



Chapter 3

Romani Issues at the UN

The aim of this chapter is limited to setting the scene for the analysis carried out in Part Two. The chapter provides an overview of the development of the UN interest in and approach to Romani issues in order to identify key events/actions leading to agenda-setting, discursive or procedural/institutional developments related to Roma. Within the UN system, significant attention to Romani issues has only been given within some subsidiary organs of the ECOSOC and some specialized funds, programmes and bodies; these are considered in turn. The links between the main events/actions, and the agenda-setting, discursive or procedural/institutional developments are established in the conclusions. Details of the key events/actions are elaborated in Part Two so as to establish whether there is a link between these changes and the actions of Romani and pro-Romani activists.

Romani Issues at the UN Commission on Human Rights (the Commission)

The Commission's interest in Roma in its fifty-six years of existence reduces to just the adoption of one Roma-specific and one Roma-mentioning resolution, and to some interest from three Special Rapporteurs and the WCAR. I discussed the WCAR in detail elsewhere (see Klimova 2003: Chapters 7 and 8), but the former two items are considered now. The Roma-specific resolution is *Resolution 1992/65*, entitled 'Protection of Roma (gypsies)'. This resolution is an amended version of a resolution proposed by the Subcommission (see pp. 41–2). It invites states to adopt measures for eliminating discrimination against Roma and to use the advisory service of the Centre for Human Rights (CHR) for this purpose. It also urges the Subcommission's Special Rapporteur on minorities to accord special attention to Roma and to provide information on their living conditions (see pp. 121–124). However, this task was peripheral to the preparation of a more general study on possible ways and means of facilitating the peaceful and constructive solution of problems involving minorities (UN Doc. E/CN.4/Sub.2/2000/28). The study only made fleeting references to Roma (see UN Doc. E/CN.4/Sub.2/1993/34), even though a number of governments had submitted information about them (see UN Doc. E/CN.4/Sub.2/1993/34/Add.1; UN Doc. E/CN.4/Sub.2/1993/34/Add.3). (Note that no NGOs mentioned Roma – see UN Doc. E/CN.4/Sub.2/1993/34/Add.2.) The recommendations of the study include one point on Roma noting the deterioration in their situation, but basically passing the responsibility onto regional organizations by suggesting that the OSCE and CoE should undertake Europe-wide measures to prevent discrimination and promote equality for Roma (UN Doc. E/CN.4/Sub.2/1993/34/Add.4).

Resolution 2001/9 on the right to development, adopted on 18 April 2001, is the first UN resolution that is not specific to Roma yet explicitly mentions them. No such mention was included in any earlier resolutions on development adopted by either the Commission or the GA. Paragraph 16 of this resolution recognizes Roma among vulnerable groups to which special attention should be paid in the process of the realization of the right to development (UN Doc. E/2001/23 and E/CN.4/2001/167: 73). It is unclear who initiated this reference. Although there was an intervention from an IRU representative during this session of the Commission, it did not relate to development (see p. 126). Roma were also not mentioned when the resolution was discussed (UN Doc. E/CN.4/2001/SR.62: 2–8). The reference probably resulted from these two factors: the attention that Roma received within the framework of the WCAR preparatory process (in full swing at the time this resolution was adopted), and the new interest in Roma shown by the UN Development Programme (UNDP) since the beginning of 2001 (see pp. 49–50 and Klimova 2003: Chapter 7).

Recently some of the Commission's Special Rapporteurs have started making brief mentions of Roma in their reports.¹ However, only three of them have paid more significant attention to Romani issues. The first one was Joseph Voyame, the *Special Rapporteur on the situation of human rights in Romania* (see also pp. 74–75). His first report (1990) contained just one paragraph on Roma, pointing out that they are subject to harassment, searches, confiscation of property and detention without trial or specific charges (UN Doc. E/CN.4/1990/28: 40). In comparison, his second report (1991) contained more detailed references to Romani issues. It pointed out that Roma are subject to defamation campaigns and public incitement to racial hatred which at times leads to violence, looting and destruction of houses. It cited, as an example, the statements by senior officials made in the media in June 1990, which were subject to a complaint lodged by the Ethnic Federation of Gypsies against the Director-General of Romanian Television. It also reported discrimination in the administration of justice against Roma and mentioned the 1990 Kolganiceanu incident in which 200 Roma were left homeless after their houses were wrecked and burned. The local authorities made no attempt to prevent or redress the incident because they viewed the Romani community as deviant and criminally inclined, and thus they in fact tolerated or even encouraged expressions of hostility towards the Roma. The conclusion of the report stated that the Romani community is very marginalized and isolated from the rest of society by distrust and prejudice. In Voyame's opinion, this constituted an important minority problem to which the Romanian authorities should devote attention (UN Doc. E/CN.4/1991/30: 27 and 30). The third report (1992) devoted yet more attention to Roma. The summary of events of interest to the Rapporteur cited several examples of wrecking and burning of Romani houses and a racially motivated murder of a Romani man. It also drew attention to some positive developments, namely the establishment of Romani political parties and civic associations; plans to train teachers in the Romani language, prepare appropriate textbooks and develop experimental programmes for the vocational integration of Roma; and a project for rebuilding houses burnt in a pogrom. The report concluded that, although the Romani community is still very marginalized and ill-protected by the police, the Romanian authorities are taking serious measures to improve the community's education and to enable it to assert its identity (UN Doc. E/CN.4/1992/28: 5, 6, 26, 33 and 299). Voyame's last report on the same topic (1994) was mostly a summary of reports submitted by other bodies. It included the Romanian Government's report

