



THE OBJECTIVES OF FINLAND FOR ADVANCING THE EUROPEAN POLICY ON ROMA

Finland's Handbook
on the European Policy on Roma

WORKING GROUP REPORT

PART II
BACKGROUND ON INTERNATIONAL
POLICIES ON ROMA



MINISTRY FOR FOREIGN
AFFAIRS OF FINLAND

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BACKGROUND ON INTERNATIONAL POLICIES ON ROMA

9 REVIEW ON THE SITUATION OF THE ROMA IN EUROPE

9.1 History

The origin of the Roma people was long a mystery, and they were, inter alia, believed to descend from the ancient Egyptians.⁹ Early methods to elucidate the ethnic origin of the Roma were based on the comparison of the physical features, until the connection between Romani language and the Indo-Aryan languages spoken in the Indian Peninsula could be proven by historical-comparative linguistics.¹⁰ Thus, the idea of the Indian origin of the Roma became common, even if this has not been fully proven. There is neither a single theory about when and why the Roma once began to travel towards Europe, nor if the Roma left together as one group.

The Roma spread first to the Balkans in the 14th century, and in the following century all the way to the Iberian Peninsula, the British Isles and the Nordic countries. Since arriving in Europe, for centuries the Roma encountered both attempts to assimilate them into the mainstream culture and slavery across Europe: in Spain, laws forbidding vagrancy – with assimilative intentions – were passed already in 1499.¹¹ In Austro-Hungarian Empire, Roma were tried to be transformed into “New Hungarians” (*újmagyarok*) by forcibly adopting Roma children. Moreover, in the area of today’s Romania, the Roma were enslaved for centuries until slavery was abolished in 1864.¹²

9 From this belief stems, for instance, the English word ‘gypsy’.

10 See eg. Fraser, Angus, 2000 (1992). *The Gypsies*. Oxford: Blackwell Publishers Ltd.

11 Ibid., pp. 98.

12 Ibid., pp 224.

Unquestionably, the grimmest chapter in the history of the Roma is the Second World War. During the War, according to the worst estimations, as many as one and a half million Roma, especially from the East European countries, were killed in the concentration and extermination camps built by the Nazi Germany.¹³ The genocide of the Roma, also-called the *porajmos* or *samudaripen*¹⁴, is generally less well known than the persecution of the Jews in Nazi Germany, even if proportionately probably more Roma were killed in the persecution.¹⁵

Also, a significant historical factor was the adoption of the socialist system in the Central and Eastern European countries, where the majority of the European Roma lives. Even though the emphases of the nationality policies differed by country in the Soviet States, all of them aimed at assimilation of the Roma and termination of their vagrancy. In addition, heavy industry brought the Roma closer with the majority population by offering work also for the often-unschooled Roma. The strictest assimilation policies were in Bulgaria and Czechoslovakia, where the boundaries between the ethnic groups were to be completely eradicated.¹⁶ In Ceaușescu's Romania, the traditional means of livelihood of the Roma, like peddling or music playing were declared illegal and the Roma were settled in permanent accommodation.¹⁷ The socialism ended, to a great extent, the travelling lifestyle in the Eastern European socialist countries so that in today's Europe, there are travelling groups – out of

13 Johansen, Jahn Otto, 1990. *Zigenarnas holocaust*. Stockholm: Symposion Bokförlag & Tryckeri AB, pp. 24–25.

14 The name *porajmos* (also *porrajmos* or *pharrajimos*) given to the Roma genocide is a Romani word for 'devouring'. Some scholars prefer the name *samudaripen*, which is a Romani word for 'mass murder'.

15 Sridhar, C. R., 2006. *Historical Amnesia: The Romani Holocaust*. Available on-line: <http://desicritics.org/2006/09/05/002209.php> (accessed 17.8.2010).

16 Ringold, Dena; Orenstein, Alexander Mitchell; Wilkens, Erika 2005. *Roma in an Expanding Europe: Breaking the Poverty Cycle*. Washington: The International Bank for Reconstruction and Development / The World Bank, pp. 7.

17 *Ibid.*, pp. 91.

whom not all are Roma – mainly in the Western Europe, especially in France (the so-called *gens du voyage*) and the United Kingdom and Ireland (the so-called Travellers).

The collapse of the socialist governments in the turn of the 1990's triggered series of events in Eastern and Central European countries that proved disadvantageous to many Roma. When closing down the heavy industry, the Roma were often amongst the first ones to lose their jobs due to their low educational background. For instance, in Hungary estimated two thirds of the workplaces employing Roma were closed, and since then many have been without a steady job.¹⁸ Moreover, due to the political transition, also the living conditions of the Roma have deteriorated: particularly, the restoration of the previously nationalized properties and apartments to their original owners has forced the Roma to move out of their long-time dwelling places. Land ownership disputes have often led to excessive use of force during the evictions of the Roma.¹⁹

The enlargement cycles of the European Union in 2004 and 2007 brought estimated over five million Roma to the EU. Especially the moving Roma, particularly from Bulgaria and Romania, have raised the public interest in the "Roma question."

9.2 On the definition and numbers of the Roma

According to the estimations of the Council of Europe, there are from 10 to 12 million Roma in Europe. In Romania, there live from two to three million Roma, and both in Bulgaria and Hungary almost one million

18 United Nations Development Programme, 2002. *Avoiding The Dependency Trap*. Bratislava: UNDP, pp. 32.

19 Florea, Ioana 2008. *Housing Issues in the Qualitative Study*, pp. 109–116 in *Come Closer. Inclusion and Exclusion of Roma in Present Day Romanian Society*, edited by Gabor Fleck ja Cosima Rughini . Bucharest: Human Dynamics.

Roma. The largest Roma minority of Western Europe lives in Spain, where the number of national Roma is estimated to be from 650 000 to 750 000.²⁰

The largest Roma population outside the European Union is probably found in Turkey, where there are officially half a million Roma but according to unofficial estimations, the number could be even close to five million.²¹ Accordingly, precise information on the number of the Roma in Europe is not available: the gaps between the official census data and unofficial estimations are considerable.

Based on the form of housing, it is justified to make a difference between the sedentary and the travelling Roma (the *gens du voyage* in France and the *camminanti* in Italy, for instance). Due to socialism, most of the Roma in Eastern and Central Europe renounced their vagrant lifestyle, but there are still travelling communities living in the Southern and Western European countries. However, the amount of travelling Roma out of all European Roma is estimated around 5 %.²² Moreover, often the general term “Roma” covers many distinct groups, like the Central European Sinti, Western European Travellers and the Balkan Ashkali and Egyptians, all of whom do not identify themselves as Roma. In addition, regardless of the recent discussion focusing on social problems, it is worth mentioning that not all European Roma are poor or poorly educated.

20 On the numbers of the Roma, see European Parliament, Committee on Employment and Social Affairs, 2008. The social situation of the Roma and their improved access to the labour market in the EU (IP/A/EMPL/FWC/2006-05/SC4), pp. 16–18.

21 Serin, Ayten 2005. AB ülkeleriyle ortak bir noktamız daha çingeneler , Hürriyet 8.5.2005. Available on-line: <http://webarsiv.hurriyet.com.tr/2005/05/08/639714.asp> (accessed 5.11.2010).

22 Ringold, Dena; Orenstein, Alexander Mitchell; Wilkens, Erika 2005. Roma in an Expanding Europe: Breaking the Poverty Cycle. Washington: The International Bank for Reconstruction and Development / The World Bank, pp. 3.

9.3 On the legal status of the Roma

The 17th paragraph of the Constitution of Finland (11.6.1999/731) states that the Roma have the right to maintain and develop their own language and culture. In Sweden, Norway, Belgium, Spain, Germany and United Kingdom, some groups of Roma have been granted the status of a national minority, or their full citizenship is particularly guaranteed by law. Furthermore, in many European countries, such as Austria, Hungary, Romania, Slovakia and Poland, the Roma have the status of an ethnic minority.²³ Minority status is especially significant from the point of view of fulfilling the economic, social and cultural rights – when providing language education, for instance. Also, positive actions can be directed towards minorities for alleviating and abolishing the discrimination they may encounter.

The Roma enjoy the civil rights of their native countries, in addition to which the EU citizens have freedom of movement within the Union, for instance. Along with the latest enlargement cycles of the European Union, the movement of the Roma within the Union has increased considerably. Accordingly, in many countries, there are now both so-called autochthon Roma, who are resident for centuries, and newly arrived Roma from other EU countries and outside the Union, especially from Kosovo.

A particularly vulnerable group are the Roma who live without identity papers. Amongst them are unregistered persons and the internally displaced persons and refugees of the Yugoslav Wars living in the Balkans. These people have often fallen completely through the social security system.

23 Ringold, Dena; Orenstein, Alexander Mitchell; Wilkens, Erika 2005. Roma in an Expanding Europe: Breaking the Poverty Cycle. Washington: The International Bank for Reconstruction and Development / The World Bank, pp. 19.

9.4 On the housing situation

The housing situation of the Roma is one of the most visible problems concerning their lower economic and social situation compared with that of the majority population. In many Eastern European countries, the Roma live on the fringes of the cities in slum-like conditions without running water or well water of good quality, sewage or electricity. The lack or inadequacy of sewerage and waste management combined with low level of hygiene is also a factor predisposing to many illnesses. Moreover, the Roma have extremely weak competitiveness both in public and private rental markets. According to the Roma interviewed for the report of Álvaro Gil-Robles, the former Council of Europe Commissioner for Human Rights, it is almost impossible for them to get a rental apartment. Furthermore, there are often requirements regarding employment and income also for public rental apartments that exclude many Roma.²⁴

Some Roma – particularly in Western Europe – still continue the traveling lifestyle that is difficult to combine with the structures of the modern European societies. A permanent address is often a prerequisite for public services, and thus the Travellers are amongst the most vulnerable to be excluded from the society. An insufficient number of camping sites and tightened legislation that forbids unauthorized camping has endangered the vagrant lifestyle. Especially in the United Kingdom and Ireland there have been disputes related to unauthorized camping.

24 Council of Europe, Commissioner for Human Rights, 2006. Final Report by Mr. Alvaro Gil Robles, Commissioner for Human Rights, On the Human Rights Situation of the Roma, Sinti and Travelers in Europe [CommDH(2006)1], Strasbourg 15.2.2006, pp. 35.

9.5 On education

The programmes and recommendations that aim at improving the situation of the Roma generally emphasize the importance of education. Even so, a big number of the European Roma does not complete the primary education, which substantially hinders employment and gaining of economic independence. In Romania, for instance, the amount of Roma, who had completed secondary education, was estimated only 17 % compared with 85 % of the majority population. For Roma girls, the figures are even more meagre due to the traditional gender roles of the Roma communities: the Roma women are expected to take care of home and family, which does not motivate them to study.²⁵ Since the Roma population is relatively young and their birth rate is high, it is of utmost importance to invest in their education – both for the future of the Roma population and the entire Europe.

Of special concern can be considered the ethnic segregation found in schools, often a result of areal isolation. According to the Open Society Institute report charting the school attendance of Roma children, the placing of Roma children in special units with children with learning disabilities is widespread in Europe.²⁶ For instance, out of Romanian Roma children 13.5 % were reported going to school in classes where majority are Roma.²⁷ In Bulgaria, many organizations estimate the figures to be even over 40 %.²⁸ In the case of *D.H. and Others v. the Czech Republic* (No. 57325/00) the European Court of Human Rights decided that the disproportionate number of Roma children in special classes fulfilled the essential elements of indirect discrimination, and the practice was thus against the European Convention on Human Rights.

25 United Nations Development Programme, 2006. *At Risk: Roma and The Displaced in Southeast Europe*. Bratislava: UNDP, pp. 31–34.

26 Open Society Institute, 2007. *Equal Access to Quality Education for Roma: Volume 1*. Budapest: Open Society Institute, pp. 331

27 *Ibid.*, pp. 361.

28 *Ibid.*, pp. 44.

9.6 On employment and livelihood

According to the Roma interviewed for the United Nations Development Programme (UNDP) report, unemployment was considered their most serious problem.²⁹ However, there are no reliable statistics on Roma unemployment. Firstly, this is due to the lack of data on the total number of the Roma. Secondly, when compiling unemployment statistics, ethnic background is often excluded, in addition to which temporary or informal work are rarely compiled into statistics.

Before, the Roma were often craftsmen like blacksmiths or carpenters, or travelling peddlers. However, due to the mushrooming of industrial products and trading being centralized in big units, there is no longer a need for the traditional occupations of the Roma. Also, many Roma cannot meet the needs of today's requirements in the labour market, especially when it comes to education.

