. Challenges of Representation: Voice on Roma Politics, Power and Participation*, <http://www.errc.org/article/roma-rights-2012-challenges-of-representation-voice-on-roma-politics-power-and-participation/4174/4>.

[124] Ibid.

[125] In 2010 Roma ran as candidates on the lists of the three Roma political parties, on the lists of many mainstream political parties (SMER, SDKU-DS, Most-Hid, HZDS and others), or as independent candidates. It is thus very problematic to estimate even rough numbers of Roma candidates for election to municipal councils in 2010; no precise statistics were collected. According to the internal estimates of the NDI, the number of these candidates could be twice those of 2006.

[126] Tomáš Hrustič, personal communication to the author, 9 December 2014.

Based on information from the NDI,[127] 39 Roma candidates ran in the 2005 regional elections for the eight regional councils in Slovakia, 22 of which ran on the list of the Roma Coalition Party. None of these candidates was elected. In 2009, there were approximately 80 Roma candidates, also mostly on Roma political parties' lists. It is not clear whether the increased number of Roma candidates in 2009 means a positive trend in Roma political participation given the wider split among the Roma vote compared to 2005. That being said, 2009 is the year when the first two Roma candidates were elected to regional parliaments, one on a Roma party card and another on a mainstream party card. In addition to more candidates running, one can observe an increase in the total votes that Roma candidates received in 2009. The number of candidates receiving more than 1,000 votes each tripled from 2001 to 2009, reaching 13 in total.

According to the Opinion of the Advisory Committee, Slovakia lacks data on how national minorities are represented in the state administration, in particular at the central level, but also as employees of local self-governments. Based on the scarce information provided to the Committee, the employment of national minority representatives at central government level appears to be limited, with smaller minorities and Roma particularly underrepresented, including in law enforcement agencies. This situation additionally calls for the adoption of special, comprehensive legislation on the protection and representation of national minorities in public life, which could include measures to ensure that the public administration and law enforcement reflect the diversity of Slovak society.

Slovakia lacks a minority protection system ensuring participation of national minorities in public affairs and thus, Roma and Sinti participate in mainstream political life as members of mainstream or Roma political parties. As local councillors, their offices and competencies are broader in scope than of those Roma and Sinti representatives elected through national minority representation mechanisms such as the MSG system in Hungary or the NMC system in Serbia. In this sense, the representation of Roma and Sinti in Slovakia seems to be more effective. However, Roma and Sinti who are members of mainstream political parties face internal competition to be nominated as candidates in local elections. Some might even choose not to run on an ethnic agenda but as a member of the local community. As members of a Roma political party, where internal competition for nomination might be less intense than in a mainstream party, the candidates must put additional efforts into mobilize their constituencies because they are using party structures that are less effective than those of the mainstream parties.

Slovenia

The Roma in Slovenia were recognized as a distinct community by the 1991 Constitution, which states that "The status and special rights of the Roma community living in Slovenia shall be regulated by law".[128] However, Roma have never been treated the same as the other two communities so recognized (Hungarians and Italians). The Slovenian Office for National Minorities has made clear its interpretation of Article 65 of the Constitution: "In the Republic of Slovenia, the Roma Community does not enjoy the status of a national minority, but is recognized as a special community or a minority with special ethnic characteristics (its own language, culture and other ethnic specificities)".[129] Besides this differentiation between the Hungarian and Italian communities and the Roma community, some observers note another

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[127] National Democratic Institute, *op. cit.*, note 76.
[128] Constitution of Slovenia of 1991, Official Gazette RS, Nos. 33/91-I, 42/97, 66/2000 and 24/03, Article 65.
[129] Stanko Baluh, "Roma Community", Office for National Minorities website, 27 October 2014, <http://www.arhiv.uvn.gov.si/en/minorities/roma_community/>.

important distinction as regards ethnic communities in Slovenia, namely, the introduction of the concept of "autochthonism" in relation to ethnic minorities (without providing a legal definition of its meaning).[130] Through this concept, the Slovenian authorities make a distinction between communities that have traditionally lived in Slovenia and Roma who arrived comparatively recently, in large part due to the break-up of the former Yugoslavia. As Peric[131] shows, when applied to Roma, the distinction between "autochthonous" and "non-autochthonous" communities has led to the *de facto* exclusion of many Roma from Slovenian citizenship, to their exclusion from the target group of the 1995 and 2000 Government programmes addressing Roma, and has impeded their access to human rights.