regarding the implementation of Commission Resolution 1993/72, entitled 'Situation of human rights in Romania', which included the Government's concern about social integration of the Roma, its report of a Snagov seminar on Romani issues organized in 1993 and its account of the 1993 Hadareni 'pogrom'; the findings of the International Labour Organisation (ILO) Commission of Inquiry regarding Roma and their consideration by the Committee of Experts (see pp. 51–52); Amnesty International and Romanian Helsinki Committee reports about the 1993 Hadareni 'pogrom' and cases of inter-ethnic conflict involving Roma; and an International Human Rights Law Group report about discrimination against the Roma and biased media reporting (UN Doc. E/CN/1994/76: 14–25).

Maurice Glele-Ahanhanzo, the *Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance* from 1993 (when this post was created) until 2001 also turned his attention to Romani issues. He published annual reports, in which Roma had become a recurring item by 1997. Most notably, upon field visits, he addressed Romani issues in his recommendations to the Czech Republic, Romania and Hungary, concentrating on community building measures, segregation in education, improvements in anti-discrimination law, tolerance and information campaigns, involving Romani organizations in decision-making, and police attitudes towards Roma. In his work he relied upon information provided by NGOs, including the ERRC (Rooker 2002: 251–254, see p. 17). His missions were prompted by reports of systematic discrimination (particularly in education, employment and housing) against Roma in these countries and of frequent acts of violence against them by members of extreme-right organisations and the police (UN Doc. E/CN.4/Sub.2/2000/28). It remains to be seen whether Doudou Diene, the current Rapporteur, will continue to give attention to Roma in his reports, as none were available by the end of 2003.

The last Rapporteur to take an interest in Romani issues was Miloon Kothari, the Commission's *Special Rapporteur on adequate housing as a component of the right to an adequate standard of living, and on the right to non-discrimination*. He devoted an entire section of his report on his mission to Romania (14–19 January 2002) to housing and living conditions of the Roma, whom he identified as a vulnerable group. He called attention to how their poor housing conditions led to increased health risks among children and warned of evictions caused by inappropriate structural reforms. He cited an attempted segregation case at Piatra Neamt as an example of good practice of intervention by the civil society and the central Government regarding discrimination in housing. He commended the actions of a Romani NGO, the Roma Center for Social Intervention and Studies (Romani CRISS), regarding this case and urged 'the Government to continue monitoring of the situation of Roma and to act firmly against any discriminatory practices affecting Roma, including by local authorities and private owners, that negatively affects the enjoyment by Roma of the right to adequate standard of living including adequate housing' (UN Doc. E/CN.4/2003/5/Add.2: 17). He recommended that: '[t]he needs of vulnerable groups such as Roma ... should be integrated into national housing sector policies' (UN Doc. E/CN.4/2003/5/Add.2: 10–11); existing human rights norms and standards, including General Comments Nos. 4 and 7 of the Committee on Economic, Social and Cultural Rights (CESCR) and CERD General Recommendation XXVII on discrimination against Roma, particularly its paragraphs 30 and 31 on housing, should be born in mind when further elaborating and implementing strategies on housing for Roma;

Romani men *and* women should be engaged in a meaningful process of consultation for this purpose; 'the State should make additional effort to raise public awareness among the Romas [sic] and to facilitate their obtaining proper identity documents ... [and] ratify relevant international conventions on statelessness' in order to further facilitate the integration of the Roma (UN Doc. E/CN.4/2003/5/Add.2: 18). He furthermore urged for a review of eviction laws, policy and practice to ensure that 'no individual or group, whether Roma or non-Roma, suffers disproportionately therefrom' (UN Doc. E/CN.4/2003/5/Add.2: 15). A couple of his points from this report were reiterated in his general report on housing (see UN Doc. E/CN.4/2003/5: 10–11). (See also p. 75.) His other small contribution to promoting the Romani cause was a dialogue into which he entered with the Government of the Federal Republic of Yugoslavia (FRY) about alleged threats of evictions of Roma (UN Doc. E/CN.4/2003/5: 12).

Romani Issues at the Subcommittee on the Promotion and Protection of Human Rights (the Subcommittee)²

The Subcommittee was the first UN body to take an interest in Romani issues, with a 1977 report by its Special Rapporteur to carry out a study on the rights of persons belonging to ethnic, religious and linguistic minorities. This led to the passing of two resolutions – Resolution 6 (XXX) of 31 August 1977 and Resolution 1991/21, entitled 'Protection of minorities'. However, it was only in 1992 that the Commission actually delegated the task of addressing Romani issues to the Subcommittee. Since then the Subcommittee has addressed Romani issues within the framework of prevention of racial discrimination and protection of national minorities (UN Doc. CERD/C/SR.1422), with the Special Rapporteur to carry out a study on the rights of non-citizens paying attention to them in his work. At the end of the 1990s there was an initiative for appointing a Special Rapporteur specifically on Romani issues, but this has been blocked by the Commission. The work of the above-mentioned Special Rapporteurs and the resulting resolutions are now introduced.

