



**Organization for Security and Co-operation in Europe
High Commissioner on National Minorities**

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Address by **Max van der Stoel**,
OSCE High Commissioner on National Minorities,

to the Supplementary Human Dimension Meeting on
Roma and Sinti Issues
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Ladies and Gentlemen,

The plight of the Roma is something that we should all be concerned with, not only in the context of the protection of persons belonging to national minorities or the human dimension, but because it is a matter that affects us all as Europeans. The way that we address the Roma issue must be reflective of our commitment to human rights in deeds and not only words, and should demonstrate our commitment to integrating diversity within society.

For too long the Roma issue has been swept under the carpet. But no one who lives in this part of the world can be unaware of the problems, or at least the symptoms. The problems include intolerance, mutual distrust, poor housing, exclusion, unemployment, education and systemic discrimination. In a classic downward spiral, each of these problems exacerbates the others. Sadly, the symptoms have become almost commonplace: racist attacks and segregation, Roma asylum seekers, horrendous living conditions, extreme poverty, and disproportionately high rates of illiteracy and ill-health including infant mortality. Images of a mother and child begging in the streets, of families reduced to living on garbage dumps, or Roma houses being burnt down by angry mobs do not tell the whole story, but they stay with us because of their poignancy. Such images seem like they should be from another time or place. But they occur – here and now. . . in "modern" Europe, in a Europe that

prides itself on being a civilized continent based on common principles, particularly respect for human rights.

I have been involved with Roma issues long enough to know that it is simplistic to see things in black and white. The problem is multi-faceted, and the challenges confronting Roma communities and OSCE Governments are complex. Furthermore, because of the rich diversity among Roma, it is not wise to make generalizations. However, one thing that I can say plainly and unequivocally: discrimination and exclusion are fundamental features of the Roma experience.

In an era of a free flow of ideas and capital, lowering trade barriers and the opening of borders, several divisions still remain. These are divisions based on hate, suspicion, intolerance and prejudice spawned by racism, chauvinism, xenophobia and aggressive nationalism. Most of these barriers are invisible, but are all too real for the people who confront them on an almost daily basis. For the Roma these include being refused employment or housing, being denied justice (including protection) under the ordinary system of public administration, or being excluded from bars and restaurants. Some barriers are even institutionalized like "special schools" or racially biased housing policies. And some obstacles and barriers are not just social or psychological but are also physical such as the insistence of the municipal authorities of the northern Czech town of Usti nad Labem to build a wall – a wall designed to separate the Roma and non-Roma communities. Over time, these barriers have led to alienation, misunderstandings and the virtual "ghettoization" of a whole culture. Such actions and attitudes have not only been tolerated, but – if not confronted and addressed - risk being perpetuated. We have to tear down the personal and societal walls of prejudice, exclusion and discrimination.

I am in the process of completing a report on the Roma that, I hope, will help to achieve this end. I am under no illusions as to the complexity of the situation and I can not offer miracle cures. However, I hope that through my analysis, observations and recommendations, I can stimulate some meaningful steps which may help untie the Gordian knot of what at some times seems like an intractable issue.

The report is the result of observations that I have made since my last report on the Roma which was issued in September 1993. The information contained in it is based on my experience with Roma over the years, including direct contacts during my visits to various OSCE countries, participation in seminars and the analysis of information which I regularly receive. It also owes a great deal to research carried out by Professor Diane Orentlicher of the American University who worked closely with my office and the Foundation on Inter-Ethnic Relations for most of this year. Her work was generously supported by a grant from the Government of the United States.

The report was prompted by two interrelated concerns. First, in the period since my last report, and notwithstanding notable steps by a few institutions, conditions of Romani communities in Europe have, in many key respects, continued to deteriorate. Second, despite the seriousness of the problems now confronting Roma, neither the OSCE nor its participating States have devoted the attention or resources to this issue that are plainly warranted. The purpose of the report is to highlight key issues, the approaches taken by a number of OSCE participating States, and recurrent problems. It includes a number of recommendations. Although I will not be formally issuing the

report today, I would like to share with you some of its main observations and recommendations.

One of the first general observations that I would like to make is that there is all too often a fundamental lack of trust between Roma and non-Roma populations. This distrust leads to fear and prejudice and becomes the foundation on which divisions between communities can grow.

A great deal of this distrust stems from a lack of communication. Therefore, a major step to improving relations is to create effective mechanisms for dialogue and participation. We must avoid the tendency to discuss Roma issues and to make policy decisions on behalf of the Roma without their participation. At the same time, it is important for the Roma to join in identifying and articulating the needs and goals of their communities. On both these points I have grounds for optimism.

On the one hand, several countries with significant Roma populations that I have visited are increasingly aware of the need to create opportunities for open dialogue with Roma representatives. There is also a growing awareness by States to involve Roma in decisions that affect them. Hungary has experimented with minority self-government councils, other countries have established Minority Councils, Consultative Commissions and, in some cases, government offices have been set up with points of contact for Roma issues and Roma advisors have been engaged at the level of local government. These are positive initial steps.

