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## **OSCE Human Dimension Implementation Meeting**

### **Working Session 14: Enhancing the implementation of OSCE commitments regarding Roma and Sinti, Wednesday, 5 October 2011**

Statement by **Mr Jeroen Schokkenbroek**, Special Representative of the Secretary General for Roma Issues

Chairperson, Excellencies, ladies and gentlemen,

It is an honour for me to have been invited by OSCE/ODIHR to address you today on a subject which is of particular concern to both the Council of Europe and the OSCE.

Our two organisations have had a long-standing and fruitful relationship on many issues not least regarding the protection of the rights of persons belonging to national minorities, tolerance and non-discrimination which we both regard as priority areas of cooperation. Cooperation between our two organisations has been particularly intensive on Roma<sup>1</sup> issues. OSCE/ODIHR has actively participated in all the meetings of the former Committee of Experts

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<sup>1</sup> The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as "Gypsies".

on Roma and Travellers (MG-S-ROM) since 1995 and is now represented in the new ad hoc Committee of Experts on Roma issues (CAHROM), reporting directly to the Committee of Ministers. ODIHR also participated in the Council of Europe High Level Meeting on Roma in Strasbourg on 20 October, 2010.

Over the years we have carried out several joint initiatives, such as the website on the Roma genocide ([www.romagenocide.org](http://www.romagenocide.org)) which was officially launched in Cracow on 1 August 2011, and the International Task Force for the Education of Roma (ITFER) which we launched in 2009.

We have both developed policy guidelines for member states on housing, health, education, employment and other issues - the OSCE with the Action Plan adopted in 2003 and the Council of Europe with recommendations adopted by the Committee of Ministers from 2000 to this day. These texts are complementary and taken together, they provide a sound framework enabling states to develop workable strategies for the social inclusion of the Roma. These existing commitments were renewed and strengthened by member states in the Strasbourg Declaration on Roma of October 2010, adopted by the High-Level Meeting. Subsequently, the European Union gave an important further boost to Roma inclusion efforts by its member states through the EU Framework for National Roma Integration Strategies.

Such strategies, however, cannot be fully successful in an environment of persisting racism, hatred and distrust.

The European Commission against Racism and Intolerance (ECRI) has issued clear recommendations to member states to combat racism in all its forms, and last month released a General Policy Recommendation on combating anti-Gypsyism and discrimination against Roma. This was the topic of a specific side event at this Human Dimension Implementation Meeting yesterday.

ECRI systematically condemns racism, xenophobia and intolerance in political discourse and encourages political parties to take a firm stance against racist attitudes.

The European Convention on Human Rights and Fundamental Freedoms is the most prominent example of how European human rights law is relevant and important for the situation of Roma, in particular for combating discrimination. The European Court of Human Rights has, to this day, delivered over 30 judgments concerning Roma and several others are pending.

Three judgments concern school segregation of Roma children, where all three countries involved were found in violation of the Convention:

- DH and others vs the Czech Republic on the placement of Roma children in special schools for children with learning disabilities
- Sampanis vs Greece on the placement of Roma children in separate classes, and
- Orsus vs Croatia on the placement of Roma children in Roma-only classes.

After the famous Brown decision of the US Supreme Court in the 1950s and having witnessed the fall of apartheid in South Africa in the last century, it is frankly shocking to see that segregation of Roma exists in 21<sup>st</sup> century Europe.

The Committee of Ministers, responsible for supervising the execution of the Court's judgments, recently noted as regards the Czech case of 2007 that the relevant national action plan was due to be implemented as from 2013 and expressed concern that considerable progress remains to be achieved on the ground. It stressed the importance of the Czech authorities intensifying and if possible speeding up the implementation of their action plan.

The European Social Charter has also proved to be highly relevant to the human rights of Roma. The European Committee of Social Rights has, in particular under the collective complaints procedure, found several violations in connection with the situation of the Roma as regards the right to health protection, the right to social and

medical assistance, the right of the family and of children to social, legal and economic protection, the right of migrant workers to protection and assistance, the right to protection against poverty and social exclusion and the right to housing. In most cases, violations were also found of the prohibition of discrimination. Several cases are pending.

For combating hate speech in the information society, the Council of Europe Convention on Cybercrime, adopted in 2001 and which entered into force in 2004, is a binding instrument of paramount importance. An additional protocol to this Convention outlaws acts of a racist and xenophobic nature committed through computer systems.