Francesco Capotorti, as the *Special Rapporteur to carry out a study on the rights of persons belonging to ethnic, religious and linguistic minorities*, referred to Roma several times in Chapters 3 and 4 of his study (UN Doc. E/CN.4/Sub.2/384/Rev.1). He mentioned (for example) their distinctiveness, their disadvantaged educational position resulting from the impossibility of studying in their mother tongue, illiteracy problems and programmes to address these problems, and the obstacles to maintaining their customs. He also pointed out that the use of customary Romani law is allowed in the private sphere in some countries, although traditional Romani marriages are not recognized by the state (see e.g. paragraphs 258, 380, 381, 384, 352, 481 and 516 in UN Doc. E/CN.4/Sub.2/384/Rev.1). However, he made no Roma-specific recommendations (see also pp. 40–41, 74).

In 1998, upon recommendation from the CERD, the Subcommittee entrusted David Weissbrodt with preparing a working paper on the rights of non-citizens, which he presented on 31 May 1999 (UN Doc. E/CN.4/Sub.2/2001/20: 3). Amongst other things, Weissbrodt pointed out that there had been no systematic UN effort to understand the situation of the Romani minority in Europe, and that there had not been a thorough study addressing the ways in which Roma suffer discrimination and

of methods to improve their situation (UN Doc. E/CN.4/Sub.2/2000/28). He identified Roma as posing 'a special problem in areas of race and non-discrimination' because 'their citizenship rights are often not recognized' (UN Doc. E/CN.4/Sub.2/1999/7: §76). The Subcommission then decided to recommend that the ECOSOC authorize the appointment of Weissbrodt as the *Special Rapporteur to carry out a study on the rights of non-citizens*. This decision was supported by the Commission and Weissbrodt was appointed in 2000. In 2001 he submitted his preliminary report, repeating the findings of his working paper and providing a summary of various international legal standards and the jurisprudence relevant to the rights of non-citizens, mentioning Romani cases several times (see UN Doc. E/CN.4/Sub.2/2001/20; UN Doc. E/CN.4/Sub.2/2001/20/Add.1). His 2002 progress report and his final report no longer mentioned Roma specifically, but their Addendums 1 and 2, which provided an update on UN and regional activities, both did (see UN Doc. E/CN.4/Sub.2/2003/Add.1 and Add. 2).

Recently there was an initiative for appointing a *Special Rapporteur on the rights of the Roma*, but this post was never approved. On 26 August 1999, the Subcommission discussed Romani issues under agenda items 3 and 8 ('Comprehensive examinations of thematic issues relating to the elimination of racial discrimination' and 'Prevention of discrimination against and the protection of minorities'). These issues were also raised in the working paper on the rights of non-citizens (see above). Consequently, the Subcommission decided to entrust its expert Yueng Kam Yeung Sik Yuen with the task of preparing a working paper on the human rights problems and protection of the Roma. This was to be submitted to both the next session of the Working Group on Protection of National Minorities (WGPM) and the Subcommission, thus allowing the Subcommission to decide on the feasibility of a study on the subject (UN Doc. E/CN.4/SUB.2/DEC/1999/109).

During its next annual review on 14 August 2000, the Subcommission discussed Romani issues in detail. During the afternoon session, Sik Yuen presented the findings of his paper. He described the discrimination Roma experience in many areas, arguing for tougher anti-racism laws and for the prosecution and punishment of perpetrators of attacks on and discrimination against the Roma, including the police. He also urged states to take responsibility for protecting the Roma, ensuring effective remedies, providing assistance to Romani victims, and establishing communication and trust-building programmes with the Roma. He also pointed out that in South America the Roma have had relative success in participating in civil society and proposed that this successful adaptation required an in-depth study. Another expert opined that Roma is one of the most delicate subjects to be taken up by the Subcommission in twenty years, and that it was high time that the Subcommission started paying more attention to their rights. He recalled that in the past, when the issue of Roma had been raised by NGOs and others, it had never managed to sustain the international community's attention for long. Another expert pointed out that solving the problem of the widespread discrimination and violence against Roma throughout Europe required a concerted effort by governments, NGOs and Romani leaders. The suggestion to conduct a study was supported by many of the Subcommission's experts speaking that afternoon. Also during this session, Paolo Pietrosanti of the TRP spoke 'on behalf of the Romani nation' (see p. 129). The Subcommission concluded that Roma were subject to pervasive racism, violence, and social and economic problems (UN Press Release 2000a). The discussion

continued during the evening session, with a number of NGOs addressing Romani issues (see pp. 130–2). At this session, one expert argued that Roma were a special case of minorities who wished to have the same rights as others without wanting to change their lifestyle, and that special attention should be accorded to studying such a non-traditional form of integration. A representative of the Czech Republic asked that the future study on Roma recommends ‘best practices’ for addressing Romani issues and strengthening Romani self-identification. A representative of Slovakia pointed out that Roma bore some characteristics of both national minorities and indigenous peoples (UN Press Release 2000b).