According to the Act on Local Self-Governments 72/93, Roma have the right to be represented on municipal councils in areas where "autochthonous" Roma communities live. However, the realization of this right has been dependent on stipulations in municipal statutes. As reported by the Open Society Institute, by 2001 the municipal councils, with the exception of Murska Sobota, were reluctant to implement Roma inhabitants' right to representation due to their allegedly small numbers.[132] The report mentions the case of Roma activist Rajko Šajnovič, whose request to run as a Roma municipal councillor in Novo Mesto in 1997 was denied because the municipal statute had not been amended. The candidate filed a complaint with the Constitutional Court for an alleged breach of the Act on Local Self-Governments. The Constitutional Court declared the law unconstitutional because it was incomplete and subject to misinterpretation, as it fails to provide means for enforcing its provisions regarding Roma representation on municipal councils, it does not refer to specific municipalities, and it has no definition of "autochthonous".[133]

Following the decision of the Constitutional Court, an amendment to the Act on Local Self-Government from 2002 provides for interim measures regarding the representation of Roma on municipal councils: "The municipalities Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Grosuplje, Kočevje, Krško, Kuzma, Lendava, Metlika, Murska Sobota, Novo Mesto, Puconci, Rogaševci, Semič, Šentjernej, Tišina, Trebnje and Turnišče are obliged to ensure the right of the Roma community settled within each municipality to one representative in the municipal council until the regular local elections in the year 2002".[134] One might criticize this approach, as Roma living outside of these 20 municipalities do not enjoy special rights even though they might be citizens of Slovenia and considered "autochthonous" Roma.

According to a 2002 report,[135] in spite of the Constitutional Court decision and the provisions of the amended Act on Local Self-Governments, six municipalities (Beltinci, Grosuplje, Krško, Semič, Šentjernej, and Trebnje) have publicly refused to change their statutes to accommodate the new provisions, claiming they discriminate against the Slovene majority, asserting that Roma lack the experience or education to be local representatives, invoking the

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[130] Miran Komac, "Education for Efficient Political Participation of the Roma Community in Slovenia", in Miran Komac and Romeo Varga (eds.) *Social Inclusion of Roma Stories from Finland, Slovakia, Slovenia and Portugal*, (Ljubljana: Institute for Ethnic Studies: 2007) pp. 107-128.

[131] Tatjana Peric, "Insufficient: Governmental programmes for Roma in Slovenia", *Roma Rights* 15 August 2001, <http://www.errc.org/article/insufficient-governmental-programmes-for-roma-in-slovenia/1717>.

[132] Open Society Institute, "Monitoring the EU Accession Process: Minority Protection", (Budapest: 2001), p. 519.

[133] Ibid., p. 520.

[134] The Act Amending the Local Self-Government Act, the Official Gazette of the Republic of Slovenia, 51/02, Article 14.

[135] Open Society Institute, "Monitoring the EU Accession Process: Minority Protection. Volume I: An Assessment of Selected Policies in Candidate States", (Budapest: 2002), p. 628.

"non-autochthonous" character of their Roma communities, or blaming the central government for having yet to provide for parliamentary representation of Roma. The Grosuplje authorities filed a complaint with the Constitutional Court to investigate the equality principle, even though the Court had previously addressed the issue of equality in voting as regards the double vote principle of ethnic minorities in a 1998 decision.[136] The Constitutional Court then upheld its earlier decision and ordered the implementation of the legal provisions on Roma representation in local councils. The same municipality of Grosuplje refused to appoint a Roma councillor even after one was duly elected in 2010, forcing the person concerned to seek appointment by court decision.[137] In the 2014 local elections, 19 Roma councillors were elected in the municipalities of Beltinci, Cankova, Črenšovci, Črnomelj, Dobrovnik, Kočvje, Plant, Kuzma, Budapest, Metlika, Murska Sobota, Novo Mesto, Puconci, Rogašovci, Semič, Šentjernej, Silence, Trebnje and Turnišče.