Furthermore, the great inequalities in the standard of living, basic social security and non-discrimination in different European countries force people to set off in hope of securing a better standard of living for themselves and their families. As such, the freedom of movement does not constitute a problem in itself. However, it leads to a range of side effects and problems that are currently unsolved, such as the status of mendicant and peddling persons and their children in both the country of origin and the country of destination; enforced mendicancy by an outsider or a family member; addressing the needs of children, persons with disabilities and the elderly; and the issues relating to the provision of social welfare and health services for persons without a European social security card.

29 United Nations Development Programme, 2002. *Avoiding The Dependency Trap*. Bratislava: UNDP, pp. 39.

9.7 On the health situation of the Roma

Even if statistics regarding the health of the Roma are fairly insufficient, in many countries health indicators, such as life expectancy and maternal and infant mortality rates, and occurrence of infections and chronic illnesses indicate great differences in the health situation between the Roma and the majority population.³⁰ For instance, a research on health inequalities suggested that the life expectancy of the Roma amongst the most vulnerable communities is some 10 to 15 years lower than that of the majority population.³¹ According to a European Commission-funded survey on Roma health in seven EU Member States, reasons for lower health of the Roma are insalubrious living conditions, inadequate health education and limited access to health care services.³²

Particularly serious human rights violations within the health care framework are the coerced sterilizations of Roma women, documented at least in Czech Republic and Slovakia in the first decade of the 21st century.

9.8 On discrimination and hate crimes

As often mentioned in the discussion about the problems of the Roma, discrimination is considered a factor that hinders their access to employment, housing or health care services, irrespective of their employment and educational background. Moreover, discrimination can be considered a partial reason for the areal segregation and segrega-

30 Ibid., pp. 82.

31 Sepkowitz, Kent, 2006. "Health of the World's Roma population", pp. 1707–1708, *The Lancet*, 367(9524).

32 Fundación Secretariado Gitano Health Area, 2009. Health and the Roma Community, analysis of the situation in Europe: Bulgaria, Czech Republic, Greece, Portugal, Romania, Slovakia, Spain. Madrid: Fundacion Secretariado Gitano Health Area, pp. 72–73.

tion at schools. A hate crime means that a criminal act directed against a person's bodily integrity or property is motivated by prejudice against, for instance, his/her ethnic background. These are aggravating circumstances in many countries' legislation. The concept is closely related to the so-called hate speech, which is traditionally thought to refer to spoken or written insults, hateful statements and incitement to criminal activity against minorities of ethnic origin, or other groups and individuals belonging to the given group. Together with the prejudices, fears and negative stereotypes connected with the Roma, the general inability to accept social diversity forms a set of attitudes that in a European context is called anti-Gypsyism, anti-Tsiganism or Romanophobia. The concepts are parallel to anti-Semitism and Islamophobia, for example.

However, phenomena related to discrimination are problematic to investigate, because in most cases, differential treatment discrimination is difficult to prove. One way to assess the occurrence of discrimination and hatred against a certain group of people is to compare reported hate crimes. In that case, the differences in national legislation and reporting procedures must be taken into consideration. In the OSCE area, hate crimes against the Roma were reported in 12 Member States.³³

In addition to the comparison of criminal statistics, a major means of finding out the occurrence of discrimination are various interview surveys, of which the vastest are the Eurobarometers and the surveys on minorities discrimination (European Union Minorities and Discrimination Survey; EU-MIDIS) carried out by the European Union Agency for Fundamental Rights. In the Eurobarometer focusing on discrimination, the discrimination encountered by the Roma was not covered separately.³⁴

33 Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 2010. Hate Crimes in the OSCE Region – Incidents and Responses: Annual Report for 2009. Warsaw: OSCE/ODIHR, pp. 19.

34 European Commission, 2009. Special Eurobarometer 317: Discrimination in the EU in 2009. Luxembourg: Office for Official Publications of the European Communities.

The EU-MIDIS on discrimination against the Roma was carried out in Bulgaria, Czech Republic, Greece, Hungary, Slovakia and Romania, and in each country 500 Roma were interviewed. The survey answers indicated that the Roma are in many countries a group that encounters discrimination the most frequently. Furthermore, the subjects to discrimination are rarely aware of their rights and may fail to notify the authorities of the experiences of discrimination and criminal attacks they have encountered.³⁵

35 European Union Fundamental Rights Agency, 2009. EU-MIDIS European Union Minorities and Discrimination: Survey Data in Focus Report: The Roma. Vienna: FRA.

10 REVIEW ON THE EUROPEAN UNION POLICIES ON ROMA

This chapter covers the handling of Roma affairs and influencing in various European Union organs, in addition to which the work of the European Union Agency for Fundamental Rights (FRA) and the usage of the Structural Funds are significant for improving the situation of the Roma and highlighting their problems. Finally, the European Union fundamental and human rights legislation is covered.

10.1 The European Council

During the past few years, Roma inclusion has been mentioned in the European Council conclusions particularly in December 2007 and June 2008. In the meeting of the European Council in September 2010, Roma issues were not on the agenda but unofficially their situation was discussed rather heatedly due to France's expulsion of the Roma. In June 2011, the European Council endorsed the "EU Framework for National Roma Integration Strategies up to 2020," prepared during the Hungarian presidency.

In the Presidency Conclusions of the European Council meeting of December 2007, it is stated that "the European Council, conscious of the very specific situation faced by the Roma across the Union, invites Member States and the Union to use all means to improve their inclusion." The paragraph includes also an invitation to the Commission "to examine existing policies and instruments and to report to the Council on progress achieved before the end of June 2008."³⁶

36 European Council, 2008. Presidency Conclusions. 14 December 2007, Brussels.

During the French presidency in the autumn of 2008, the General Affairs Council approved the conclusions about Roma inclusion that were discussed in the Council's Social Affairs Working Group. The conclusions were further submitted as a reference document to the end of the Presidency Conclusions of the European Council meeting of December 2008.³⁷

For Roma, significant is also the Europe 2020 Strategy, which was approved by the European Council in June 2010. As one of the five targets for the EU was approved the target to reduce the number of people in or at risk of poverty and social exclusion – out of whom many are Roma – by at least 20 million by the year 2020. Also, one of the seven flagship initiatives of the Europe 2020 Strategy, the European Platform against Poverty and Social Exclusion, covers actions related to the social inclusion of the Roma.

10.2 The Council of the European Union

In the Council, the Roma affairs have been discussed mainly in the Employment, Social Policy, Health and Consumer Affairs Council (EPSCO).

In the spring of 2009, during the Presidency of the Czech Republic, conclusions about the inclusion of the Roma were drafted, and later approved in the EPSCO Council in June 2009. These conclusions were influenced by the 2008 Roma Summit, the European Platform for Roma Inclusion (the so-called Roma Platform) that was organized in April 2009 in Prague, and the Commission's accompanying Staff Working Document on "Community Instruments and Policies for Roma

³⁷ European Council, 2008. Presidency Conclusions, 11 and 12 December 2010, Brussels.

Inclusion” of July 2008. Also, the EPSCO Council attached the 10 Common Basic Principles on Roma Inclusion, approved by the April 2009 Roma Platform meeting, to the conclusions.

According to the abovementioned conclusions, the Commission and the Member States are to take into account the Common Basic Principles where appropriate, to make use of the Roma Platform for the exchange of good practices and experience between the Member States, and to continue the work on the Roma Platform, where appropriate, including consideration of the possibility of further developing its structure. Moreover, the Commission is to continue to provide the necessary administrative assistance to the Roma Platform, in order to maximise the impact of its work.³⁸

In June 2010, the EPSCO Council approved the conclusions on advancing Roma inclusion. These conclusions were influenced by the Second Roma Summit, held in Córdoba in April 2010. In the Summit, the Member States committed to advance Roma-related policies regarding the social and economic inclusion of the Roma by the 10 Common Basic Principles.

The 2010 Council conclusions emphasize the mainstreaming of the Roma affairs. Also, European and national policies; the particular Road Map of the Roma Platform that aims at tracing out the medium-term objectives for the activities of the Roma Platform; and the co-operation between the Member States and Civil Society, are taken into account in the conclusions. Also, they want to guarantee that particularly the Structural Funds are accessible to Roma, to address the specific needs of Roma women and girls, and to enhance full inclusion of the Roma by safeguarding their fundamental rights. Furthermore, the Commission is

38 Council of the European Union, 2009. Inclusion of the Roma (10394/09). Brussels, 28 May 2009.

to explicitly address Roma needs in EU Programmes and to follow up on the use made by the Member States of the Common Basic Principles. Moreover, the Commission is to take account of the need to advance Roma inclusion, where appropriate, in agreeing the revision or modification of relevant current Operational Programmes of the Structural Funds.³⁹

In May 2011, the EPSCO Council agreed to a set of conclusions prepared during the Hungarian Presidency that endorse the EU Framework for coordinating national Roma strategies.

Within the Council of the European Union, the fundamental rights are also discussed in the Working Party on Fundamental Rights, Citizens Rights and Free Movement of Persons (FREMP), established as part of the Justice and Home Affairs Council (JHA). However, the role of the Working Group in advancing the Roma inclusion is somewhat unestablished because, for instance, the representation of the Member States varies from meeting to meeting.

10.3 The European Parliament

The European Parliament has approved five resolutions on living conditions and social situation of the Roma between the years 2005 and 2010. The 2005 resolution was on the situation of the Roma in the European Union⁴⁰ and the 2006 resolution about the situation of Roma women in the European Union.⁴¹

39 Council of the European Union, 2010. Council conclusions on advancing Roma Inclusion, 3019th Employment, Social Policy Health and Consumer Affairs Council Meeting, Luxembourg, 7 June 2010.

40 European Parliament, 2005. Roma in the European Union: European Parliament resolution on the situation of the Roma in the European Union (P6_TA(2005)0151).

41 European Parliament, 2006. Roma Women in the EU: European Parliament resolution on the situation of Roma women in the European Union (P6_TA(2006)0244).

In January 2008 the European Parliament approved a resolution on a European strategy on the Roma,⁴² and in March 2009 a resolution on the social situation of the Roma and their improved access to the labour market in the EU.⁴³

In March 2010, the European Parliament adopted a resolution on the second European Roma summit. In the Resolution, the Parliament, *inter alia*, “calls (...) on the Commission to develop a comprehensive European Strategy for Roma Inclusion as the instrument for combating social exclusion and discrimination of Roma in Europe.”⁴⁴ The Commission answered this call by issuing the “European Commission Communication on an EU Framework for National Roma Integration Strategies up to 2020,” approved by the European Council in 24 June 2011.

In September 2010, the European Parliament voted for a resolution on the situation of Roma and on freedom of movement in the European Union. In the Resolution, the Parliament, *inter alia*, expressed “its deep concern at the measures taken by the French authorities and by other Member States’ authorities targeting Roma and Travellers,” and called on “the Commission, the Council and the Member States to intervene with the same request.”⁴⁵

The Committee on Employment and Social Affairs of the European Parliament issued in 2008 an extensive study “The social situation of the Roma and their improved access to the labour market in the EU.” The

42 European Parliament, 2008. European Parliament resolution of 31 January 2008 on a European strategy on the Roma (P6_TA(2008)0035).

43 European Parliament, 2009. European Parliament resolution of 11 March 2009 on the social situation of the Roma and their improved access to the labour market in the EU (P6_TA(2009)0117).

44 European Parliament, 2010. European Parliament resolution of 25 March 2010 on the Second European Roma Summit (P7_TA(2010)0085).

45 European Parliament, 2010. European Parliament resolution of 9 September 2010 on the situation of Roma and on freedom of movement in the European Union (P7_TA-PROV(2010)0312).

study describes the origins, numbers and current living conditions of the Roma, and the actions of the Member States to ensure employment education, health care and housing for the Roma.⁴⁶

10.4 The European Commission

Within the European Commission, the Roma affairs were formerly coordinated by the Directorate-General for Employment, Social Affairs and Inclusion (DG EMPL) until the beginning of the year 2011, when they were transferred under the competence of the Directorate-General Justice (DG JUST). After this organizational change, the Commission activities related to Roma inclusion and equality were transferred also on the civil servant level more clearly to the DG JUST. However, both Ms Reding, the Commissioner for Justice, Fundamental Rights and Citizenship, and Mr Andor, the Commissioner for Employment, Social Affairs and Inclusion, are likely to handle the Roma affairs that fall under the sectors they are responsible for.