On 17 August 2000, the Subcommission decided to recommend that the Commission adopts a decision asking the ECOSOC to authorize Sik Yeun as Special Rapporteur on the human rights problems and protection of the Roma (UN Doc. E/CN.4/SUB.2/DEC/2000/109; for full text of the draft decision see UN Doc. E/CN.4/2001/2- E/CN.4/Sub.2/2000/46). The Commission reviewed this request at its 2001 session but did not approve it. This disapproval is not made explicit in the resolution covering the review of the request (see resolution 2001/55 Rights of persons belonging to national or ethnic, religious and linguistic minorities in UN Doc. E/CN.4/2001/167: 246–249). Instead, the request is ignored and, in another resolution, the Subcommission is reminded to concentrate on studies specifically recommended by the Commission (see resolution 2001/60 Work of the Sub-Commission on the Promotion and Protection of Human Rights in UN Doc. E/CN.4/2001/167: 260–263).³ The Subcommission’s Chairman announced that

[s]he had been slightly disappointed by the resolution adopted by the Commission to the effect that the Sub-Commission should not continue its work on the Roma. If that issue was considered too political for the Sub-Commission, perhaps it should be taken up by the Commission itself, since it was a matter of considerable importance in both Eastern and Western Europe (UN Doc. E/CN.4/Sub.2/2001/SR.17: 11).

Nevertheless, the Subcommission did not reiterate its request for the appointment of the Special Rapporteur in either 2001 or 2002 (see UN Doc. E/CN.4/Sub.2/2001/40; UN Doc. E/CN.4/Sub.2/2002/46), despite a request to do so from the RomEurope – Human Rights Coalition (comprised of Medecins du Monde International, the Save the Children Alliance, the International Federation of Human Rights Leagues, the International League against Racism and Anti-Semitism, the National Union of Social Institutions for Gypsies and the Gypsy Research Centre) during the 2001 session (UN Doc. E/CN.4/Sub.2/2001/SR.17: 8). At the seventh session of the WGPM in 2001 Sik Yuen again spoke about violations of the rights of Roma. He deplored that the Commission had not agreed to the Subcommission’s proposal of appointing a Special Rapporteur on the topic (UN Doc. E/CN.4/Sub.2/2001/22). Some mitigation is that his working paper was used as background material for the WCAR (see UN Doc. A/CONF.189/PC.2/19). It remains to be seen whether the request for his appointment will be revived.

Resolution 6 (XXX) – the very first UN resolution referring to Roma was passed by the Subcommission on 31 August 1977, when Capotorti’s study was discussed (see above). The issue of Roma had been raised by Benjamin Whitaker, UK Subcommission member, who, at the 31 August 1977 meeting, suggested that, since the Subcommission members had no territorial or national/nation-state allegiance, they should focus on this particularly alarming transnational case. He reminded the

Subcommission members of the Romani Holocaust and of current discrimination (UN Doc. E/CN.4/Sub.2/SR.795: 5–6). At the same meeting, Romani representative Puxon delivered an oral intervention (see p. 127). At the afternoon session Ram Bhagat, Indian Subcommission member, introduced the draft resolution E/CN.4/Sub.2/L.670 on ‘gypsies,’ saying that it was humanitarian in nature, aiming to assist the Roma to reach equal social and economic development with other people while respecting their particular traditions and aspirations (as suggested by Capotorti’s study which concluded that assimilation would be met with resistance). One member of the Subcommission suggested that one of the paragraphs – recognizing that Roma had historic, cultural and linguistic ties of Indian origin – would be put to vote separately as his knowledge did not confirm this supposition. Several other members stated that they did not have the knowledge to decide if this paragraph was correct. Bhagat said that the Roma themselves claimed to come from India and supported this with linguistic evidence. He was nevertheless willing to delete the paragraph if his co-sponsors agreed. Another expert argued that giving special rights to Roma would be discriminatory to other people; to dispel his objection the resolution was amended to call for ‘all the rights enjoyed by the rest of the population’. Other experts argued that the resolution should be addressed only to those countries that actually discriminate against Roma and consequently a phrase ‘if they have not already done so’ was inserted after the reference to according rights (UN Doc. E/CN.4/Sub.2/SR.795, 5–6).

When one looks at the objections closer, the base line was that individual Subcommission members, although supposedly having no nation-state allegiances, believed or were instructed to argue that in their countries (e.g. Romania and the Soviet Union) Roma had the same rights as other citizens. Whitaker supported the resolution most strongly, reminding that this was the least the Subcommission members could do for the Romani victims of Holocaust, who had been denied any compensation. He also pointed out that there was no evidence contrary to the paragraph on Indian origin and that both the Roma and the Indian government supported it. There were three votes for and three against deletion of the paragraph, with fourteen abstentions. The Chairman therefore decided to cast his vote in favour of deletion, which was carried out. The rest of the resolution (UN Doc. E/CN.4/Sub.2/399),⁴ as amended by the discussion, appealing to those countries that have not yet done so to accord Roma all the rights enjoyed by the rest of the population, was adopted without a vote (see UN Doc. E/CN.4/Sub.2/SR.796: 8–10). In its preamble, the Subcommission noted that Capotorti’s report found that there are gypsies (Roma) within the borders of many countries (E/CN.4/Sub.2/384/Add.6, annex III).