The procedure for electing Roma councillors is similar to the one for the Italian and Hungarian ethnic community representatives provided by the Act on Local Elections. Roma community members included on a special municipal electoral register of inhabitants will elect Roma councillors. Elections for municipal council members from the ranks of ethnic minorities are conducted according to the majority principle in special electoral districts comprising the territory of the municipalities concerned. A special municipal electoral commission in which at least one member and one deputy member must be members of the Roma community supervises the elections. Candidates for Roma councillor should present at least 15 signatures of Roma voters, members of the ethnic minority who have permanent residence in the municipality. According to experts,[138] citing the Electoral Committee of Slovenia, in the 2006 elections each Roma councillor received on average 68 votes; the minimum number of votes needed to be elected was 12 and the highest was 255. The low number of votes received represents a challenge for the legitimacy of the Roma councillors.

In 2007 the National Assembly adopted the Roma Community in the Republic of Slovenia Act, which specifies the additional rights Roma shall enjoy through sectoral laws in the fields of education, improving living conditions, culture, health, social security and the right to participate in decision-making in public matters that concern them. The act provides for the establishment of the Roma Community Council, an advisory body to the Government, the National Assembly and local authorities. The Roma Community Council may submit proposals and initiatives to the responsible bodies, make recommendations to various bodies, initiate activities and promote Roma culture. In turn, these bodies - national and state councils and organs of local self-government - must obtain the Council's prior opinion when adopting or issuing regulations and other general legal acts that concern and affect the Roma community. The Council is composed of 21 members, 14 representatives of the Roma Union of Slovenia and seven representatives from among the Roma local councillors. The Advisory Committee of the FCNM expressed concerns regarding the composition of the Roma Community Council "as two-thirds of the seats are reserved for one umbrella organization, the Union of Roma of Slovenia" and emphasized the "utmost importance to ensure that this body adequately reflects the diversity within the Roma community in Slovenia".[139]

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[136] Miran Komac, *op. cit.*, note 89, pp 115-117.
[137] Advisory Committee on the Framework Convention for the Protection of National Minorities, "Third Opinion on Slovenia adopted on 31 March 2011", Strasbourg 28 October 2011.
[138] Irena Bačlija, Miro Haček, "Minority Political Participation at the Local Level: The Roma", *International Journal on Minority and Group Rights* 19 (2012) 53–68, p.64.
[139] Ibid.

Miran Komac's evaluation of Roma councillors' effectiveness is rather negative, as in his view their efforts have not contributed to "the elimination of a developmental gap of the Roma community in Slovenia". Trying to identify the key obstacles Roma representatives are facing in their work, Komac lists low levels of education, difficulties in obtaining relevant information, limited knowledge about political life, lack of political skills, and most importantly the perceptions mayors and other councillors have about Roma councillors' role. Their colleagues and mayors see Roma councillors as a buffer between Roma communities and local authorities "to maintain peace and order within Roma settlements", while "the idea that the Roma councillors can also participate in creating policies for the further development of the Roma community is not frequently expressed".[140]

An external evaluation of Roma councillors' activities in Slovenia conducted in 2004 and 2008 reveals similar trends.[141] However, it is worth mentioning that Roma councillor activity has led to an improvement of relations with their fellow councillors and mayors, who in turn have improved their views of the need for and the work of Roma councillors. Perhaps the most important aspect is that Roma councillors are of the opinion that their relations with their own communities have improved between 2004 and 2008. An indicator of this is that more than half of the Roma councillors have been re-elected.