At the same, I have been impressed by signs of an emergence of a vibrant Roma movement. The leadership and vision of a new generation of Roma leaders provide cause for optimism that the Roma will be able to more effectively promote their own interests. These are positive developments since my last report of 1993 and bode well for the future.

However, concerning participation I would like to note a few areas that could be improved. I will keep these observations general while my report will go into greater detail. Firstly, Roma are still vastly underrepresented in elected and appointed office at all levels of Government. Efforts must be made to more actively engage Roma in public service. Only then will they feel that they have a stake in the system.

Secondly, mechanisms that are set up to allow for Roma participation must be genuine in their intentions and meaningful in their endeavors; without this they will represent nothing more than window dressing or tokenism. The effectiveness of consultative mechanisms can be measured by a number of criteria: allowing for early involvement of Roma in Roma-related policy formation; the extent to which the process is broadly representative; transparency; and the involvement of Roma in implementation and evaluation of Roma-related programs. These benchmarks hold true for more than political consultative bodies. In order to enjoy legitimacy and success, any initiative relating to the Roma should involve Roma in the development, implementation and evaluation phases.

Governments may create opportunities and mechanisms, but they will only be truly effective if Roma take full advantage of them. Here I turn to the other side of the coin, namely that it is important for Roma to mobilize themselves around their common

needs and goals. The active involvement of Roma in projects which affect their communities can ensure that a classic syndrome of dependency and passivity on the part of the programs' intended beneficiaries is not inadvertently created or perpetuated. Roma must become the agents of their own destiny.

Of course, it is hard to speak of "the Roma" as a collective whole. Although excessive fragmentation is clearly undesirable, Roma, like any group, are entitled to political pluralism. To demand that Roma communities speak with one voice is to expect more of them than other groupings have been able or expected to achieve. In practice, moreover, some governments' insistence on finding what they consider a legitimate representative of "the" Roma community risks privileging one segment of Roma while excluding others from the political process. The challenge, therefore, is to find effective means of ensuring Roma the opportunity to participate in public life while respecting the diversity among Romani communities. Recent examples of consensus-building among diverse Roma communities in countries such as Romania and Bulgaria demonstrate that Roma leaders themselves recognize that identifying and articulating issues of common concern is to their advantage.

Many Roma leaders have placed a great emphasis on the importance of adequate educational opportunities to eventual success in political advocacy, as well as in raising the standard of living, employment prospects and the health of Roma communities. For that reason, I have paid considerable attention to education in my report. I have made a number of recommendations, a few of which I would like to highlight.

It should be a priority for Governments of OSCE States that still allow such practices to put an end to the abhorrent and degrading practice of inappropriately putting Roma children into so-called "special schools" for mentally disabled children. This practice effectively stunts the mental growth of these pupils, stigmatizes them and leaves them, from an early age, in a disadvantageous position in relation to their peers. Such schools are a blight on countries that condone them and do not belong in civilized societies.

Of course, Roma have the right to establish their own schools. But, in terms of mainstream education, a greater effort should also be made to encourage integrative schooling and do away with the practice of involuntary segregation. Alienation in, or even from, school strengthens the image of the Roma as perennial outsiders. In the same vein, the decision of some Roma parents to keep their children out of school – even if this may be the result of discrimination, impoverishment or poor health – leads to problems later in life. It is essential that Roma children get a good start in life. Special emphasis should therefore be put on pre-school and kindergarten education for Roma children to increase their proficiency in the language of instruction and, more generally, to acculturate them to the classroom. Furthermore, I see a need for making improvements to curricula that provide all students (including non-Roma students) a greater understanding of Roma culture in particular, and multi-culturalism more generally.

Housing is another area that needs attention. Because of the substantial resources that are required, Governments should show readiness in assuming the risk of guaranteeing loans that may be available from international organizations and

financial institutions for housing projects. Targetted international, national or local support could kick-start community development. Involving Roma in the planning, renovation, building and maintenance of houses that they live in can help advance their integration in society and avoid reverse patterns of dependency associated with some public housing programs. Efforts should also be made to encourage integrative housing projects. Governments must, at the very least, ensure that housing projects do not foster segregation. In view of the extreme insecurity that many Roma now experience in respect to housing – and here I refer to nomadic and sedentary Roma groups – governments should also endeavor to regularize the legal status of Roma who now live in circumstances of unsettled legality.

As I noted at the beginning of my presentation, discrimination is a defining feature of the Roma experience. Through studying the issue I have observed trends that indicate discrimination in employment, in public services, and the administration of justice. In some countries I have noted negative stereotyping of Roma as a feature of public life. There is also no denying the well documented cases of racial violence - individually, collectively, and even by police forces. It is essential that Roma should be assured of their personal integrity and rights, both in relation to the police and, equally important, in relation to private persons. This is no less than what is assured other citizens through what we expect to be the normal functioning of criminal law protection.