It took fourteen years before the Subcommission considered another resolution on Roma – *Resolution 1991/21*, entitled ‘Protection of minorities,’ which was adopted on 19 August 1991 (UN Doc. E/CN.4/Sub.2/1991/SR.33: 10). It expressed awareness that ‘in many countries, various obstacles exist to the full realization by persons belonging to the Roma community of their civil, political, economic, social and cultural rights and that such obstacles constitute discrimination directed specifically against that community, rendering it particularly vulnerable’ (UN Doc. E/CN.4/Sub.2/1991/L.9 in Danbakli 2001: 265–266). It also expressed concern about manifestations of racism, prejudice, intolerance and xenophobia against Roma, and recommended that the Commission adopts a resolution to alleviate this situation, urging the Special Rapporteurs to accord attention to Roma, inviting states to adopt

and implement measures (in consultation with Romani communities) guaranteeing equality and protection to Roma, and emphasising the need for the UN to provide advisory services to states for such a purpose (UN Doc. E/CN.4/Sub.2/1991/L.9 in Danbakli 2001: 265–266). The Sub-Commission wanted the Commission to adopt such a resolution because, as Theo van Boven, the Dutch Subcommission member, pointed out, ‘it was for the Commission, not for the Sub-Commission, to accord special attention to the specific conditions in which the Roma (gypsy) communities lived’ (UN Doc. E/CN.4/Sub.2/1991/SR.33: 9). (See also p. 128.)

Romani Issues at the Working Group on Protection of National Minorities (WGPM)

The Subcommission’s WGPM has concentrated on Romani issues since its inception in 1995 (UN Doc. CERD/C/SR.1422). So far it has considered Romani issues during all of its annual sessions (see UN Doc. E/CN.4/Sub.2/1996/2; UN Doc. E/CN.4/Sub.2/1996/28; UN Doc. E/CN.4/Sub.2/1997/18; UN Doc. E/CN.4/Sub.2/1998/18; UN Doc. E/CN.4/Sub.2/1999/21; UN Doc. E/CN.4/Sub.2/2000/27; UN Doc. E/CN.4/Sub.2/2001/22; UN Doc. E/CN.4/Sub.2/2002/19), with the most attention being given in its seventh session (see UN Doc. E/CN.4/Sub.2/2001/22). During this session, the WGPM adopted the following recommendations in relation to Roma: No. 7 recommending that the OSCE and CoE ‘intensify their work to ensure that persons belonging to the Roma are not subjects of discrimination and can enjoy their minority rights in all fields, including education and language’ and No. 10 recommending to treaty bodies that ‘attention be given, in particular, to the situation of the Roma and the Sinti in the countries where they exist, taking into account that they appear to face special difficulties in many countries’ (UN Doc. E/CN.4/Sub.2/2001/22). These recommendations were to be forwarded through the Subcommission to the relevant bodies. However, at its eighth session, the WGPM decided that although it appreciates the ongoing work of OSCE and CoE, it would continue its own consideration of ways of preventing discrimination against Roma and protecting their minority rights. It also reiterated its recommendation no. 10, which had not yet been fully implemented, and requested that the UN High Commissioner on Human Rights (UNHCHR) bring it to the attention of the relevant treaty bodies (UN Doc. E/CN.4/Sub.2/2001/22).

Monitoring of Romani Rights by UN Treaty Bodies

Five of the six UN human rights treaty-monitoring bodies have taken some interest in Romani issues. They are:

- 1) Human Rights Committee (HRC), supervising the implementation of the International Covenant on Civil and Political Rights (ICCPR);
- 2) CESCR for the International Covenant on Economic, Social and Cultural Rights (ICESCR);
- 3) CERD for the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD);

- 4) Committee against Torture (CAT) for the International Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (ICAT); and
- 5) Committee on the Rights of the Child (CRC) for the International Convention on the Rights of the Child (ICRC).

Only the Committee on the Elimination of Discrimination against Women has not (as of yet) paid significant attention to Romani issues. The interest of three of these – HRC, CESCR, and CERD – in Romani issues is well documented (see Rooker 2002). All of these bodies have obligatory reporting procedures, although CESCR has no mechanism for complaints. Complaints to HRC and CERD can be raised using individual complaint procedures, provided that states recognize the competence of those bodies to receive them, and through inter-state complaints (for details of monitoring, reporting and filing of complaints, see Rooker 2002: 79–84). Under HRC, neither an inter-state complaint nor an individual complaint has ever been lodged regarding Roma (Rooker 2002: 83–84). Under CERD, no inter-state complaint has ever been lodged, but in October 2002 two individual complaints regarding Roma were made. The first of the Romani cases was closed by CERD in favour of the Romani victims (for details see Rooker 2002: 137–139) while in the second it was found that Slovakia did not violate ICERD. CERD nevertheless recommended legislative improvements to Slovakia (see Miroslav Lacko v. Slovak Republic 2002).