However, when it comes to participation at national level, the evaluations are less positive. According to information at the disposal of the Advisory Committee, the participation of Roma in public affairs at national level remains insufficient.[142] This evaluation is confirmed also by empirical data, with experts saying that "although this advisory body operates on the national level, it has not yet brought about any significant changes".[143]

The Roma and Sinti representation system in Slovenia combines representation through a national minority representation mechanism with Roma and Sinti representation as members of local polities. This allows for preferential treatment while at the same time ensuring that the elected person is part of the decision making mechanism. This is an innovative system that is inclusive and represents a significant opportunity for Roma and Sinti to make their voice heard. However, the elections of local Roma councillors have not yet led to significant changes for the Roma and Sinti in Slovenia. One challenge is to ensure the effective participation of elected Roma councillors and to provide them with the necessary skills and resources to be able to produce the expected social change.

Case Study Findings

These case studies have focused on the legislative framework for minority participation in Hungary, Serbia, Slovakia and Slovenia, investigating different practices by reviewing the relevant literature on Roma and Sinti political participation. This section presents the main findings of this research, including the challenges and opportunities related to its findings.

Scarcity of data about Roma and Sinti participation

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[140] Miran Komac, *op. cit.*, note 89, p. 125.
[141] Irena Bačlija, Miro Haček, *op. cit.*, note 97, pp. 62-64.
[142] Advisory Committee on the Framework Convention for the Protection of National Minorities, *op. cit.*, note 93.
[143] Irena Bačlija, Miro Haček, *op. cit.*, note 97, p. 67.

It seems the issue of data on Roma and Sinti political participation has not been considered important either by electoral authorities or by donors, as there are very limited sources of information about the way Roma and Sinti people participate in politics. This situation affects the capacity of Roma political organizations and candidates to mobilize their constituencies; knowledge of the Roma and Sinti communities' priorities, how they engage with institutions and other groups, how different exclusion mechanisms operate at the community level, and possible solutions for overcoming such obstacles represent important factors in designing political strategies. It would also be very interesting to learn how Roma assess the institutional performance of those bodies that have the most influence over their daily lives. In the absence of such information, Roma and Sinti politics and mobilization will stay in a twilight zone, with ad-hoc activities and a lack of strategic approaches. In this sense, the lack of data on Roma and Sinti participation represents an obstacle to all those who are willing to mobilize Roma and Sinti communities, as lack of data means they lack the option of calibrating and fine-tuning their strategies and messages.

Lack of data on Roma and Sinti women's political participation

This was one of the most disturbing findings of the research. With the exception of one case in Slovakia and the composition of the NMC in Serbia, no data disaggregated by gender are available. This represents a serious impediment to promoting equality and social justice in excluded communities, taking into account the important roles performed by women in such communities and their interaction with political institutions as both voters and candidates. As underlined by Fejzula, there are some key factors explaining the currently limited participation of Roma and Sinti women: Roma leaders' political culture; legislation or lack thereof; the persistence of the women themselves or lack thereof; and the traditional position of Roma women in the community.[144] This list of factors could be extended to include political parties' practices of excluding women; the social roles assigned to women by the public imagination, which usually excludes women from politics and perceives women's roles as inferior; the weak role assumed by state institutions in promoting gender equality; and other, neutral factors that have a disproportionate effect on gender roles. An example of such a neutral factor is the possession of identification in Montenegro, where there is a gap of 10 per cent between Roma women and men, leading to the greater exclusion of Roma women from participating in politics both as voters and as candidates.[145] All these factors limiting Roma and Sinti women's engagement in politics represent obstacles to achieving more effective representation of Roma and Sinti in the participating States. Roma and Sinti women should be regarded as an important resource for Roma and Sinti political mobilization both as voters and as candidates due to their experiences, skills, and the roles they assume in everyday life. They represent a great opportunity for Roma and Sinti mobilization.

The limited data available indicate that Roma and Sinti women engage less in politics than Roma and Sinti men despite Roma and Sinti women's significant contribution to Roma community development. The participants in the Regional Workshop for Political Participation of Roma, Ashkali and Egyptian Women in the Western Balkans organized in 2003 by the OSCE identified the following factors that have contributed to the success and failure of political participation efforts in these countries: "Existence of strategic co-operation and finding alliances with relevant partners; Collaboration of Roma women with mainstream

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[144] Sebijan Fejzula, "Roma Women between Voice and Voicelessness in Politics in the Republic of Macedonia", 5 October 2014, <http://romalitico.org/index.php/content/item/30-roma-women-between-voice-and-voicelesness-in-politics-in-the-republic-of-macedonia>.