Recent events show the relevance of this Convention. Postings on the website of serious Czech dailies following disturbances in the Sluknow foothills in Bohemia were full of hate speech.

Quick and decisive action is needed not only to bring culprits to justice but also to avoid escalation. We have witnessed over the last year how easily incidents can escalate in Hungary for example, but also in Bohemia in the Czech Republic.

In the last ten days, we witness a very ugly outburst of anti-Gypsyism across Bulgaria. A suspicious car accident in Bulgaria, where a non-Roma was killed by a car driven by a Roma, has fuelled violence and

anti-Roma demonstrations in Sofia and several Bulgarian cities. Last Monday, the Parliamentary Assembly's human rights committee expressed its grave concern at this eruption of hatred and threats against the Roma and called on the authorities at all levels to do their utmost to protect this vulnerable minority and condemn and prosecute all acts of anti-Gypsyism. The Committee also stressed that corruption and crime must be fought irrespective of the ethnic origin of the perpetrators. In a separate statement, Secretary General Jagland yesterday stressed the need to address incidents such as in Bulgaria from a wider perspective in order to prevent them in the future. "There is a danger that individual crimes become a pretext to stigmatise an entire community. In situations where crime can trigger ethnic tensions, politicians and the media have a special responsibility to treat a crime as a crime and to avoid any generalisation and stigmatisation of the Roma community as a whole. Populist exploitation of anti-Gypsyism is incompatible with the democratic values the Council of Europe stands for".

Good examples of swift reaction to hate crime exist. Following publication in Poland on YouTube of a recording with content offensive to the Roma community and clearly inciting violence, the suspect was convicted by the District Court in Wroclaw. The EU Fundamental Rights Agency included similar examples in its report on protection of persons belonging to minorities, released last week.

Such action needs to be taken wherever and whenever such incitement takes place. Too often, adequate criminal law provisions against hate crime exist but are not applied. This must change, and I welcome the good work done by the ODIHR in this area.

Anti-Gypsyism is widespread and intense and needs to be addressed urgently. This has been stressed by the Council of Europe Group of Eminent Persons, chaired by Joschka Fischer, by Commissioner for Human Rights Thomas Hammarberg, by the European Commission against Racism and Intolerance and by many other European and international bodies.

The Council of Europe is very conscious that while laws and law enforcement are necessary, they need however to be accompanied by the development of a culture of tolerance.

Several initiatives have been taken in this respect, notably all with regard to the role of the media in promoting this tolerance.

A manual "Living together" showing how the media can contribute to social cohesion, intercultural dialogue, understanding tolerance and democratic participation was published in 2009. Courses have been organised for journalists to make them better aware of the facts about the Roma and the need to avoid stereotyping.

Further, in a Declaration adopted in 2009, the Committee of Ministers highlighted the role of community media in promoting social cohesion and intercultural dialogue. This brings me to the important contribution Roma themselves can make to changing their public image.

The media landscape today offers enormous opportunities for empowerment and active participation of Roma. As media voices for their communities they can help in combating stereotypes and transmit the right messages. The Roma need to penetrate into media circles as journalists, creators or animators of programmes and to exploit new media for carrying the message of the community. As I said at the Roma Youth Conference last week in Strasbourg, Roma, especially young Roma, should exploit the enormous potential of collective online shared spaces and social networks which are more and more used for interactive mass communication, for carrying the message of their community and for conveying their self-image to the wider public.

Ladies and gentlemen,

It is our firm belief that we need to develop more dialogue to generate the much-needed mutual trust between Roma communities on the one hand and public authorities and wider society on the other.

An initiative in this direction was taken in 2006 with the launch of the Council of Europe DOSTA! (meaning 'enough') awareness-raising campaign. It aims to bring non-Roma closer to Roma citizens by breaking down the barriers caused by prejudices and stereotypes. This campaign has been implemented by several member States. It was recently launched in Greece and I encourage other States to follow suit.

Promoting dialogue is a central theme in our work. The Council of Europe has in the past year developed a new, more action-oriented approach towards the social inclusion of Roma and the full respect of their human rights. The Strasbourg Declaration called for a European Training Programme for Roma mediators in education, health and employment. We see mediators as neutral intermediaries who

- assist in improving communication and cooperation between Roma and public institutions
- stimulate responsibility and involvement
- help empower the Roma to take responsibility for their future.