The available analysis of the interest of the treaty bodies in Romani issues only pays attention to the issues of racial discrimination and violence against Roma, education of Roma and minority status and collective rights (for the summary of these findings see Klimova 2003: 106–107, footnote 68; for the full analysis see Rooker 2002). It demonstrates that all the three committees in question have, since their inception, been concerned with Romani issues to at least a limited extent, and have devoted considerable attention to them since the 1990s (Rooker 2002: 370). It is beyond the scope of this book to carry out a detailed research into the work of the other two treaty bodies that have shown an interest in Romani issues – CAT and CRC – but a preliminary probe suggests that their attention to Romani issues has also increased since the 1990s (search of the treaty-bodies database has yielded a number of results in relation to Roma, see also pp. 77–8).

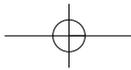
As the recommendations of these bodies usually concentrate on situations in individual states, their work is not of primary interest to this book. One exception to this is the *CERD General Recommendation XVII on Roma* (27 August 2000). This is the most elaborate general UN document on Roma today; its adoption is therefore now discussed. It is the only Roma-specific recommendation adopted by any treaty body. In fact, it is very exceptional for CERD since it is the first time that they adopted a General Recommendation on a specific theme or group (Rooker 2002: 370). The recommendation urges States to adopt measures to protect Romani communities against racial violence and to improve their living conditions. It calls upon states to adopt and implement nation-state strategies and programmes, to express determined political will and moral leadership, with a view to improving the situation of Roma and protecting them against discrimination by state bodies or persons and organizations, and to respect the wishes of Roma as to the designations they want to be given and the groups to which they wish to belong. Furthermore, the recommendation calls upon states: to ensure that legislation regarding citizenship and naturalization does not discriminate against members of Romani communities; to take all necessary

measures to avoid any form of discrimination against immigrants or asylum seekers of Romani origin; to take appropriate measures to secure effective remedies for members of Romani communities and to ensure that justice is fully and promptly carried out in cases concerning violations of their fundamental rights and freedoms; and that measures be taken to acknowledge and compensate WWII 'wrongs' done to Romani communities by deportation and extermination. It also urges the UNHCHR to consider establishing a Focal Point for Romani issues within her Office and for the then forthcoming WCAR to take account of the Romani communities as some of the most disadvantaged and discriminated against in the world (UN Press Release 2000c; see also p. 45).

This recommendation was a result of a two-day *thematic discussion on racial discrimination against Roma* during CERD's 2000 session. A year earlier the CERD had decided to hold this discussion, because the consideration of periodic reports had made it realize that some Romani concerns and discrimination patterns were not country-specific. It requested that governments submit reports, receiving materials from a number of them as well as from regional organizations, UN bodies and NGOs. This thematic discussion was to be one of the CERD's contributions to WCAR (UN Doc. CERD/C/SR.1399). The thematic discussion was held on 15 and 16 August 2000. It was preceded by an informal hearing during which representatives of NGOs decried conditions of Roma to CERD members (see pp. 134–137).

During the first session on the afternoon of 15 August, CERD was addressed by Subcommittee experts and by a representative of the UN High Commissioner for Refugees (UNHCR). In his opening statement, CERD Chairman Michael Sherifis stressed that the racial discrimination faced by Roma in many ways symbolized some of the most common contemporary forms of racial discrimination experienced by other ethnic and national minority groups in the world. Therefore, a successful attempt to address the issue of discrimination against Roma might benefit other groups. The President of the Subcommittee expressed the hope that this debate would contribute to better coordination between UN bodies in relation to human rights in general and Romani issues in particular. A UNHCR representative briefly detailed the main areas of UNHCR involvement in Romani issues (see pp. 47–9). She argued that, although a very few Central European Roma were granted refugee status in other European States, many refugee claims showed a pattern of discrimination and abuse which, combined with a lack of effective remedy, might justify a fear of persecution in the sense of article 1 of the 1951 Geneva Convention on Refugees. In addition, she thought it a worrying reality that the reception of Romani asylum seekers and refugees in the rest of Europe was often tainted by serious prejudice. She urged CERD to encourage governments to adopt a generous approach when determining the refugee status of Roma, irrespective of whether their cases are covered by the Geneva Convention (Recalled by Mr. Nobel in UN Doc. CERD/C/SR.1423: 2). She also pointed out that, together with CERD, the UNHCR was committed to using the WCAR as a platform to highlight the problems of Romani communities and asylum seekers (UNHCR 2000). The rest of the session was dedicated to the general discussion of racial discrimination against Roma and possible remedies and prevention measures (UN Press Release 2000d).