A number of measures should be considered to combat discrimination. These should ensure that there is not only equality in law, but equality in fact. Discrimination must be called by name – and then efforts should be made to stamp it out. Political leadership is one of the most important measures that can both begin and foster the process of combating discrimination. Politicians and public officials at all levels of Government must acknowledge that anti-Roma racism is a problem in their societies and must provide the political will, courage and leadership to do something about it. In some cases legislation specifically designed to combat racism is called for. Such legislation should prohibit incitement to racial hatred, discrimination and violence. It should also prohibit discrimination in all fields of public life, including access to housing, citizenship, education, employment, health services, and public and social services. Effective remedies must also be established in case of violations. Governments should introduce and enforce internal disciplinary standards to ensure that public officials who discriminate, including police, are sanctioned accordingly.

Hand in hand with the adoption of legislation must come training. Police, prosecutors and judges need to be more aware of what constitutes a racially-motivated crime or even racial discrimination and what they should do in such cases. Part of the solution could be to introduce conflict-management mechanisms for police and between police and Roma communities. In a similar vein, I would encourage the recruitment of more Roma into police forces.

In some cases it may be necessary to establish specialized State bodies to combat discrimination. In a number of OSCE countries, such bodies have made a valuable contribution toward combatting racism and other forms of discrimination. Another model that has proven effective in some countries is that of an ombudsman.

In dealing with issues of discrimination and trying to document cases of racial abuse, one frequently encounters vexing issues relating to the collection and use of ethnic data. Ethnic data evokes memories of registration of "undesirables", and also raises ethical and legal issues, particularly as regards privacy. But without statistical data, it is very hard to have a clear picture of patterns of discrimination. I suggest that a seminar or conference should be held to look at this issue in greater depth. Such a conference could, hopefully, provide valuable insights and guidance on how to solve this dilemma.

Some of you may recall that one of the recommendations of my first report on the Roma in 1993 was that a Contact Point on Roma issues should be established in the OSCE's Office for Democratic Issues and Human Rights (ODIHR). That decision was subsequently taken. The Contact Point was further strengthened in a decision of the Oslo Ministerial Meeting of December 1998 to establish a full-time Adviser on Roma and Sinti Issues. Although Nicolae Gheorghe has only been in his position for a few months, we are already seeing positive results. I think that the position of Advisor on Roma and Sinti Issues is an important one, and his competencies should be fully exploited.

In the spirit of the Oslo Ministerial decision, I would recommend that the pro-active approach adopted by Mr. Gheorghe be fully supported. He should play a key role in advising on the course that the OSCE should take in regard to Roma issues. At the same time, because the range of issues and the challenges that they present are so great, it is important that other organizations focus their activities as well.

Furthermore, to focus the OSCE's work on Roma issues I would recommend that the Contact Point give priority to a specific range of issues, for example, the effective participation of Roma at all levels of government, the development and refinement of mechanisms to alleviate tension and conflict between Romani and non-Roma communities, and combating racism and discrimination within public administrations. In this work, I encourage the Contact Point to carry out on-site inquiries. A precedent has already been established through the joint OSCE/ODIHR-Council of Europe Field Mission on the Situation of the Roma in Kosovo. I know from personal experience that the effectiveness of an instrument like the Contact Point relies a great deal on the ability to conduct on-site visits as necessary, particularly in response to crisis situations. The Office should be assured the necessary resources and facilities to undertake such initiatives when they are indicated. I hope that these points will be given further consideration during the upcoming Review Meeting.

To conclude, there is much more that we can and must do. When I say "we", I mean the OSCE as an Organization, the OSCE community, individual States, NGOs and representatives of Roma communities. I think that this conference and others like it can be useful for looking at ways of moving from ideas to implementation. I appreciate its pragmatic, constructive and action-oriented approach. I hope that my report will be considered in a similar spirit.

We should not, however, approach the Roma issue as though major breakthroughs could be achieved through simple prescriptions. The process is dynamic, and therefore requires dynamic approaches. These approaches should be flexible and inclusive, and create the possibility of building long term patterns of integration rather

than short term "solutions". Integrating diversity is the biggest challenge to all OSCE participating States and is not unique to relations between Roma and non-Roma communities. As has been highlighted in the recently released Lund Recommendations, the effective participation of national minorities in public life is an essential component of a peaceful and democratic society. In the Roma case, more than most, ways have to be found of facilitating them within the State while enabling them to maintain their own identity and characteristics.

The role of the international community should be to ensure that governments create a level playing field and live up to international standards. States have an obligation to commit political will and resources to the protection and promotion of the rights and identities of all citizens, and to facilitate their integration into the wider society. For their part, it is in the interest of the Roma, while basing themselves on the institutions and structures of the State, to take full advantage of opportunities offered by those same institutions and structures. In this way, we can begin to overcome the barriers that still divide us and build bridges instead of walls.

Thank you for your attention.