This training programme (ROMED) is now being implemented in a first group of 15 countries: Bulgaria, Czech Republic, France, Germany, Greece, Hungary, Italy, Moldova, Romania, Serbia, Slovak Republic, Spain, "the former Yugoslav Republic of Macedonia", Turkey and Ukraine. Over 425 mediators are being trained this year.

The ROMED Programme, which has become a joint action of the European Commission and the Council of Europe, will be further extended next year so as to embrace at least 1000 mediators by end 2012.

Mediation is not a panacea, nor does it discharge the authorities from their own responsibilities. But it is a very practical tool that helps them in doing so. It produces good results, in areas such as schooling of Roma children, access to health care or access to the labour market. It however requires a supportive local environment, especially on the part of local public institutions and their administrations.

Since the role of local and regional authorities is key to making effective progress in Roma inclusion, the Council of Europe Congress of Local and Regional Authorities in cooperation with my office took the initiative to mobilise them by convening a Summit of Mayors on Roma, held on 22 September last in Strasbourg.

The Summit highlighted the key responsibility of regional and local authorities in ensuring Roma inclusion and combating discrimination.

In their Final Declaration the participants recognised the need to enhance local capacity to devise and implement effective Roma integration measures. This is a point also indentified last December

by the European Commission's Roma Task Force set up to evaluate the use of EU structural funds for Roma integration projects.

In this connection, the Summit's Final Declaration endorsed the initiative "to establish a European Alliance of Cities and Regions for Roma Inclusion, to be set up as a framework for cooperation, sharing of good practices, strengthening local and regional capacities for action, identifying specific problems and proposing solutions, and helping to ensure funding for Roma activities at the grassroots level." It also called for the creation of national networks of cities and regions for cooperation on Roma inclusion.

In the coming months, the Council of Europe will work with a lead group of cities and regions to give concrete shape to this initiative, which we believe deserves your support.

The setting up of a network of cities and towns for Roma inclusion is a timely initiative in view of the creation of a database decided by the High Level Meeting. The purpose of the database is to further support national, regional and local authorities and international organisations by collecting, analysing, exchanging and disseminating information on policies and good practice on Roma.

The database will be operational in early 2012 but can already be visited in a few weeks' time.

May I add that we count very much on cooperation with ODIHR and other partner organisations in providing us with relevant information that can be fed into the database.

Ladies and gentlemen,

Before I conclude, a few words about the role and participation of the Roma population itself, which will be the topic of this afternoon's discussion.

The participation of Roma in all matters affecting them and in the decision-making process is underlined in all the Committee of Ministers recommendations. It is also the subject of a legal obligation of states under the Framework Convention for the Protection of National Minorities.

Article 15 of the Convention stipulates that

"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 affecting them".

The Strasbourg Declaration reiterates this requirement and demands that member states should “ensure cooperation with Roma communities at all levels, pan-European, national, regional and local in the implementation” of the commitments of the Declaration. The best representatives of the Roma are their people themselves, both men and women.

In the Council of Europe, we try to practice what we preach. The European Roma and Travellers Forum has privileged access to institutions such as our intergovernmental expert committees. The meetings of the CAHROM are also attended by other key Roma organisations. We work with Roma youth organisations, as exemplified by the recent Roma Youth Conference we organised with them in Strasbourg. We very much involve Roma organisations in our ROMED mediators programme.

Ladies and Gentlemen, I come to a conclusion.

Since the Council of Europe High Level Meeting a year ago, a strong dynamic has developed at European level in favour of Roma inclusion so as to achieve, at long last, the necessary improvement in the living conditions of the Roma in our member states. This however stands in stark contrast with the rise of anti-Gypsyism in many places. It is now for member states to redouble their efforts, as those having primary responsibility for the social inclusion of Roma. Several states are now

developing or revising national strategies and policies in this area. I would like to end by formulating some pleas to them:

- do involve the Roma in this work, including Roma youth organisations who may bring in fresh ideas and perspectives and should be an integral part of strategies for change
- take existing experience into account, both in your country and from elsewhere
- do not forget the majority population: make sure that measures to combat discrimination and anti-Gypsyism are integrated in your strategies, including awareness-raising measures such as the Dosta! campaign
- involve the local and regional levels in policy design: they have a precious grass-roots experience that should inform national policies. They are also crucial for the implementation of national policies on the ground. A purely top-down approach does not work
- have recourse to Roma mediators to help connect local Roma communities and local public institutions.

Ladies and gentlemen, we must read the signs on the wall – now is the time for action, for serious action!

Thank you for your attention.