The awareness and knowledge of Roma questions have increased within the Commission over recent years. About the Commission's interest in addressing the Roma issues tells, for instance, the Internet portal (The European Union and Roma) for information on Roma affairs, where the summit documents, conclusions and studies on the Roma are gathered.⁴⁷

46 European Parliament, Committee on Employment and Social Affairs, 2008. The social situation of the Roma and their improved access to the labour market in the EU (IP/A/EMPL/FWC/2006-05/SC4).

47 The European Union and Roma -Internet Pages: <http://ec.europa.eu/social/main.jsp?catId=518&langId=en>.

In the July 2008 “Working Document on Community Instruments and Policies for Roma Inclusion,” the Commission called the Member States to draft national strategies for Roma inclusion.⁴⁸ In April 2010, the Commission issued the “Communication on the Social and Economic Integration of the Roma in Europe”⁴⁹ and a related “Progress Report on the Implementation of European Union Instruments and Policies for Roma Inclusion.” In the Communication, the Commission stated that the EU has already a broad range of available instruments related to legislation, funding and policy coordination for underpinning Roma inclusion but yet more needs to be done to better use them.⁵⁰

According to the Commission, the challenges include, *inter alia*, improved cooperation between European, national and international players and representatives of the Roma communities; attainment of positive changes at the local level; more effective communication; the development of explicit desegregation policies, notably in education and in housing, supported by the Structural Funds; achieving a special focus on the most disadvantaged micro-regions; dissemination of good practices and successful models from projects.⁵¹

48 Commission of the European Communities. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions. Non-discrimination and equal opportunities: A renewed commitment {COM(2008) 420}. Brussels, 2.7.2008.

49 European Commission. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions: The social and economic integration of the Roma in Europe {COM(2010)133 final}. Brussels, 7.4.2010.

50 European Commission. Commission Staff Working Document: Roma in Europe: The Implementation of European Union Instruments and Policies for Roma Inclusion Progress Report 2008-2010 {SEC(2010) 400 final}. Brussels, 7.4.2010.

51 European Commission, 2010. Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee Of The Regions: The social and economic integration of the Roma in Europe {COM(2010)133 final}. Brussels, 7.4.2010.

In addition, the Commission lists in the 2010 Communication measures that it will take for making action strategies and processes more effective. The Commission states that it will develop different model approaches that the Member States would be encouraged to take voluntarily when developing their policies related to the inclusion of the Roma. In line with these principles, Roma issues should be systematically taken into all relevant European and national policies (mainstreaming of Roma policy). Moreover, policies, which maintain or promote the segregation of Roma communities or the provision of segregated housing, education or other services for Roma should be ended. This does not, however, preclude the provision of targeted or positive action measures as permitted in the relevant EU legislation.⁵²

In December 2010, the Commission issued a communication on the European Platform against Poverty and Social Exclusion, which is one of the flagship initiatives of the Europe 2020 Strategy. In the Communication and its annexes the Commission states, *inter alia*, that it will present an EU Framework for National Roma Integration Strategies in 2011, and that it has invited the Member States to present national strategies for Roma inclusion in the National Reform Programmes. The Commission is about to assess these strategies during the year 2012.⁵³

Also, the Commission intends to assist the Member States to elaborate national Roma strategies by introducing a set of model approaches. The idea is to compile a “menu-like” manual for the Member States, which would include tools for developing good and functional Roma policy by utilizing, *inter alia*, the financial instruments of the European Union and the good practices of the Member States.

52 Ibid.

53 European Commission, 2010. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: The European Platform against Poverty and Social Exclusion: A European framework for social and territorial cohesion {COM(2010) 758 final}. Brussels, 16.12.2010.

Moreover, the Commission has mainstreamed the needs of the Roma within the current European Union Health Programme (2008–2013), which handles health threats, health care systems and policies. In 2009, the Commission issued a communication on health inequalities within the Union, also addressing the particular problems of the Roma.⁵⁴ In order to narrow health inequalities, the Commission has funded two projects dealing exclusively with the Roma. In the first undertaking, the health situation of the Roma was surveyed in seven EU Member States. The second project is an on-going peer review in Hungary that aims at discovering how the lack of information affects health problems. The objective of these projects is to highlight problems, uncover causal connections and take actions to tackle these problems.

In 2008, the Commission Expert Group on Gender Equality, Social Inclusion, Health and Long-term Care (EGGSI) issued a report on gender equality of ethnic minorities and Roma women in Europe.⁵⁵ The report states that the Roma women are highly prone to multiple forms of discrimination. In conclusion, it is suggested that gender equality issues would be mainstreamed into all policies and there would be additional positive actions allocated for minority ethnic women. Moreover, the role of the civil society and local authorities is emphasized.

In September 2010, the Commission set up an ad hoc working group, the Roma Task Force, to evaluate the Member States' usage of the European Union Structural Funds for the Roma. The Task Force has high-level officials from various Directorates-General. At the beginning of 2011, the Roma Task Force published a preliminary summary and

54 Commission of the European Communities, 2009. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions: Solidarity in Health - Reducing Health Inequalities in the EU {COM(2009) 567 final}. Brussels, 20.10.2009.

55 European Commission, Directorate-General for Employment, Social Affairs and Equal Opportunities G.1 Unit, 2008. Ethnic minority and Roma women in Europe: A case for gender equality? Luxembourg: Publications Office of the European Union.

analysis “Report of the Roma Taskforce on the Assessment & Benchmarking of the use of EU funds by Member States for Roma Integration” on the usage of the Structural Funds for the Roma, based on the answers to a questionnaire sent to all Member States.

10.5 The European Union Funds, especially the Structural Funds

Out of the European Union Structural Funds, the European Regional Development Fund (ERDF) and especially the European Social Fund (ESF) are designed to underpin policies for improving equal opportunities of vulnerable groups, such as the Roma, within the European Union.

The European Social Fund programmes promote various undertakings for advancing employment and knowledge-based economy. Also, the funding is designated to improve the situation of vulnerable and disadvantaged groups, and to advance equality between different population groups. The European Regional Development Fund finances projects and programmes that promote entrepreneurship, innovations, regional competitiveness, knowledge-based economy, regional attainability, and the European Territorial Co-operation objective.

Since the amendments to the European Regional Development Fund Regulation agreed in May 2010, the Funds have been available for improving housing for marginalized groups, including the Roma. In order to facilitate the introduction of the measures directed towards the housing stock, at the end of 2010 the Commission Directorate-General for Regional Policy (DG REGIO) prepared consistent instructions for implementing the Regulation.

The European Union has plenty of other financial instruments that can be used to improve the inclusion, non-discrimination and equal opportunities of the Roma. One of these is the EU’s employment and social solidarity programme PROGRESS, which is divided into five policy

sections. The policy sections promote activities and networks for advancing and improving employment, social inclusion and protection, working conditions, non-discrimination, and gender equality. All the above-mentioned policy sections can include activities for advancing the inclusion of the Roma.

Even if the EU Funds are in a key position for improving the socio-economic position of the Roma, there are no accurate figures for the total usage and allocation of the Funds for the Roma. A great challenge is the overall low utilization rate of the Funds. According to the Roma Task Force report issued in early 2011, the survey of the Member States on their use of EU funding to address the situation of disadvantaged Roma did not produce satisfactory level of information on the total amount of funding allocated for the Roma. The report highlighted the main barriers to a more effective use of EU funding, such as:

- weaknesses in the development of appropriate strategies to address the specific situation of the Roma,
- weaknesses in the development of effective measures and projects to implement the strategies,
- problems in providing co-financing,
- weaknesses in implementation because of lack of know-how and administrative capacity of managing authorities on the ground,
- difficulties of combining funds to support integrated projects,
- insufficient use by Member States of EU technical assistance under shared management to compensate these weaknesses,
- lack of involvement and capacity of civil society and Roma communities.

Also, the Roma Task Force gathered information on directly managed EU funding. In conclusion, it is stated that it would be inappropriate to address in a centralized way complex issues that have a strong local dimension and, accordingly, need to be tackled at local, regional and national levels.

According to an initial assessment of the Roma Task Force, the funding directly managed by the Commission can be useful in terms of facilitating policy development, supporting the exchange of information and knowledge, raising awareness and improving networking with stakeholders.

Moreover, exchange of information and discussion on how to better use the EU funding for the Roma is held in the EURoma network, set up by 12 EU Member States.

10.6 The Committee of the Regions

The European Union Committee of the Regions (CoR) is an advisory organ, which represents the regional and local regional administrative bodies of Europe. The CoR is part of the legislative process of the EU and issues opinions and resolutions on matters discussed by the Commission, the Council and the Parliament. The opinions are prepared in CoR Commissions, based on versions that the Commission members draw up. The draft version of opinions and resolutions are submitted to the Plenary Assembly for adoption. The Finnish Delegation to the CoR consists of nine members and nine deputies.

Roma questions have been of topical interest also on the CoR agenda: in the December 2010 plenary, the Committee adopted the “Opinion on the Social and Economic Integration of the Roma in Europe.” In the Opinion, the Committee recognizes, *inter alia*, that there is no lack of European funds available for programmes aimed at Roma inclusion but that these are not utilised in a sufficient way, and that one obstacle to their use is the low level of involvement of Roma communities in planning. Moreover, it is assessed that the regional and local authorities are in a key position in advancing the inclusion of the Roma.⁵⁶

56 European Union Committee of the Regions, 2010. Opinion of the Committee of the Regions on the Social and Economic Integration of the Roma in Europe (ECOS-V-006), 87th plenary session, 1 and 2 December 2010.

10.7 The Social Protection Committee

The EU Social Protection Committee is an advisory committee, of which the purpose is to advance cooperation and exchange of good practices on social protection policies (such as social inclusion and health care) between the Commission and the Member States. The main product of the Committee is a report depicting the state of social protection.

The Committee has discussed Roma issues since 2008. In 2009, the first peer review on social inclusion of Roma was carried out in Greece in the context of Open Method of Coordination; Finland and six other Member States were peer countries.⁵⁷ In the end of 2010, a peer review concerning primarily the situation of Roma children was carried out on the Hungarian programme for promoting social inclusion of children in a disadvantaged rural area of Szécsény.⁵⁸

10.8 The European Union Agency for Fundamental Rights

The object of the European Union Agency for Fundamental Rights (FRA) is to collect, analyse and disseminate objective and reliable information on the situation of the fundamental rights in the EU.

Since its inception in 2007, the FRA has produced information about the fundamental rights position of the Roma – some of the FRA reports concern the Roma directly. Amongst other things, the FRA investigates the opportunities of the Roma in education, health care and housing, and questions related to the freedom of movement. For instance, in October 2009, the Fundamental Rights Agency issued a report on the housing conditions of Roma and Travellers in the European Union,

57 Guy, Will, 2009. Integrated Programme for the Social Inclusion of Roma. Greece, 27-28 May 2009.

58 Fresnoe, Manuel José, 2010. Promoting the Social Inclusion of Children in a Disadvantaged Rural Environment – the Micro-Region of Szécsény. Budapest, 27-28.5.2010.

according to which the Roma population are treated in a discriminatory manner, in addition to which they live often in substandard conditions and in isolation from other people.⁵⁹ The FRA has also commissioned case studies on the housing situation of the Roma in the Czech Republic, Ireland, Spain, Hungary, Slovakia and the United Kingdom. In November 2009, the FRA launched a report on Roma EU citizens moving to and settling in other EU countries. The report argues that the adversary effects of free movement are not solely related to the Roma population. Moreover, the report analyses the reasons of the Roma to move to other EU countries, and how the movement affects these countries.⁶⁰ In another FRA publication, good practices and experiences in encountering and integrating Roma migrants are compared.⁶¹ Significant is also the European Union Minorities and Discrimination Survey (EU-MIDIS).⁶²

At least for the years 2011 and 2010, the FRA has continuation for the Roma projects, and it is likely that the Roma issues will be included in the work programmes to come. On the Fundamental Rights Agency Internet site, there is also a page on the Roma-related activities of the Agency.⁶³

59 European Union Fundamental Rights Agency, 2009. Housing conditions of Roma and Travellers in the European Union: Comparative Report, October 2009. Luxembourg: Office for Official Publications of the European Communities.

60 European Union Fundamental Rights Agency, 2009. Selected Positive Initiatives: The Situation of Roma EU Citizens Moving to and Settling in Other EU Member States. Luxembourg: Office for Official Publications of the European Communities.