The following day's discussion concentrated, among other things, on the need for equality and preservation of Romani identity, and recommendations in general. One CERD expert suggested that a Roma-controlled mechanism should be set up to bring



cases to courts and Ombudsmen. The deputy of the UNHCHR said that it was the UNHCHR's desire that the voices of the victims be heard over the course of the forthcoming WCAR (UN Press Release 2000e). As with Recommendation XVII, this thematic discussion showed CERD's special interest in Romani issues because it was the first time that the Committee had held a debate on a thematic issue since its inception (some thirty years previously, UN Press Release 2000c). In the opinion of one of the CERD experts, the decision to hold the thematic discussion was one of the most important initiatives ever taken by the Committee (UN Doc. CERD/C/SR.1423: 2).

Office of the UN High Commissioner for Human Rights (OHCHR)⁵

On its own the OHCHR has not taken any specific decisions or actions regarding Roma, with the exception of promoting Romani issues within the framework of the WCAR (see Klimova 2003: Chapter 7). In 1998, the Focal Point on Roma, Sinti and Travellers was established within the (then called OSCE) Europe and North America Unit of the OHCHR 'because of the difficult human rights situation faced by Roma in many countries' of the region (Flynn 6 January 2001). The Focal Point does not have a specific legislative basis. Its tasks are to: collect and analyse information on the human rights situation of Roma in the region; forward specific or individual concerns to appropriate treaty bodies or the Commission's special procedures, and recommend courses of further action. It coordinates and co-operates closely with all other relevant branches and units within the OHCHR (in particular with the Anti-Discrimination Unit – ADU – and OHCHR staff assisting the WGPM), and with relevant regional IGOs (CoE, EU, and OSCE, Day 20 January 2003). A more central focal point, as envisioned in the CERD Recommendation XVII, has however not been established.

Romani Issues and UN Programmes and Funds

UN Children's Fund (UNICEF)

Since the 1990s UNICEF has regularly been including Romani children in its projects and publications, especially regarding the Balkans (for more information search the UNICEF website www.unicef.org and see Save the Children 2001a). There are a number of projects that benefit or target the Romani community in Macedonia (e.g. UNICEF supports literacy programmes for women, nation-state programmes aiming to provide pre-school opportunities for all children, and the nation-state programme to promote breastfeeding), Romania and Former Republic of Yugoslavia (educational programmes, health promotion, and early childhood learning programmes), Slovakia (Study on Children and Women in Low Income Communities, with the majority of interviewees being Romani, and support for a Save the Children country study on the educational rights of Roma), and Bulgaria (information programmes on HIV/AIDS and healthy life-styles, including incorporating specific messages on children/adolescent health in a special Romani TV programme), as well as regional projects (HIV/AIDS prevention programme; prevention of institutionalisation of children under the WB/UNICEF programme: Changing minds, policies and lives; prevention

of Iodine deficiency, disorders and promotion of breastfeeding) (Rajandran 9 December 2002). The UNICEF regional office for CEE, the Commonwealth of Independent States (CIS) and the Baltic States has also reportedly been actively promoting the implementation and public awareness of the ICRC, as it relates to Roma, through legislation and specific programmes and awareness campaigns. They have concentrated on activities to assess and improve the situation of Romani children in public care, promoting early childhood development through parent education, and 'ensuring that the juvenile justice system affecting Roma children in particular conformed' to the ICRC (UN Doc. E/CN.4/Sub.2/1999/21). In November 2001, UNICEF participated in an assembly meeting of Romani NGOs of Bosnia-Herzegovina (BiH), followed by a meeting between Romani representatives and authorities on establishing a Romani Advisory Board, taking place within the CoE/OSCE project 'Roma under the Stability Pact'. As a result it has appointed two Romani representatives (Alexandra Raykova from Bulgaria and Indira Bajramovic from BiH) to make an assessment of the situation of Roma in the fields of education and health care in the Tuzla region (CoE 2002a). UNICEF has also prepared or sponsored a number of publications concerning Roma.⁶ Moreover, the head of the UNICEF regional office for CEE/CIS and the Baltic States also currently acts as the UNICEF Focal Point on Roma (Black 13 January 2003).

UN High Commissioner for Refugees (UNHCR)

The UNHCR showed no significant interest in Roma until the 1990s, when CEE Roma started asking for asylum in Western Europe and North America. Following the attack on a hostel housing Romani asylum-seekers in Rostock, Germany (August 1992), in March 1993 the UNHCR commissioned a study on Roma in CEE. The survey covered the background and the contemporary conditions of the Roma in five CEE countries and Romani asylum-seekers in Germany. Its purpose was mainly informative (UN Doc. E/CN.4/Sub.2/2000/28), but recommendations for action were included. The study's author also warned that '[t]he Roma, perhaps more than any other identifiable transnational group of people, are subject to ... increasing economic deprivation, increasing social instability, and the surfacing of long-suppressed ethnic hostilities, now fuelled by the "skinhead" syndrome' (Braham 1993: Preface).