[145] Tatjana Perić, "The Housing Situation of Roma Communities: Regional Roma Survey 2011." Roma Inclusion Working Papers. (Bratislava, United Nations Development Programme 2012), p. 43.

NGOs and political parties (Roma and non-Roma); Existence of capacity building systems that would provide continuous training and mentoring; Existence of programmes that would develop gender sensitivity among political leaders; Availability of political science scholarships for Roma women; and Government support".[146]

Voter registration

Due to historical reasons and their experiences during the Second World War, Roma and Sinti distrust registration practices involving ethnicity. This distrust might lead to a decrease in the number of Roma MSGs in Hungary, or to fluctuations in the quota for registration in Serbia, which would affect elections to the NMCs. Agarin[147] notes that this ethnic registration requirement might also lead to a "less representative and democratic" MSG system in Hungary. A positive development is the increased number of Roma and Sinti willing to register as voters for MSG and NMC elections in Hungary and Serbia. However, the reluctance to provide ethnic data for collection represents a significant challenge to Roma and Sinti activists as well as to officials in the participating States who must ensure privacy and guarantee against the abuse and misuse of private data.

In Slovenia, the distinction between "autochthonous" and "non-autochthonous" Roma leaves many of them outside of the political system, and even those that are considered local residents might not enjoy special minority rights if they are not residents of the 20 municipalities referred to in the law. Thus, the advantage of combining a minority rights approach by ensuring special rights to Roma and Sinti has not been used to fully include Roma and Sinti in politics due to bureaucratic, exclusionary practices.

Slovakia is a positive example as regards voter registration and proof of identity. Persons without identification can still vote there provided they put forward two witnesses known to the electoral commission to vouch for them. This might serve as an inspiration to those participating States with a significant proportion of Roma and Sinti lacking identification.

Relations with municipal authorities

In those cases where minority representation institutions have been set up in parallel with municipal councils, the relationship with such councils is troublesome due to competition for power. While local authorities are vested by law with certain powers as a result of popular local sovereignty, the legitimacy of minority representation institutions is always questioned. In both Hungary and Serbia, the powers vested in minority representation institutions are limited and often contradict other legal provisions. In Hungary, until 2008 the Roma MSG could not effectively provide minority education or ensure the use of their mother tongue in the state administration, even though such functions were supposed to be MSGs competencies. The high degree of dependency on funding from local councils has also led to a split in the Roma and Sinti communities along the lines of the main political options. This support for a major political bloc impedes cooperation with local councils once the majority on those councils switches political affiliation and has directly affected Roma and Sinti voters' political options.

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[146] Report from the Regional Workshop for Political Participation of Roma, Ashkali and Egyptian Women, OSCE, Skopje, 22-23 November 2013, p. 5.
[147] Timofey Agarin, "Integrating the Romani Community in Hungary", in Timofey Agarin and Malte Brosig (ed.) *Minority Integration in Central Eastern Europe Between Ethnic Diversity and Equality* (New York: Rodopi: 2009) p. 264.

In Serbia, reports indicate that the NMCs have not been able to fully assume the power vested in them as regards minority education and the use of their mother tongue within the state administration, as the procedures for transferring these responsibilities from local authorities to the NMCs have not been clear. In Slovenia, the positions of Roma councillors have been questioned by their peers, as the requirements for them to be elected are lower than for the average local councillor. There are no relevant data as concerns power relations between Roma and non-Roma within local political parties.

Efficiency of minority representation mechanisms

The position of Roma and Sinti activists toward minority representation mechanisms is ambivalent. In Hungary, where expectations regarding MSGs were high partly due to the use of the term "self-governing", and where the MSG system was less powerful than citizens expected from their perceptions of that term, Roma activists are split as regards MSGs between those that see some personal and community benefits from them, often associated with the Lungo Drom NGO, and those that see MSGs as oppressive institutions failing to deliver on the promise of self-governance. Moreover, often these mechanisms lead to intense internal competition inside the Roma community to participate in institutions that lack power and ensure only limited access to resources, as real power rests with the local councils. However, in Serbia there is enthusiasm among Roma activists to support the NMCs, partly due to their having only been recently established. Experts usually evaluate the efficiency of these mechanisms as low; some could even argue that these institutions represent a trap and a barrier to accessing real power.