61 Ibid.

62 European Union Fundamental Rights Agency, 2009. EU-MIDIS European Union Minorities and Discrimination: Survey Data in Focus Report | The Roma. Vienna: FRA.

63 European Union Agency for Fundamental Rights: Roma and Travellers – Internet Page: http://www.fra.europa.eu/fraWebsite/roma/roma_en.htm

10.9 The Roma Platform

The idea for setting up the Integrated European Platform for Roma Inclusion, also known as the Roma Platform, was kindled in the First Roma Summit in Brussels in September 2008. The EU Member States asked the Commission to organize a forum for exchanging good practices and establishing new networks of cooperation. The Roma Platform gathers the representatives of the Commission, the Member State governments, international organizations and non-governmental Roma organizations. The Platform is led by the respective EU President Country. Finland has suggested the Commission to take the lead of the Platform. Hungary organized the fifth Roma Platform meeting in Budapest in April 2011.

The first Roma Platform meeting was organized in the framework of the Czech Presidency in Prague in April 2009. In the meeting, the Platform established, *inter alia*, the 10 Common Basic Principles on Roma Inclusion. The second meeting was held in Brussels in September 2009, where the emphasis was on educational issues.

Spain organized the third Roma Platform meeting in Brussels in June 2010. The object of the meeting was the further development of the Roma Platform process, and approving of the Road Map for advancing the inclusion of the Roma. Also, the working methods of the Platform were discussed. The Road Map contains the following five items:

1. the framework defining the three central functions of the Platform: exchange of good practices and experiences, provision of analytical support, encouragement of cooperation;
2. key areas that are education, employment, housing, health, transversal themes and other issues;
3. working methods that are flexible yet stable;
4. outputs of the Platform, such as the discussion papers produced by the Presidency organizing the Platform; recommendations,

proposals and suggestions; the outputs would possibly be included in other on-going EU processes;

5. raising awareness and sustaining the prominence of Roma issues on the political agenda of the EU and Member States.

The subject of the December 2010 meeting was early childhood education. At the fifth meeting in Budapest in April 2011, the recommendation on the European Roma Framework Strategy accepted by the European Commission was introduced.

10.10 On the European Union Fundamental Rights and Human Rights

Along with the Treaty of Lisbon (2009), the European Union has now extensive fundamental rights and human rights norms. In this respect, significant is especially the Charter of Fundamental Rights of the European Union, which was given full legal force by reference to it in the Lisbon Treaty. In the context of the current discussion on the Roma, the most essential secondary EU norms are directives related to anti-discrimination and freedom of movement.

The Charter of Fundamental Rights of the European Union recognizes many individual and civil rights concerning EU citizens and persons residing in the EU. The Charter was proclaimed in December 2000, albeit only as a solemn declaration without full legal effect. As a legally binding document the Charter of Fundamental Rights became in 2009 upon signing the Treaty of Lisbon. Thus, the Charter has the same legal value as the founding Treaties and can be therefore invoked before the judicial institutions of the European Union.

The Charter of Fundamental Rights is grouped in seven chapters, bringing together provisions on human dignity, certain freedoms, equality, solidarity, citizens' rights, justice, and general provisions.

The principle of non-discrimination is expressed in Article 21 of the Charter of Fundamental Rights:

1. *Any discrimination based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited.*

Moreover, the Treaty of Lisbon provides for the EU to accede, as a Union, to the European Convention on Human Rights (ECHR).

In addition to the Charter of Fundamental Rights, a minimum level of protection against discrimination is guaranteed by two directives that are part of the *acquis communautaire*, the total body of European Union law that includes the judgements laid down by the Court of Justice with regard to the interpretation and implementation of the directives. The *acquis communautaire* is the entire body of European Union legislation that the Member States and the candidate countries have to adopt, implement and enforce in their national legislation.

The first anti-discrimination directive is the Council Directive implementing the principle of equal treatment between persons irrespective of racial or ethnic origin (2000/43/EC), also known as “the Racial Equality Directive.” The purpose of the provision is to protect against discrimination based on race and ethnic origin in the areas of employment, education, social services, membership of organizations and access to goods and services. The Directive contains a specific provision on positive action to ensure full equality in practice, on the grounds of which the person subjected to discrimination may bring the case to the competent authority. Moreover, the Directive contains the so-called shared burden of proof in civil and administrative cases that means that the victims must provide evidence of alleged discrimination; defendants must prove that there has been no breach of the equal treatment principle.

Thus, the objective of the Racial Equality Directive is to guarantee equal treatment for all EU citizens. It takes into account especially situations where discriminatory actions may take place, such as employment, housing and education. These areas concern clearly the Roma but yet the Directive has not been able to improve the situation of the Roma in all EU Member States. Partly this is due to the difficulties in some Member States in adopting the Directive into their national legislation. The Czech Republic implemented the Directive only in June 2009, and even then only after the European Commission had threatened the Czech Republic several times with a lawsuit at the European Court of Justice.⁶⁴

The other significant anti-discrimination directive is the Council Directive establishing a general framework for equal treatment in employment and occupation (2000/78/EC), which implements the principle of equal treatment in the area of employment, covering disability, religion or belief, sexual orientation and age.

Moreover, an important directive concerning the Roma is the Directive on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, also known as the Directive of Freedom of Movement (2004/38/EC). Article 21 of the Treaty on the Functioning of the European Union lays out the right of the European Union citizens to move and reside freely within the EU. However, the Directive outlines limitations to this right.

64 Morteau, Crina Elena, 2009. The Impact of the Jurisprudence of the European Court of Human Rights on Roma Rights. Budapest: Central Union university, Department of Legal Studies. Available online: http://www.etd.ceu.hu/2010/morteau_crina-elena.pdf (accessed 13.1.2011).

According to Article 6, the citizens of the EU Member States have the right to reside in any Member State for periods of under three months without any conditions or any formalities other than the requirement to hold a valid identity card or passport. Article 7 defines the preconditions for the right of residence for more than three months. All Union citizens can exercise this right if they:

- are workers or self-employed persons in the host Member State; or
- have sufficient resources and comprehensive sickness insurance cover for themselves and their family members not to become a burden on the social assistance system of the host Member State – the Member States cannot define themselves the resources they consider as sufficient but they have to take into consideration the particular situation of the person; or
- are enrolled at a private or public establishment, and have sufficient resources comprehensive sickness insurance cover for themselves and their family members not to become a burden on the social assistance system of the host Member State; or
- are family members accompanying or joining a Union citizen who satisfies the abovementioned conditions.

11 REVIEW ON THE COUNCIL OF EUROPE POLICIES ON ROMA

The Council of Europe is Europe's eldest intergovernmental regional organization upholding human rights, founded in 1949. The organization has a long tradition in advancing the status of the Roma. Especially, since the beginning of the 1990s, when the Council of Europe expanded into the former socialist countries, the situation of the Roma has been taken into account in many recommendations and resolutions that emphasize the status of the Roma as a pan-European minority. Furthermore, the human rights treaties, out of which the most important is the European Convention on Human Rights, and the European Court of Human Rights supervising the Convention, have had a key role in highlighting the human rights abuses against the Roma.

Thorbjørn Jagland, the new Secretary General of the Council of Europe, launched an administrative reform in spring 2010 with the intention to centralize the activities of the organization, and to focus on its original objects: advancing democracy, rule of law and human rights. Also, one of the purposes of the reform is to clarify the handling of the Roma issue, and increase cooperation with other international organizations, especially with the European Union and the OSCE.

11.1 Handling of Roma issues in the Council of Europe bodies

11.1.1 The Committee of Ministers

Since the mid-1990s, the Committee of Ministers, composed of the Ministers of Foreign Affairs of its Member States, has issued numerous recommendations, *inter alia*, concerning the education of Roma children, and for improving the economic, employment and housing

situation of the Roma and Travellers.⁶⁵ In 2008, the Committee of Ministers compiled together a general recommendation (CM/Rec [2008]5) consisting of the Committee of Minister recommendations issued during two decades. This document recommends the Member States to adopt comprehensive strategies with short- and long-term plans for advancing the equality of the Roma, and to monitor the implementation of these strategies regularly.⁶⁶ Finland has complied with this recommendation by drafting a national policy on Roma.

11.1.2 The Parliamentary Assembly

The Council of Europe Parliamentary Assembly is an advisory organ composed of the Members of Parliament of the Member States. Its function is to prepare recommendations for the Committee of Ministers. The recommendations and resolutions are not legally binding, albeit the Member State governments are supposed to comply with them.

In 1969, the Parliamentary Assembly issued a recommendation urging the member governments to take all steps necessary to stop discrimination against “Gypsies and other travellers,” to provide them with sufficient number of caravan sites, and to improve the access of the Roma to the labour market, inter alia by developing the adult education system.⁶⁷

The volume of discussion on the Roma increased when the former socialist countries in Central and Eastern Europe joined the Council of

65 The most important Roma-related documents of the Council of Europe can be found on the Internet page of the Strasbourg High Level Meeting on Roma: http://www.coe.int/t/dc/files/events/2010_high_level_meeting_roma/default_en.asp.

66 Council of Europe, Committee of Ministers, 2008. Recommendation CM/Rec(2008)5 of the Committee of Ministers to Member States on policies for Roma and/or Travellers in Europe.

67 Council of Europe, Parliamentary Assembly, 1969. Recommendation 563 (1969)(1) on the situation of Gypsies and other travellers in Europe.

Europe at the beginning of the 1990s. In a recommendation approved by the Parliamentary Assembly in 1993, it is stated that the Roma are a European minority, and their right to live free from discrimination is recognized. The document also contains numerous items related to language, culture, education and legal matters. Moreover, the Roma should have their voices heard in the drawing up and application of regulations regarding them.⁶⁸

In 2002, the 1993 Recommendation was followed up by a recommendation on the legal situation of Roma in Europe. This document acknowledges the continuing discrimination against the Roma and their severe economic situation, and calls upon the Member States to recognize Romani individuals as members of an ethnic or national minority group.⁶⁹

In the fourth session of the Parliamentary Assembly in 2010, the hardening political rhetoric in the European wide discussion on Roma and the tightening measures directed at the Roma population were discussed as urgent items.

11.1.3 The Secretariat of the Council of Europe

The Secretariat is the administrative body of the Council of Europe, led by the Secretary General. The Secretariat offers professional assistance for the Committee of Ministers and the Parliamentary Assembly and coordinates the implementation of the recommendations and resolutions. Even though there are many actors working with the Roma issues within the Council of Europe, they have remained relatively ineffective due to their low level of mutual cooperation. However, the Secretary

68 Council of Europe, Parliamentary Assembly, 1993. Recommendation 1203 (1993) on Gypsies in Europe.

69 Council of Europe, Parliamentary Assembly, 2002. Recommendation 1557 (2002) The legal situation of Roma in Europe.

General Thorbjørn Jagland has informed that the Roma issues will feature as one of the top priorities during his term. The restructuring of the Secretariat, launched in 2010, supports this commitment.

Of the initiative of the Secretary-General, a high-level meeting on Roma was organized in Strasbourg in October 2010. In view of the preparation of this event and the administrative reform, the Secretary General has created a transversal Working Group within the Secretariat. The Working Group is led by Jeroen Schokkenbroek, the Special Representative of the Secretary General for Roma, also a new administrative structure. The objective of the Working Group is to work closely with all administrative entities responsible for activities involving the situation of Roma, and to join these actors together for getting the most out of the already existing expertise in the Council of Europe.

In the October 2010 High Level Meeting on Roma, the Strasbourg Declaration of Roma was adopted. The Declaration contains 30 items that are divided into non-discrimination and citizenship, social inclusion, and international cooperation. The Declaration calls upon the Member States to adopt and effectively implement anti-discrimination legislation, to strengthen efforts for combating hate speech, and to make use of mediators between the Roma and the majority population in the areas of education, employment and health care. Moreover, the Declaration encourages close co-operation with Member States, the Council of Europe, other international organisations, especially the European Union and the OSCE, as well as civil society, including Roma associations and relevant non-governmental organisations, in dealings related to the Roma issues.⁷⁰

The first progress report by the Secretary General on the follow-up (November 2010 – April 2011) to the Strasbourg Declaration on Roma

⁷⁰ Council of Europe, Committee of Ministers, 2010. The Strasbourg Declaration on Roma [CM(2010)133 final]. Strasbourg, 20 October 2010.

was discussed in the 121st Ministerial Session in Istanbul. Accordingly, while good progress has been made so far in the implementation of the Strasbourg Declaration, there are still very important challenges ahead in ensuring full integration of Roma communities. The most practical part of the programme – the launch of the project to train mediators is already underway in many countries. Moreover, the Council of Europe plans to train lawyers to help Roma people access housing and other services. There is also an undertaking for setting up an electronic database on good practices on Roma integration policies in different Member States.

Since 1995, the Committee of Experts on Roma and Travellers, composed of the representatives of the Member State governments and international organizations (since February 2011 known as CAHROM; *Ad hoc Committee of Experts on Roma issues*), has operated within the Council of Europe.⁷¹ The Committee is responsible for reviewing the situation of the Roma in Europe on a regular basis, in addition to which it has offered its expertise to the Committee of Ministers and prepared recommendations for the Member State governments and various Council of Europe organs. In recent years, the Committee of Experts has reacted, inter alia, to the living conditions of the Roma and the repatriations of the Roma from Kosovo. In December 2010, the Committee issued an opinion on migration and freedom of movement of the Roma in Europe where it encourages encourage local and regional authorities to create networks of municipalities having Roma migrant populations to provide forums for the exchange of good practice on the management of Roma migrants.⁷²

71 Formerly known as MG-S-ROM.

72 Council of Europe, Committee of Experts on Roma and Travellers (MG-S-ROM), 2010. Opinion on Migration and Freedom of Movement of Roma in Europe {MG-S-ROM (2010) 14}, 7 December 2010, Strasbourg.

11.1.4 The Congress of Local and Regional Authorities (CLRAE)

The Congress of Local and Regional Authorities (CLRAE) is an advisory body that represents local and regional authorities in the Council of Europe. The object of the CLRAE is to draft recommendations and resolutions related to regional and local administration, and to scrutinize the state of democracy by, *inter alia*, monitoring local and regional elections. Through these assignments, the Congress also discusses human rights questions. The recommendations and resolutions are prepared by the Committees that represent the fields of activities of the Congress. The resolutions of the Committees are first discussed at the Plenary Session of the Congress before taking them to the Council of Europe Committee of Ministers. At the Plenary Sessions it is possible to have discussion between the Member States, in addition to which visiting experts are heard. There are two resolutions regarding the Roma, adopted at the Plenary Sessions in 1993 and 1997.

11.2 Other Council of Europe actors handling Roma issues

11.2.1 The Commissioner for Human Rights

The object of the Council of Europe's Commissioner for Human Rights is to monitor the observance of human rights in the Council of Europe Member States. As a non-judicial institution, the Commissioner does not take individual complaints but mainly highlights human rights issues by conducting official country missions for a comprehensive evaluation of the human rights situation in the Member States, and by drawing up reports based on these missions. When necessary, the Commissioner gives the governments recommendations and opinions related to topical human rights questions. At the beginning of 2011, the position of the Commissioner for Human Rights was held by Swedish Thomas Hammarberg, who has kept the human rights of the Roma visibly on his agenda both in the country reports and private discussions with the Member States.

11.2.2 The European Commission against Racism and Intolerance (ECRI)

The European Commission against Racism and Intolerance is an independent human rights body within the Council of Europe, which focuses especially on discrimination against individuals or groups, based on grounds of race, skin colour, language, religion or ethnicity. The ECRI has one member from each Member State of the Council of Europe.

In every four to five years, the ECRI draws up a country report where, for instance, the efficiency of anti-discrimination legal instruments and the social status of vulnerable groups are assessed. In these reports, the ECRI has repeatedly highlighted the problems of the Roma. For example, in the report on the human rights situation in France, the ECRI noted that the situation of the Central and Eastern European Roma in terms of housing conditions, education and health care is extremely weak.⁷³

Furthermore, the role of the ECRI is to react to topical human rights questions by issuing General Policy Recommendation for the Member State governments. Of particular significance concerning the Roma is the “General Policy Recommendation N° 3: Combating racism and intolerance against Roma/Gypsies,” issued in 1998.

11.2.3 The Council of Europe Development Bank (CEB)

The Council of Europe Development Bank, established in 1956, is a multilateral development bank operating as a special entity within the Council of Europe framework. The CEB promotes social development by loaning money and giving grants to fund development projects carried out by its Member States (40 countries). CEB has been involved in activities related to the improvement of living conditions of Roma communities over the last fifteen years at least in Bulgaria, Hungary,

⁷³ European Commission against Racism and Intolerance, 2010. ECRI Report on France, Adopted on 29 April 2010 {CRI(2010)16}.

Macedonia, Serbia and Spain. Through the projects funded, housing conditions of the Roma in Bulgaria, settling of Roma from Kosovo in Serbia, and easing the access of the Roma to vocational education and employment in Spain, have been promoted.

11.2.4 The European Roma and Travellers Forum (ERTF)

The President of the Republic of Finland, Tarja Halonen, proposed in her speech to the Council of Europe Parliamentary Assembly that “serious consideration be given to a need to create for the Roma some kind of consultative assembly to represent them on the pan-European level.”

The initiative led to the establishment of the Roma and Travellers Forum in 2004. The ERTF is composed of national umbrella organizations (Country Members) and seven international Roma organizations that form the Plenary Assembly of the Forum, consisting of 75 delegates. The ERTF and the Council of Europe signed a Partnership Agreement, which guarantees the ERTF a privileged status as a civil society organization within the Council of Europe. According to the Agreement, the Council of Europe provides the Forum with assistance in terms of financial and human resources and technical matters.

The establishment of the Forum was affiliated with the idea of founding national umbrella organizations: as the result of democratic hearing procedures, there would be founded an umbrella organization that would be a member of the ERTF. In Finland, the Roma organizations founded in the spring of 2007 an umbrella organization, the Fintiko Romano Forum Federation, which was approved as the first Country Member of the Forum at the beginning of 2008.

The ERTF’s first term 2005–2010 started off promisingly, but also highlighted difficulties in maintaining geographical and organizational

representativeness, the Roma's inexperience in international influencing and reserved attitude of the intergovernmental cooperation entities towards the Forum. The ERTF has not managed to redeem its place as a democratic forum, common voice nor international representative body of the Roma. The future challenge to the continuation of the ERTF is how the representation of the pan-European Roma minority can be guaranteed in accordance with the principles of democracy, equality and transparency.

11.3 *Dosta!* and Route of Roma Culture and Heritage Campaigns

Dosta! is a Council of Europe and European Commission joint awareness raising campaign, which aims to bring non-Roma closer to Roma citizens by breaking down the barriers caused by prejudices and stereotypes, and by dispelling the resulting conflicts. The name of the campaign comes from a Romani word meaning "enough."

The *Dosta!* campaign started as part of a wider Council of Europe/European Commission Joint Programme "Equal Rights and Treatment for Roma in South Easter Europe" and has been implemented in Albania, Bosnia and Herzegovina, Montenegro, the Republic of Serbia, and the Former Yugoslav Republic of Macedonia, during 2006 and 2007. The Campaign raised the interest of other Council of Europe Member States. Consequently, it is launched in Ukraine, Moldova, Italy, Romania, Croatia, Slovenia, Latvia, Bulgaria and latest in France. As part of the awareness raising campaign, there have been organized cultural events, seminars and trainings. Finland has supported the *Dosta!* by participating in organizing the events of the Campaign in Bulgaria, for instance.

The Route of Roma Culture and Heritage is part of a wider Council of Europe Cultural Routes campaign, which tells about history and culture of different countries and cultures. The Campaign aims at increasing the

knowledge of the majority population about Roma history, culture, values and lifestyle, and recalls that the Roma culture is part of the European culture. The cooperative bodies of the Campaign are different museums and cultural centers. Its activities include, inter alia, exhibitions and events with the focus on Roma culture and history.

11.4 The European Court of Human Rights and the Human Rights Treaties of the Council of Europe

The protection of human rights is one of the core activities of the Council of Europe. Particularly the Convention for the Protection of Human Rights and Fundamental Freedoms (1950), also known as the European Convention on Human Rights, along with its additional Protocols, has created an efficient and unique system for ensuring human rights. The European Court of Human Rights supervises the compliance with the Convention, and its decisions are binding in all the Council of Europe Member States. In addition to the Human Rights Convention, the Council of Europe has numerous other human rights treaties, of which relevant to the Roma are the Framework Convention for the Protection of National Minorities (1995), the European Charter for Regional or Minority Languages (1992) and the Revised European Social Charter (1996).

The general provision against discrimination is provided in Article 14 of the European Convention on Human Rights:

The enjoyment of the rights and freedoms set forth in this European Convention on Human Rights shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

The scope of Article 14 is accessory; it only applies where the subject matter of another Convention right has been breached. Therefore, the

European Court of Human Rights rarely examines whether there has been a violation of Article 14: it examines first whether some other substantive stipulation has been breached. If this is the case, the Court does not examine the alleged breach of Article 14.

The scope of the anti-discrimination provision of Protocol no. 12 of the European Convention on Human Rights is wider than that of Article 14 for it secures “the enjoyment of any right set forth by law (...) without discrimination.” In this respect, the provision can be considered including both the national and international law.⁷⁴ The aim of Article 1 of Protocol no. 12 is mainly to protect the individual against discrimination by public authorities:

The enjoyment of any right set forth by law shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status.

In the discussion on the expulsions of the Roma, Article 4 of Protocol no. 4, which prohibits collective expulsions of aliens, has also been referred to.

The first case, which concerned the rights of the Roma at the European Court of Human Rights, was *Buckley v. United Kingdom* (20348/92) from 1996. Even though the decision was unfavorable for the appealing party, the Court’s assessments referred to the difficult status of the Roma. However, for long the Court abstained from taking into account the special characteristics of minorities, and for the first time the victim’s Romani background was noted in the case of *Nachova and Others v.*

74 International Organization for Migration, 2003. Syrjinnän vastainen käsikirja. Vammala: Vammalan Kirjapaino OY, pp.48.

Bulgaria (43577/98 and 43579/98).⁷⁵ In this case, the Court acknowledged for the first time that the crime may have been motivated by racism and the state officials should have had to investigate whether racist motives played a role in the events of the crime where a police officer shot two Roma men upon arrest. The Grand Chamber ruled that there had been a violation of Art.14 in conjunction with Art.2 (“Right to life”) of the European Convention of the Human Rights, because the authorities had not investigated the possible impact of racial prejudices on the death of the victims.⁷⁶

The case of *D.H. and Others v. The Czech Republic* (57325/00) concerned whether the placement of Roma children with tested learning difficulties to special schools constituted illegal discrimination. The European Court of Human Rights assessed that the number of Roma children in special schools was disproportionately high. Furthermore, the psychological tests were based on the Czech language and adapted to the cultural environment of the majority, which distorted the results. It later came out that most of the children in question did not have any learning difficulties. The Court concluded that there had been a violation of Article 2 of Protocol 1 of the European Convention of Human Rights (“Right to education”) in conjunction with Art.14 (“Prohibition of Discrimination”). Also, educational segregation of Roma children at primary school was considered in the *Oršuš and Others v. Croatia* (15766/03).

75 Morteau, Crina Elena, 2009. The Impact of the Jurisprudence of the European Court of Human Rights on Roma Rights. Budapest: Central Union university, Department of Legal Studies. Available online: http://www.etd.ceu.hu/2010/morteau_crina-elena.pdf (accessed 13.1.2011), pp. 17, 21.

76 Morteau, Crina Elena, 2009. The Impact of the Jurisprudence of the European Court of Human Rights on Roma Rights. Budapest: Central Union university, Department of Legal Studies. Available online: http://www.etd.ceu.hu/2010/morteau_crina-elena.pdf (accessed 13.1.2011), pp. 17, 21.

The object of the Framework Convention for the Protection of National Minorities is to protect national minorities residing in the Member States. The Contracting States have committed to guarantee to persons belonging to national minorities the right of equality before the law and of equal protection of the law. Moreover, the Parties have undertaken to undertake to adopt, where necessary, adequate measures in order to promote, in all areas of economic, social, political and cultural life, full and effective equality between persons belonging to a national minority and those belonging to the majority. Finland has identified the Roma as one of the national minorities falling under the scope of the Convention. Implementation of the Framework Convention for the Protection of National Minorities is supervised by the Advisory Committee, which has highlighted the situation of the Roma in its reports on many of the countries under examination.

Another Council of Europe convention for protecting minorities is the European Charter for Regional or Minority Languages (1992). The purpose of the Charter is to advance the use of regional and minority languages in education, public services, cultural activities, and economic and social life. Finland has recognized the Finnish Romani as a traditional non-territorial minority language.