Although there are high expectations from the public as regards minority institutions in dealing with problems faced by the Roma, one has to make it clear that these problems greatly exceed the power vested with minority representation institutions. Even in Hungary, where the MSG leaders have attempted to accumulate power by assuming responsibilities not provided for by the law and by penetrating all types of administrative bodies involved in policy-making towards Roma, that attempt has created frustration and resentment among Roma, as the MSGs have not been able to deliver in accordance with people's expectations.

Since Slovakia lacks a national minority representation system, the efforts of Roma and Sinti activists have been focused on participating in local, regional and national representation institutions. The result is that elected Roma representatives are part of the political power games within institutions that do have the mandate and competencies to deal with many of the problems faced by the Roma and Sinti. However, elected Roma representatives still have to produce social change within their communities in order to evaluate the efficiency of their political strategies.

Nevertheless, the question of which option is better for the Roma and Sinti – the national minority representation mechanisms or the local elected authorities – remains open, and a proper answer should take into consideration local contexts, power relations between Roma and non-Roma, the political opportunities offered by the political system, intersectionality (especially of gender, class and ethnicity), the available resources and international factors. The option to engage in politics through either ethnic or mainstream parties is open to Roma and Sinti in the participating States, including in those that also ensure Roma and Sinti representation through national minority representation mechanisms. Increasing demographics favour Roma, as mainstream parties' perception of them as potential supporters will increase with their numbers. On the other hand, negative societal attitudes towards Roma and Sinti might impede their inclusion process within mainstream politics.

Diversity among Roma

One of the major challenges the minority representation mechanisms face is how to ensure the representation of different Roma groups and their diverse interests. This is a major issue in Slovenia, where Roma councillors enter into direct competition with traditional Roma leaders to represent the voice of the community.

In Hungary, due to the electoral system as well as the involvement of the authorities in support for one Roma group or another, the MSGs have failed to give a voice to the Roma opposition. Experts have also already noticed intra-minority conflicts generated by the NMCs in Serbia, as in other countries.

Co-operation with Roma organizations

There is a tendency for minority representation institutions to become the sole voice of the Roma in dialogue with the authorities. This leads to conflicts with other Roma organizations, who might also challenge the professionalism and expertise of the Roma representatives in minority institutions.

In Hungary, Lungo Drom, the organization that has won all of the MSG elections but the one in 2002, holds a monopoly on being the Roma national minority's state partner in policy-making. Taking into account that its leadership is also involved in party politics within the ruling party, and that it has signed a co-operation agreement with the ruling party, those who argue that Lungo Drom is just an annex of the ruling party have some evidence on their side. In Slovenia, the Union of Roma holds a monopoly position in its relations with the Government, National Assembly and local authorities, and there is no room for a dissenting or alternative Roma voice there.

Discussion

Irrespective of the strategy chosen by activists, when assessing Roma and Sinti political participation one has to take into consideration the degrees of different forms of participation and engagement. Roma and Sinti participation is not just necessitated by the Kantian moral imperative to treat people as subjects and not as objects, but is also a very practical tool to ensure the sustainability of policies targeting Roma. Roma and Sinti participation is also not merely a matter of having Roma among the participants in different meetings or structures, but is a larger problem encompassing issues such as who participates, how they participate, the degree or intensity of the participation, and the type of participation.

Arnstein's ladder of citizen participation is a helpful tool in bringing some clarity to the matter of Roma participation. In a 1969 article on power structures in society,[148] Arnstein presented a ladder of citizen participation in decision making with eight rungs corresponding to three levels of involvement: non-participation, tokenism and citizen power (Figure 1).

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[148] Sherry R. Arnstein, "A Ladder of Citizen Participation", *JAIP* 35 (July 1969) 4: pp. 216-224.