Complimentary to the European Convention on Human Rights, the European Social Charter (the Revised Social Charter, 1996) forms the other side of the human rights dimension of the Council of Europe. The Charter ensures social rights related to employment, education, health care and social security. Articles 18 and 19 of the Charter are particularly related to the right to move from one country to another. Article 18 ensures the right to engage in a gainful occupation in the territory of other Parties. Article 19, for one, secures the right of migrant workers and their families to protection and assistance. The Additional Protocol to the European Social Charter providing for a system of collective complaints (1995) enables some international organizations of employers and trade unions and international non-governmental

organizations that fulfill certain conditions a right to lodge complaints on the application of the Charter provisions.

12 REVIEW ON THE OSCE POLICIES ON ROMA

The historical Conference on Security and Co-operation in Europe (CSCE) was organized in Helsinki in 1975. In addition to the security questions, also human rights issues were discussed in the Summit. From this background originates one of the main themes of today's Organization on Security and Co-operation in Europe (OSCE), the human rights-focused field of Human Dimension. On this ground was established the Office for Democratic Institutions and Human Rights (ODIHR), which assists the Member States in implementing their Human Dimension commitments. The Roma-related activities of the OSCE are coordinated by the Contact Point for Roma and Sinti Issues (CPRSI), operating under the ODIHR.

Also, more widely on the minority questions operates the OSCE High Commissioner on National Minorities, whose object is to identify and seek early resolutions to conflicts between ethnic groups. Moreover, the Chairman-in-Office of the OSCE nominates three special representatives to advance tolerance and fight against racism, xenophobia and discrimination – including discrimination against the Roma – across the OSCE region. One of the “tolerance representatives” focuses on combating intolerance and discrimination against Muslims. Another one works to combat anti-Semitism. The third Representative has a more general mandate: combating racism, xenophobia and discrimination against Christians and members of other religions.

12.1 Handling of Roma Issues in the OSCE Meetings

The particular need for improving the status of the Roma was recognized in the OSCE already 20 years ago in the so-called Copenhagen Document

of the 1990 Conference on the Human Dimension of the CSCE. This consensus-approved document includes an entry, where the Participating States condemn, *inter alia*, discrimination based on ethnic grounds, and recognize the particular problems of Roma. In the Copenhagen Document, as well as in other documents, the Participating States have given a political commitment to take measures against discrimination.⁷⁷

Questions related to the status of the Roma are discussed especially in the Human Dimension Meetings and the annual so-called Human Dimension Implementation Meetings (HDIM). In October 2010 in Warsaw, as preceding to the OSCE Summit, the latter was replaced by the Human Dimension Review Conference, where, related to the Roma issues, the lack of political will to tackle the situation of the Roma, and the concern over growing anti-Roma sentiment and hate speech and hate crimes related to it, were emphasized.

Furthermore, the Roma questions can be discussed in thematical meetings that the respective country holding the Chairmanship may organize. For instance, Kazakhstan hosted the High-Level Conference on Tolerance and Non-Discrimination in June 2010 in Astana, where the status of the Roma was on the agenda. Also, topical questions related to the status of the Roma are at times on the agenda of the Permanent Council. For instance, in September 2010, the United States expressed its concern on the situation of the Roma in the European Union. In situations like this, discussion between EU Member States can be held in an EU Coordination Meeting before the Permanent Council meeting.

Moreover, improvement of the status of the Roma has been a topic for several Ministerial Council decisions: during the Finnish OSCE Chairmanship in December 2008 in Helsinki, the Decision “Enhancing Efforts

77 Commission on Security and Cooperation in Europe, 1990. Document of the Copenhagen Meeting of the Conference on the Human Dimension of the CSCE, pp. 21.

to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” was adopted.⁷⁸ A decision emphasizing the importance of education and early childhood education was adopted during the Greek Chairmanship in the Ministerial Council in Athens.⁷⁹

In November 2010, the ODIHR issued a report on the implementation of the Helsinki Ministerial Council Decision, 26 of the 56 Member States submitting their inputs. According to the replies, reasons for the much lower participation of Roma children in pre-school education are, inter alia, the often-weak economic status of the Roma families, administrative procedures preceding the early education, and hostile environment. Some of the replies highlighted functional practices for advancing the participation in pre-school education. These include introducing a compulsory free pre-school year for all children; engaging Roma mediators and teaching assistants; simplifying administrative procedures; and fee reductions for low-income families.⁸⁰

For long, Roma issues have been a special priority of Finland within the Human Dimension activities of the OSCE. Finland was long responsible for preparing and coordinating the Roma-related address of the annual Human Dimension Implementation Meeting. However, this task was given up before the Finnish Chairmanship of the OSCE. Advancing the status of the Roma was one of the main themes of the Human Dimension during the Finnish Chairmanship when Finland organized the Supplementary Human Dimension Meeting with a title “Sustainable

78 Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 2008. *Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area. Status Report*. Warsaw: OSCE/ODIHR.

79 Organization for Security and Co-operation in Europe, Ministerial Council, 2009. *Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration* (MC. DEC/8/09).

80 Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 2010. *Mapping of Participation of Roma and Sinti Children in Early Education Processes Within the OSCE Region*. Warsaw: OSCE/ODIHR.

Policies for Roma and Sinti Integration.” In the meeting, importance of education and early childhood education were emphasized. Moreover, of the initiative of Finland, an evaluation report was drawn up on the implementation of the 2003 Action Plan.⁸¹

12.2 The Contact Point for Roma and Sinti Issues

In 1994, the Participating States of the OSCE decided on establishing the Contact Point for Roma and Sinti Issues under the ODIHR. For the tasks of the Contact Point were defined the maintenance and development of contacts both within and outside the OSCE; and enhancing interaction and exchange of information related to the Roma between governments, international organizations, institutions and non-governmental organizations. In the Oslo Ministerial Council Meeting in 1998 the mandate of the Contact Point was defined to facilitate full integration of Roma and Sinti communities into the societies they live in, while preserving their identity⁸² The Contact Point for Roma and Sinti Issues follows the Roma affairs especially from the viewpoint of the security of the Roma. Also, it has organized, for instance, a roundtable meeting in Tirana in 2006 against human trafficking and published a guidebook on the encounters between the Roma and the police.⁸³

In practice, the Contact Point has the main coordination responsibility of supervising the implementation of the 2003 adopted Action Plan on

81 Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 2008. Implementation of the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area. Status Report. Warsaw: OSCE/ODIHR.

82 Organization for Security and Co-operation in Europe, Ministerial Council, 1998. Oslo Ministerial Declaration, Oslo 1998, pp. 17.

83 Organization for Security and Co-operation in Europe, Office for Democratic Institutions and Human Rights, 2010. Police and Roma and Sinti: Good Practices in Building Trust and Understanding. Vienna: OSCE.

Improving the Situation of Roma and Sinti Within the OSCE Area.⁸⁴ The Action Plan was approved in December 2003 in the Maastrich Ministerial Council meeting and it is the most important document guiding the OSCE's Roma-related activities. The Action Plan also contains spheres of responsibilities for the High Commissioner on National Minorities and the Representative on the Freedom of the Media. The Action Plan on Improving the Situation of Roma and Sinti is a very comprehensive document but its implementing has not been systematic. The greatest challenges lie at the local level of the Participating States. Also, the increase in the OSCE's own actors should be taken into account in the implementation of the Action Plan: one of the Chairman-in-Office Special Representatives covers all forms of discrimination, in addition to which the Special Representative and Co-ordinator for Combating Trafficking in Human Beings has an important role related to the Roma affairs.

12.3 The High Commissioner on National Minorities

The post of the High Commissioner on National Minorities was established in 1992 to identify ethnic tensions that might endanger peace, stability or friendly relations between the participating States of the OSCE, and to seek resolutions to them as early as possible. The High Commissioner on National Minorities operates primarily through quiet diplomacy, which is supported by field visits to possible problematic areas. During these visits, the High Commissioner on National Minorities meets regional and local authorities and representatives of civil society organizations in order to advance dialogue between different stakeholders. On the basis of the field visits, there have been published reports, out of which directly concerned with the Roma was "the Report

84 Organization for Security and Co-operation in Europe, Permanent Council, 2003. Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area (PC. DD/40/03).

on the Situation of Roma and Sinti in the OSCE Area,” published in 2000.⁸⁵ In cooperation with the Council of Europe Commissioner for Human Rights, the Office of the High Commissioner on National Minorities published a study on the recent migration of Roma in Europe.⁸⁶

85 Organization for Security and Co-operation in Europe, High Commissioner on National Minorities, 2000. Report on the situation of Roma and Sinti in the OSCE Area.

86 Cahn, Claude & Guild, Elspeth, 2008. Recent Migration of Roma in Europe. The Hague: OSCE High Commissioner of National Minorities.

13 REVIEW ON THE UNITED NATIONS AND THE WORLD BANK POLICIES ON ROMA

13.1 The United Nations

Even though the United Nations has focused visibly on combating discrimination and racism and advancing human rights during the last decades, the problems of the Roma have been taken into account to a lesser extent within the UN. Amongst the United Nations organs, Roma affairs have been predominantly handled by the Commissions, Funds and Programmes operating under the Economic and Social Council (ECOSOC), and in the Universal Periodic Review process coordinated by the General Assembly-controlled Human Right Council, which replaced the Commission on Human Rights in 2006. In addition to these bodies, almost all of the ten human rights treaty bodies that monitor the implementation of the core international human rights treaties have paid highlighted the problems in realization of human rights of the Roma.

13.1.1 The Commission on Human Rights

Until 2006, the main body for advancing and supervising human rights in the UN was the Commission on Human Rights, under which operated the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The Sub-Commission was replaced by the Sub-Commission on the Promotion and Protection of Human Rights in 1999. During the existence of the above-mentioned bodies, the Roma affairs were discussed mainly in the Sub-Commissions and in the

reports of the Special Rapporteurs – the Commission on Human Rights referred to the Roma two times during its history.⁸⁷

Thus, in the Roma-related activities of the Commission on Human Rights, more active role was left for its Special Rapporteurs, whose main work is to carry out field visits and report on human rights violations discovered through these visits. For instance, in 1999 the Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, Maurice Glélé-Ahanhanzo, carried out a field visit to the Czech Republic, Hungary and Romania. In his report, the Rapporteur highlighted the violence against the Roma, areal segregation, and the negative image of the Roma in the mass media.⁸⁸

13.1.2 The Human Rights Council

The United Nations Human Rights Council was established in March 2006 to replace the UN Commission on Human Rights, which had been vastly criticized during the latter years of its existence. The UN Special Rapporteurs have continued their work under the Human Rights Council, in addition to which a new supervisory mechanism significant for human rights is the Universal Periodic Review, launched in 2008. Yet, the Human Rights Council has not referred to the Roma in its resolutions.

Currently, there are 33 thematic Special Rapporteurs and Independent Experts under the mandate of the Human Rights Council, providing

⁸⁷ The only Commission of Human Rights resolution focusing on Roma is from 1992 (1992/65). Reference to the situation of the Roma was made in the Commission of Human Rights Resolution on the right to development (2001/9).

⁸⁸ United Nations, Economic and Social Council, Commission on Human Rights, 2000. Racism, Racial Discrimination, Xenophobia and All Forms of Racial Discrimination. Report by Mr. Glélé Ahanhanzo, Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance, submitted pursuant to Commission on Human Rights resolution 1998/26. Mission to Hungary, Czech Republic and Romania (19-30 September 1999), (E/CN.4/2000/16/Add.1).

reports and recommendations to the Council. As mentioned above, the Special Rapporteurs have had an important role in advancing the rights of the Roma within the UN. During the existence of the Human Rights Council, discrimination against the Roma has been addressed by, for instance, Gay McDougall, the Independent Expert on Minority Issues, and Githu Muigai, the Special Rapporteur on Racism. In 2008, they expressed their grave concern over the recent violent incidents in several European countries, calling for a stronger response from governments.⁸⁹

The new mechanism for supervising human rights, the Universal Periodic Review (UPR), has proven an efficient means to highlighting human rights violations in different countries. Under the UPR process the human rights situation of all UN Member States is reviewed every 4 years; 48 States are reviewed each year. The Review is based on the human rights report of the state under review; the report compiled by the Office of the High Commissioner for Human Rights (OHCHR); and information submitted by other stakeholders, such as civil society organizations. The first UPR cycle, which started in 2008, is still underway, but the weak status of the Roma has been highlighted in almost all of the already reviewed European states. The object of the process is to achieve practical measures for improving the human rights situation according to the requirements imposed on the Member States.