Figure 1, Arnstein (1969) – Ladder of Citizen Participation
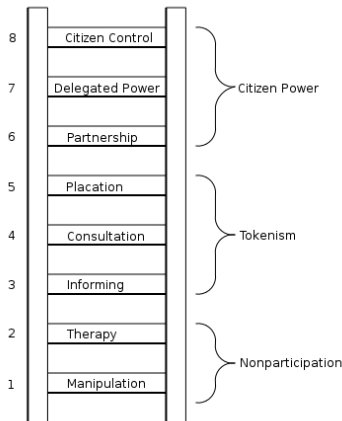
Manipulation is merely a public relations exercise by power-holders, who place citizens on advisory boards or committees with the aim of "educating" them and getting their support. *Therapy* is a process whereby citizens are perceived as mentally ill due to their powerlessness and are subjected to clinical group therapy, the focus being on their alleged "illness" without actually affecting the causes that led to it. These two forms are defined as non-participation.

Informing is the next rung on the participation ladder, consisting of informing citizens of their rights, duties and options without offering an adequate channel to provide feedback and to influence the measures affecting them. *Consultation* gives an opportunity to citizens to express their opinions without any guarantee that they will be taken into account. *Placation* occurs when a few selected citizens are placed on various boards and committees, usually forming a minority in these structures, without being accountable to the community. The level of citizen placation varies depending on citizens' capacity to define priorities and the level of community organization. These three forms are defined by Arnstein as *tokenism*.

The next three rungs are those of citizen power: redistribution of power among citizens and power-holders through negotiations and institutional arrangements. In *partnership*, responsibilities for planning and decision-making are shared through joint structures, with clear rules that cannot be unilaterally changed. *Delegation of power* is achieved when citizens acquire dominant decision-making authority over an issue or measure (veto power). *Citizen control* occurs when citizens have full managerial control over a policy or institution – such as a school, community centre or neighbourhood service – and are able to negotiate the conditions for changing the institution or policy.

By applying this model to the context in which Roma and Sinti participate in politics, one might have a good sense of how influential Roma and Sinti are as a group. In many cases Roma and Sinti are involved through non-participatory methods or, at best, through consultation and placation. Nevertheless, Roma and Sinti participation in politics is increasing (as was noted by the 2013 Status Report) and opportunities for Roma and Sinti to engage in politics are open to moving up the scale of participation.

There are positive trends that could give an even more comprehensive understanding of the importance of Roma and Sinti political participation. One encouraging aspect is the increasing availability of data regarding Roma and Sinti political participation, although there is still a significant gap. In recent years scholarly attention to Roma and Sinti issues has increased and is reflected in a growing number of books, studies and articles covering the

problems faced by Roma and Sinti, including political participation and representation. Governments and international organizations have developed strategies and programmes targeting Roma and Sinti. However, there is a need for more accurate data on different aspects of Roma and Sinti political participation in order to enable candidates and parties to design their strategies and political programmes and to adjust their messages to better connect with the needs, interests and priorities of Roma communities. Nowadays their capacity to mobilize Roma and Sinti voters is limited due to the lack of data on how Roma and Sinti engage in politics, what their expectations are, what type of institutions they engage with and what type of relations they engage in.

Another positive aspect is the increasing attention to and quality of election processes in general, which might lead to improvements for Roma and Sinti voters. Although there might be voices challenging this statement, a look at election history over the last quarter of a century reveals that elections have become better regulated, more fair and democratic, and that fewer abuses are reported, especially abuses perpetrated by governing parties and coalitions. Such an environment cannot but help those voters facing social exclusion and marginality whose voices during the democratic processes remain too often unheard. Political parties and candidates will have to discover and address this reservoir of resources that might increase their competitiveness and results during elections.

Demographic trends are in favour of the Roma and Sinti population. According to the latest research,[149] Roma and Sinti in the EU are a relatively young population in comparison to the total population. The last population census recorded increasing numbers of Roma in many participating States, as the cases of Hungary, Romania or Serbia demonstrate. The problems faced by Roma and Sinti will sooner or later become societal problems that political parties will have to consider if they aim to win office.