13.2 The United Nations Human Rights Treaties

The principal human rights treaties are, *inter alia*, the International Covenant on Civil and Political Rights (1966; ICCPR), the International Covenant on Economic, Social and Cultural Rights (1966; ICESCR) and

89 Office of the High Commissioner for Human Rights, 2008. UN Experts Call for European Action to Stop Violence against Roma. 20 November 2008. Available online: <http://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=8268&LangID=E> (accessed 20.1.2011).

the International Convention on the Elimination of All Forms of Racial Discrimination (1965; ICERD). In addition, the Universal Declaration of Human Rights (1948; UDHR) has an important role in the international human rights regime. The non-discrimination is embodied also in the purposes of Article 1 of the Charter of the United Nations, of which one purpose stipulates “respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.” Likewise, the principle of non-discrimination has been recognized as a basic principle in international law. Accordingly, non-discrimination has become part of customary international law and is considered binding on all states. Furthermore, the prohibition on discrimination on the basis of gender or ethnic background can be considered to have become a *jus cogens* norm, or a norm from which states are not allowed to depart under any circumstances.

As the name implies, the Universal Declaration of Human Rights is a declaration and therefore not legally binding. However, it is considered nowadays as customary law binding on the states. Discrimination is particularly addressed in Article 2:

Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

As the wording of the Article implies, the prohibition of discrimination is related to other rights and freedoms embodied in the Declaration. Moreover, Article 7 ensures equal protection of the law:

All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any

discrimination in violation of this Declaration and against any incitement to such discrimination.

Article 2 (1) of the International Covenant on Civil and Political Rights provides that:

Each State Party to the present Covenant undertakes to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The prohibition of discrimination of Article 2 is accessory to other articles of the Covenant, but Article 26 of the Covenant provides also an independent prohibition of discrimination:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

The second sentence of Article 26 requires the State to undertake active measures for providing effective protection against discrimination. Accordingly, the scope of application of the provision is fairly broad, and it has also been applied in the field of social and economic rights.⁹⁰

Article 2 (2) of the International Covenant on Economic, Social and Cultural Rights corresponds greatly to Article 2 of the ICCPR:

⁹⁰ International Organization for Migration, 2003. *Syrjinnän vastainen käsikirja*. Vammala: Vammalan Kirjapaino OY, pp.48.

The States Parties to the present Covenant undertake to guarantee that the rights enunciated in the present Covenant will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.

A general definition of discrimination in the field of international human rights law is found in Article 1 (1) of the International Convention on the Elimination of All Forms of Racial Discrimination:

In this Convention, the term “racial discrimination” shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life.

13.2.1 The Human Right Treaty Bodies

The UN has currently ten treaty bodies that monitor the implementation of the core international human rights treaties of the UN. In their resolutions and recommendations, almost all of the Committees have highlighted the discrimination and other human rights violations directed against the Roma in different countries. A reporting procedure resembling the Universal Periodic Review process, where the contracting States have to respond to the questions set by the members of an independent committee, forms an efficient framework for the work of the Committees. Finland has involved representatives of the Roma and Sami communities to the hearing delegations since the 1990s. Moreover, the Committees issue “General Comments” (“General Recommendations” in CEDAW, CERD and ICESCR) on the content and interpretation of the Treaties.

Amongst the treaty bodies, the Committee on the Elimination of Racial Discrimination (CERD) can be considered the most significant

Committee regarding the Roma issues. The CERD issued in 2000 the General Recommendation no. 27 on Discrimination against Roma. This document contains 49 recommendations on how the discrimination against the Roma should be tackled concerning the field of education, media, improving living conditions and participation in public life. The recommendations particularly emphasize the “double burden” of Roma women, and call the Member States to avoid as much as possible the segregation of Roma students in schools.⁹¹

The Committee on the Elimination of Racial Discrimination also administers the individual complaint procedure, which allows an individual to lodge a complaint of violations of the rights protected by the Convention. For instance, in *L. R. et al. v. Slovakia*, a group of Slovakian Roma brought a complaint to the Committee regarding discrimination in housing. In the case, the residents of Dobšiná forestalled by a petition in 2002 a social housing project planned mainly for the Roma. On the basis of the complaint, the Committee on the Elimination of Racial Discrimination investigated the issue and found the ruling of the City Council infringing, inter alia, the right of the appellants to enjoy equally of social services (Article 5 [e]).

13.3 The United Nations Children’s Fund (UNICEF)

UNICEF, or the United Nations Children’s Fund, is a special fund, which operates for children’s rights especially through development aid and emergency relief programmes. After the collapse of the socialist regimes, the UNICEF has often paid attention to the particularly vulnerable situation of Roma children in its comments and reports, especially in the Balkans. Since the beginning of the 1990s UNICEF has offered its

91 Office of the High Commissioner for Human Rights, The Committee on the Elimination of Racial Discrimination, 2000. General Comment No. 27: Discrimination against Roma.

expertise and financed several projects in Romania, Bulgaria, Slovakia and former Yugoslavian countries. UNICEF has recently published two vast surveys on the situation of Roma children in Central and South Eastern Europe.

The “Breaking The Cycle of Exclusion: Roma Children in South East Europe” (2007) emphasizes how especially Roma children suffer from social exclusion. The report ponders over the reasons for exclusion, and looks for answers to the question.⁹² In 2010, the UNICEF published the “Towards Roma Inclusion: A Review of Roma Education Initiatives in Central and South-Eastern Europe,” which is a compilation of Central and South Eastern European good practices regarding education. The survey covers eight “success stories”, where segregation of Roma children in schools has been successfully tackled, drop-out rates have been reduced, and the quality of education has been improved.⁹³

13.4 The United Nations Development Programme (UNDP)

During recent years, the United Nations Development Programme (UNDP) Country Offices in Eastern and Southeastern Europe and the Regional Centre located in Bratislava have significantly contributed to advancing the status of the Roma. Especially the Romanian and Bulgarian Offices have implemented numerous projects for improving the situation of the Roma also at the grass root level. For instance, the UNDP has supported the establishment of the Social Support Centers for Roma communities in Roma, and an employment programme for

92 UNICEF Serbia, 2007. *Breaking the Cycle of Exclusion: Roma Children in South East Europe*. Belgrade: Publikum.

93 UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States, 2010. *Towards Roma Inclusion: A Review of Roma Education Initiatives in Central and South-Eastern Europe*. Geneva: UNICEF Regional Office for Central and Eastern Europe and the Commonwealth of Independent States.

the Roma in Bulgaria. Moreover, together with local cooperation partners, the Country Offices have carried out extensive data collection on the situation of the Roma. In 2008, the Moldovan Country Office, for instance, published a comprehensive study on the situation of the Roma in the Republic of Moldova.⁹⁴ Finally, the UNDP is also one of the financiers of the Decade of Roma Inclusion initiative.

Probably the most notable Roma-related undertaking of the United Nations has been the compilation of the Roma Human Development Report, carried out by the Bratislava Regional Centre in cooperation with the International Labour Organization (ILO). The “Avoiding the Dependency Trap,” released in January 2003, is a comprehensive documentation of the living conditions, education, employment, health and political participation of the Roma, covering Bulgaria, the Czech Republic, Hungary, Romania and Slovakia. The report is based on interviews with 5 034 Roma and quantitative comparison of the data, on the grounds of which, for instance, the Human Development Index (HDI) of the Romanian Roma would have fallen to the same category with Zimbabwe in 2002.⁹⁵

The “At Risk: Roma and the Displaced in Southeast Europe,” released in 2006, continues similar work described in the above-mentioned report focusing more generally on vulnerable groups in the Balkans: half of the report describes especially the situation of the refugees in the area. The report foresees the entry of the Balkan countries to the European Union and emphasizes that harmonious development of the countries requires that the full inclusion of the underprivileged groups is secured.

94 United Nations Development Programme, 2007. Roma in the Republic of Moldova. Chisinau: UNDP Moldova.

95 United Nations Development Programme, 2003. Avoiding The Dependency Trap. Bratislava: UNDP.

13.5 The World Bank

During the last decade, the World Bank has become a significant actor in promoting economic independence of the Roma and reducing poverty in Europe. The World Bank operates in tight cooperation with other international organizations and belongs loosely to the UN System as an independent specialized agency.

As the most notable undertaking of the World Bank regarding the Roma can be considered the Decade of Roma Inclusion 2005–2015, also known as the Roma Decade, implemented together with the Open Society Institute sponsored by the billionaire funder George Soros, other international organizations, private foundations and single states. Moreover, the World Bank issued in 2005 an extensive survey “Roma in an Expanding Europe – Breaking the Poverty Cycle,” which focuses on the poverty of the Roma. Also, in a recent study the World Bank has estimated that due to the low education and unemployment of the Roma, the annual productivity losses of Bulgaria, Czech Republic, Romania and Serbia amount to as much as 5.7 billion Euro according to the high-bound estimates.⁹⁶

13.5.1 The Roma Decade

The idea for a long-span and comprehensive joint political commitment of governments, non-governmental and international organizations, and Romani stakeholders emerged from “Roma in an Expanding Europe: Challenges for the Future,” a high-level regional conference on Roma held in Budapest in 2003, organized by the World Bank and the Open Society Institute. Prime Ministers of the first eight participating

96 The World Bank. *Economic Costs of Roma Exclusion*. The World Bank, 2010. Available online: http://siteresourcepp.worldbank.org/EXTROMA/Resources/Economic_Costs_Roma_Exclusion_Note_Final.pdf (accessed 20.1.2011).

governments signed the Declaration of the Decade of Roma Inclusion in Sofia in February 2005.

The Decade of Roma Inclusion 2005–2015, implemented by international organizations, the World Bank, private foundations and single states, has attempted to improve the situation of the Roma especially in fields of education, health, employment and housing, primarily in the Eastern Europe. One condition for joining the Roma Decade is the drafting of a national Roma Strategy.

13.5.2 The Roma Education Fund

The Roma Education Fund (REF) was created in the framework of the Roma Decade in 2005. The REF receives a majority of its funding from the World Bank, the Open Society Institute and many States, including Finland, which currently finances projects of the REF in the Western Balkans.

The mission and ultimate goal of the Roma Education Fund is to close the gap in educational outcomes between the Roma and non-Roma. This is to be achieved by ensuring the access of the Roma to compulsory education, for instance, through initiatives to reduce dropouts and provision of free textbooks and other educational materials. The Roma are also encouraged to enter into further education or complement their studies in the adult education programmes. Also, the REF aims at improving the quality of education, for example, through curriculum reform and introduction of Romani language teaching. Moreover, tolerance teaching, and teaching of Roma culture and history are set to be included in the general curriculum. In order to dispel mutual biases between the Roma and the majority population, primary object is to eliminate segregation from the educational structures.

In practice, the REF funds programmes and projects that comply with the principles of the REF and advance the education of the Roma. In addition, the REF disseminates good practices that are related to the education of the Roma. Moreover, the REF aims at facilitating the dialogue between the civil society and regional and local authorities and helps these stakeholders to apply for the EU Funds. Finally, the REF has a scholarship fund for the students with Romani background.

14 OTHER ORGANIZATIONS AND ROMA ORGANIZATIONS

The network of Roma advocates in Europe started to evolve only in the turn of the 1990s. Currently, the greatest challenge regarding the social participation of the Roma is the incoherence and lack of experience in political influencing of the Roma movement. From this point of view, education of Roma activists and organizations is an essential development initiative and a precondition for change in the advancement of the social status and realization of human rights of the Roma people.

14.1 International Organizations Working with the Roma Affairs

The International Roma Union (IRU) was established in 1971, and it is the eldest international Roma organization. As an umbrella organization, the IRU has member organizations in 32 countries, including Australia, India, New Zealand and the United States. Originally, the IRU focused primarily on advancing the Roma language and culture. The Union functioned actively in the 1970s and 1980s. The reactivation of the Union took place in 1999 when the World Roma Congress was convened again. At this point, new regulations and a wider interpretation on the advancement of the status of the Roma, which is not restricted solely on language and culture, were adopted. The same year, the International Roma Union was granted an official NGO status in the Economic and Social Council (ECOSOC).