The increased quality of the civil service has the potential to improve the governance of Roma and Sinti communities as well. Over the last 25 years the transparency and fairness of public procurement have increased significantly. The management of public funds and governance in different areas has led to higher efficiency and quality. While trust in traditional politics is in decline, new forms of participation are on the rise, providing new opportunities for Roma and Sinti, especially for youth. The development of new technologies and of new social media is changing societies' governance styles and the mobilization strategies of the political forces. These changes are affecting the Roma and Sinti community and the younger generation is in an advantageous position to use these new technologies.

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[149] Fundación Secretariado Gitano, "Health and the Roma Community, analysis of the situation in Europe Bulgaria, Czech Republic, Greece, Portugal, Romania, Slovakia, Spain" (Madrid: 2009), pp. 18-19.

Recommendations

The following recommendations are based on the case studies analysed above:

- Encourage and support Roma and Sinti women's participation in politics through a wide range of measures, including through establishing minimal quotas for representation of women in elected bodies.

- Adopt voter registration practices that are flexible and inclusive, and that aim at the practical realization of the right to vote and to be elected.

- Design or readjust minority representation mechanisms that have mandates and competencies to effectively manage problems faced by national minorities. These representation mechanisms should not automatically be separate institutions, as they could be part of the mainstream representation system, as is the case in Slovenia.

- Provide support and training to elected Roma and Sinti representatives to improve their efficiency in representing the interests of Roma and Sinti communities.

- Stimulate Roma and Sinti participation through implementing programmes for electoral education in Roma and Sinti communities. Such programmes should have a special focus on Roma and Sinti women, as their participation is lower.

- Take concrete legal action to sanction illegal practices, such as vote-buying, pressuring voters, etc., especially in marginalized communities.

- Encourage mainstream political parties to include Roma and Sinti candidates for public office and to adopt inclusive political programmes that address the problems faced by Roma and Sinti communities.

ANNEX: AGENDA OF THE EXPERT MEETING

Expert meeting on Roma and Sinti political participation:
Opportunities and risks of local-level engagement

Agenda

Warsaw, 28 November 2014

9:00-9:10	**Welcome and opening remarks** Beatriz Balbin, First Deputy Director, ODIHR Mirjam Karoly, Senior Adviser on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues, ODIHR
9:10-9:35	**Introduction of participants** Moderator: Mirjam Karoly, Senior Adviser on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues, ODIHR
9:45-11:15	**Presentation of the background paper "Roma and Sinti political participation: Opportunities and risks of local-level engagement"** Presenter: Iulius Rostas, ODIHR Consultant (Discussion with participants)
11:15-11:30	Coffee break
11:30-13:00	**Working groups session** Introducer/facilitator: Iulius Rostas, ODIHR Consultant **Working group I: Minority representation system vs. mainstream political participation at the local level – a critical review** Moderator: Mirjam Karoly, Senior Adviser on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues, ODIHR Rapporteur: Marcin Walecki, Chief, Democratic Governance and Gender Unit, ODIHR **Working group II: Electoral systems in the OSCE area – the challenges for Roma and Sinti as candidates for local office** Moderator: David Mark, Officer on Roma and Sinti Issues, ODIHR Rapporteur: Richard Lappin, Senior Elections Adviser, ODIHR

Working group III: Voter mobilization and voter education – overcoming the barriers
Moderator: Tatjana Perić, Adviser on Roma and Sinti Issues / Deputy Chief of the Contact Point for Roma and Sinti Issues, ODIHR
Rapporteur: Karolina Mirga, Project Assistant, ODIHR

13:00-14:30   Lunch break

14:30-16:30   **Conclusions and feedback from the working groups session**
Rapporteurs from WG I, II and III
Moderator: Iulius Rostas, ODIHR Consultant

(Discussion with participants)
(Short video screening)

16:30-16:45   Coffee break

16:45-17:00   **Moderated discussion: conclusions of the expert meeting and ways forward**
Moderator: Mirjam Karoly, Senior Adviser on Roma and Sinti Issues / Chief of the Contact Point for Roma and Sinti Issues, ODIHR