The Roma National Congress (RNC) was established in 1990 to represent the Roma, who felt having left without a native country due to political reasons. At the beginning of its functioning, the RNC focused primarily on helping the Roma refugees who were forced to emigrate to

other parts of Europe due to the Yugoslav Wars. Since its inception, the RNC has undergone several operational phases, and in its current form the Organization has operated for 4–5 years. The RNC is an unofficial umbrella organization that operates mainly in Europe. From the beginning, the RNC has emphasized socio-political influencing.

The European Roma and Travellers Forum (ERTF), see 11.2.4.

The European Roma Information Office (ERIO) was founded in 2003, and its office is located in Brussels. The objective of the Office is to function as a bridge builder between Roma organizations and the European Union organs. The ERIO is funded by the European Commission.

The International Roma Women's Network (IRWN) is an international network of Roma women, which gathered for the first time in Strasbourg in 2003. The discussion of the rights of the Roma women was triggered by the Council of Europe report on the accessibility of health care services for Roma women in the Council of Europe Member States, and the revelation of cases of forced abortion of Roma women in the Central European countries at the beginning of the 21st Century. The following year to the first meeting, the IRWN was registered as a Europe-focused international women's rights organization in Strasbourg in 2004. The IRWN is an umbrella network for Roma women's organizations and Roma women's rights activists.

The European Roma Rights Center (ERRC), established in 1996, is an organization that supervises the human rights situation of the Roma. The ERRC provides legal aid for victims of human rights abuses and produces country-specific and thematic publication series on the legal situation of the Roma. The ERRC is a cooperation partner to the International Helsinki Federation for Human Rights, and it has an advisory status in the Council of Europe.

The Project on Ethnic Relations (PER) is an American organization funded by various foundations and funds. It was established to alleviate conflicts between different ethnic groups that were believed to arise after the collapse of socialism in Central and Eastern European countries. The PER worked actively to advance the status of the Roma at the time of the 1990s political change in Central and Eastern Europe. As other forums have become more active in advancing the status of the Roma, the role of the PER has diminished. However, the PER has organized Roma-related events and issued publications on the situation of the Roma.

The Open Society Institute (OSI) is an organization funded by the billionaire investor George Soros that aims at advancing democratic governance and human rights. The most significant Roma-related undertaking of the Organization is the funding of the Roma Decade and the Roma Education Fund together with the World Bank.

The Amnesty International is the world's largest human rights organization, of which the activity is based on membership of private people. The Amnesty has over 2.2 million members and supporters in over 150 countries across the world. The object of the Amnesty is to educate people on human rights, to investigate severe human rights violations, and to campaign against them all over the world.

The Organization got actively involved in fighting against discrimination and human rights violations against the Roma in the turn of the 21st century. A European-wide campaign of the Amnesty calls the European Union and its Member States to take concrete actions so that discrimination against the Roma, and the poverty and exclusion spiral could be broken in Europe. The Finnish Amnesty implemented the Campaign Roma People Treated like Waste (Romaneja kohdellaan kuin roskaa) in 2010 with the intention to highlight the unequal treatment and discrimination that the Roma face.

The Task Force for International Cooperation on Holocaust Education, Remembrance and Research (ITF), or the Holocaust Task Force, which currently has 26 Member States (Finland was accepted to join in 2010), was initiated by the former Swedish Prime Minister Göran Persson.

The basic principles of the ITF is the implementation of Holocaust Remembrance Day (*vainojen uhrien muistopäivä* in Finland), opening of the archives dealing with the Holocaust period for researchers, and especially organizing Holocaust-related education in schools and universities. Within the ITF, there operates the Subcommittee of Roma Genocide, which works for raising awareness on the genocide of the Roma under the Nazi Regime.

14.2 Finnish Roma Organizations

The political influencing of the Finnish Roma organizations is in its beginning stages in many ways. The Finnish Roma population has neither a political party nor an independent advocacy organ like the Sami people (The Sami Parliament; *Sámediggi*) or the Swedish-speaking Finns (The Swedish Assembly of Finland; *Folktinget*). Compared to the other traditional minorities of Finland, the political and social status of the Roma is relatively weak. There are 30 registered Roma organizations in the Finnish Register of Associations. Approximately 20 out of these can be considered to be still functioning today.

The Romano Missio (formerly known as *Mustalaislähetys*; the Gypsy Mission) was established in 1908. It is the eldest organization that has worked amongst the Roma in Finland, although in the first decades of its activity, it was not really a Roma organization. More Roma began to work for the Organization in the beginning of the 1980s. The name of the Organization was changed into *Romano Missio* in the end of the 1990s, and nowadays it is considered a Roma organization. The objective of the Organization is to function as an advocacy group under

Christian perspectives amongst the Roma population in the fields of child protection, social policy, spiritual work, and education. The *Romano Missio* issues the publication *Romano Boodos* three times a year.

The Romanengo Staggos was established in 1954, and it was the first actual Roma organization in Finland. The Organization functioned for a relatively short time, but with its initiatives it managed to raise the housing situation of the Roma into public discussion. The delegation of the Organization visited the Parliament with the consequence that the so-called *Mustala* Committee was set up to review the social and housing situation of the Roma. This resulted in establishing the first Advisory Board on Gypsy Affairs (nowadays the Advisory Board on Roma Affairs) within the National Board of Social Welfare in Finland of that time.

The Life and Light (*Elämä ja Valo*), formerly known as the Finnish Free Romani Mission, was founded in 1964. It is a common organization of the Roma belonging to the Free Evangelical movement, and it organizes tent revivals in summers, seminars, Roma festivals, preventive family work, anti-drug work, and humanitarian aid work. The Organization has promoted Roma work in India already since the 1970s, built orphanages and supported development work of Roma villages in Belarus, Romania and Romania, for instance. The Life and Light is a Country Member of the world's largest international Christian Roma organization Life and Light (*Viè et Lumiere*). The Organization publishes the magazine *EV* that is issued three times a year.

The Finnish Romani Association (*Suomen Romaniyhdistys*) was established in 1967. At the beginning of its activities, the Organization focused on combating the discrimination experienced by the Roma, and improving the living conditions. The Finnish Romani Association can be considered the first Roma organization interested in social influencing. The Organization became publicly known as an organization fighting against discrimination against the Roma and calling for better housing

conditions. In recent years, the Organization has focused on improving the living conditions of the senior Roma people. The Finnish Romani Association publishes the magazine *Zirkili*.

The Nevo Roma has been operating since 1999. The principal idea of the Organization is to exhibit Roma art and culture in different events and exhibitions. The Organization has also produced guides and reports: in 2007, the *Nevo Roma* published a guidebook for Romani caregivers as part of the *Vanhät* ('Elders') Project in cooperation with the Finnish Romani Association, funded by the Finland's Slot Machine Association (*Suomen raha-automaattiyhdistys*).⁹⁷ The following year, the Organization carried out a study on the placement of 16 Roma, who lived in the children's home of the Gypsy Mission (*Romano Missio* since 1997) in between 1960 and 1980, into the Roma community and the Finnish society.⁹⁸ Since spring 2010, the Organization has coordinated the nationwide RASMUS Network against racism and xenophobia, which is currently the main activity of the Organization.

Christian Romani Women's Association, *Kromana* was established in 2005. The Organization operates under basic Christian values and aims at advancing the social participation of the Roma community, their influencing possibilities and equality, as well as the status of Roma culture and language. Between 2007 and 2009, with the aid of the Finland's Slot Machine Association, the *Kromana* carried out a social policy development project JUULIA, which aimed at increasing the well-being of women and families in Roma communities, and preventing social exclusion and discrimination.

97 Majaniemi, Päivi & Grönfors, Janette, 2008. Vanhinta ei unohdeta – opas romanivanhusten omaishoidosta. Suomen Romaniyhdistys ry.

98 Grönfors, Janette & Viljanen, Anna Maria 2009. Ai tää lastenkodin lapsi – Selvitys 16 Mustalaislähettyksen lastenkodeissa 1960–80-luvuilla eläneen romanin sijoittumisesta romaniyhteisöön ja suomalaiseen yhteiskuntaan. Jyväskylällä: 4-M Oy.

The Fintiko Romano Forum (FRF) (*Suomen Romanifoorumi*) was established in 2007, and it is the first umbrella organization of the Finnish Roma organizations. The object of the FRF is to supervise the interests of its member organizations, and to disseminate information and build cooperation of Roma organizations both on the national and international level. The FRF is a country member of the European Roma and Travellers Forum. The *Fintiko Romano Forum* has currently 13 member organizations across Finland.

The Drom is an association for Gypsy⁹⁹ culture and art, and was founded in 1976. The object of the Organization is to advance Gypsy art, interaction between the majority population and ethnic minorities, equality and creative culture by means of literature, theatre, music and fine arts. The *Drom* was actively involved when Finland applied for the membership of the Holocaust Task Force. In the spring of 2010, the *Drom* organized an international event Forgotten Genocide (*'Unohdettu kansanmurha'*) dedicated to the Roma Holocaust.

The Center for Romani Art (*Romanitaiteen keskus*) was founded in 1997, and its objective is to advance Romani music and other Roma culture by cooperating with Roma organizations and other stakeholders. It has organized international festivals of Romani music in Porvoo and latest in Helsinki.

99 The Organization prefers the name '*mustalainen*' (Gypsy being the closest equivalent) instead of '*romani*' (Roma).

ANNEX

TO THE MINISTRY FOR FOREIGN AFFAIRS OF FINLAND

On 9 August 2010, the Ministry for Foreign Affairs of Finland appointed a Working Group to prepare an international influencing strategy on Roma policy for Finland, as brought forward by the Working Group that prepared a specific National Policy on Roma of Finland. The objective of the Working Group was to draft an influencing strategy, where especially the objects of multilateral cooperation in Roma issues would be defined. The term of the Working Group was from 9 August 2010 to 28 February 2011.

The Chairperson of the Working Group was Ambassador Kaija Ilander from the Ministry for Foreigner Affairs. The Members of the Working Group were (Deputy Members in parentheses): Viveca Arrhenius, Ministerial Counsellor, Ministry of Social Affairs and Health; Päivi Haavisto-Vuori, Ministerial Adviser, Ministry of Employment and the Economy; Sinikka Keskinen, Special Adviser, Ministry of the Interior; Tarja Koskimäki, Senior Advisor, Ministry of Education and Culture; Leena Nissilä, Education Counsellor, National Board of Education (Susanna Rajala, Expert, National Board of Education); Jorma Pietiläinen, Senior Officer, Ministry of the Environment; and Hannele Syrjä, Secretary General, Advisory Board on Romani Affairs. The Permanent Experts of the Working Group were Janette Grönfors, Chairperson, Nevo Roma; Tuula Lindgren, Work Planner, Kromana; Väinö Lindberg, Social Counsellor, Romano Missio; Jani Lindroos, Chairperson, Life and Light (Elämä ja Valo), Päivi Majaniemi, Secretary, Finnish Romani Association (Suomen Romaniyhdistys) and Miranda Vuolasranta, Executive Director, Fintiko Romano Forum. Visiting

Experts on European Union Affairs were Veera Parko, Counsellor, EU Affairs, Prime Minister's Office; Henni Axelin, Counsellor, EU Affairs, Prime Minister's Office; and Pasi Korhonen, Counsellor, EU Affairs, Prime Minister's Office. The Working Group's written material was given to Ann-Marie Nyroos, Adviser, Office of the President of the Republic of Finland. The following Visiting Experts were heard by the Working Group: Johanna Suurpää, Director of Democracy and Language Affairs Unit, Ministry of Justice; Camilla Busck-Nielsen, Legislative counsellor, Ministry of Justice; Erja Horttanainen, EU Affairs Manager, Association of Finnish Local and Regional Authorities; Susanna Mehtonen, Legal Officer, Amnesty International Finland; Sirpa Liljeström, Senior Officer, Ministry of Employment and the Economy; and Tino Varjola, Project Coordinator, Life and Light (Elämä ja Valo). The Secretary of the Working Group was Lari Peltonen, Consultant.

Furthermore, the Unit for Human Rights Policy of the Ministry for Foreign Affairs of Finland, and Finland's Permanent Representations to the European Union, the Council of Europe and the Organization for Security and Co-operation in Europe provided valuable support to the process of drafting the Handbook on the European Policy on Roma of Finland.

The Working Group convened ten times, out of which two were reserved for hearing the Visiting Experts.

Having completed its mission, the Working Group hereby respectfully presents the memorandum to the Ministry for Foreign Affairs of Finland.

Helsinki, 3 March 2011

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Viveca Arrhenius

Janette Grönfors

Päivi Haavisto-Vuori

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