Except for this the UNHCR has not paid significant attention to Romani asylum-seekers from CEE in its documents, publications or projects, with the exception of issuing UNHCR guidelines relating to the eligibility of Slovak, Czech and Romanian Roma asylum seekers (Gheorghe 2001) and campaigning against Czech Roma becoming stateless as a result of the 1993 Citizenship law. Instead, its main concern with Romani asylum seekers and refugees has related to those escaping wars in former Yugoslavia, especially Kosovo. These concerns are regularly addressed in reports of the Executive Committee of the UNHCR Programme and UNHCR briefing notes, UNHCR emergency updates, progress and global reports on former Yugoslavia, lectures given by UNHCR staff, UNHCR statements to the Third Committee of the UN GA, to sessions of the Commission, to meetings of the Humanitarian Issues Working Group at the Peace Implementation Council, and to the UN Security Council (all available from the UNHCR website, <http://www.unhcr.ch>). Since 1999, the UNHCR has regularly surveyed the situation of minorities, including

the Roma, in Kosovo, in co-operation with the OSCE, producing ten reports to date (see OSCE and UNHCR 1999–2003). One of the aims of these reports is to ‘offer useful guidance in determining the refugee claims of Kosovo Roma’ (UNHCR 2000). It has also been involved in a number of reconciliation, reintegration and other projects for Romani refugees and returnees from former Yugoslavia, in close co-operation with OSCE and CoE. It has tried to ensure that Roma in ex-Yugoslavia receive suitable housing in the post-conflict relocation. In co-operation with other institutions, it has, for example, initiated a round-table dialogue between Romani and Albanian communities in Kosovo, which resulted in the adoption of a common declaration in April 2000 providing for the safe return of Roma into Kosovo (for details about this document, entitled the *Platform for Joint Action Regarding Kosovar Roma, Ashkalija and Egyptian Communities*, see Save the Children 2001a: 222–224, 239 and 242–244; for general details of these UNHCR initiatives see UNHCR 2000: 5–7). The UNHCR was also involved with regulating problems ex-Yugoslav Roma had with obtaining citizenship (Recalled by Mr. Nobel in UN Doc. CERD/C/SR.1423: 2). It also advocated for the recognition of Kosovo Roma as refugees or persons in need of international protection and, in August 2000, it tried to stop Germany’s deportations of Kosovo Roma by writing to the Lower Saxony Interior Minister (UNHCR Briefing Notes 2000 and recalled by Mr. Nobel in UN Doc. CERD/C/SR.1423, 2). Then, in November 2000, it called for an international probe into the massacre of four Ashkalija⁷ in an Albanian dominated region of Kosovo (Agence France Presse 2000; see also p. 95). It has also co-operated with the CoE and OSCE on a number of projects within the Stability Pact (for details see Klimova 2003: 115, footnote 105).

In 1999, concerns with Roma in CEE finally came further to the forefront of UNHCR work with the establishment of the Focal Point on Romani Issues within the Prague UNHCR office. This Focal Point was, however, created with no clear mandate. The Prague representative, Jean Claude Concolato, therefore had to decide what its priorities should be. Traditionally, focal points collect and distribute information; the Prague Focal Point is no exception (Concolato 16 December 2002), taking part in European conferences on Romani migrations (organized e.g. by the OSCE and International Centre for Policy Migration Development) and contributing papers and statistics, as well as holding meetings with relevant international and nation-state actors (UNHCR 2002a). Nevertheless, Concolato also decided that an innovative approach was needed, explaining that:

The goal of UNHCR Prague as the Focal Point on Roma is prevention of irregular migration of Roma population. While the Office is following the Roma issue in other countries of the region, we have put our focus on assisting the Roma in the Czech Republic, through the implementation of a pilot Roma programme that started in 2001. This is mainly because it is practically difficult and ineffective to monitor and respond to varied needs of Roma communities in different countries. Through the implementation of this pilot Roma programme, the Office ultimately aims to help create conditions that enable the Roma to enjoy their rights as citizens and help them integrate in the society; thus, stabilizing the Roma in the Czech Republic (UNHCR 2002a).

The need for a policy of prevention (which this approach emphasises) is based on the following arguments. The UNHCR is interested in the Romani question because of the continuing trend of Romani migration and asylum seeking in CEE. It believes that

the majority of the Roma in Central Europe do not face persecution, but discrimination (Kashiwa 10 January 2003). Discrimination against Roma is the main expression of communal tension between them and the non-Roma (Concolato 2000). For this reason, it is important to support the integration of Roma and help improve their conditions, so contributing to building their confidence in their own communities and countries. At the same time, discrimination needs to be addressed so it does not turn into open persecution later (as it did, for example, in the Balkans). However, there are exceptions and that is why the UNHCR advocates that each asylum application must be examined individually (Kashiwa 10 January 2003). Most importantly, the UNHCR believes that, 'in some specific cases, there may be situations in which an accumulation of acts of discrimination may result in an individual situation of persecution' (Concolato 2000).

Further objectives of the UNHCR pilot Romani programme are: to have a positive impact on improving socio-economic conditions of the Roma by assisting the activities of so called bridge people (individuals who have been working on Romani issues and are accepted by both Roma and non-Roma as a type of natural mediator) in order to build their capacities (and the capacities of other relevant actors), and to identify and address the needs/problems which have not yet been recognized or adequately supported; to sensitize the government to the need for accelerating the implementation of the 'Plan of Action for the Roma' and to 'address the Roma issue both domestically and internationally in order to mobilize non-UNHCR support to finance activities for the integration of the Roma' (UNHCR 2002a).

The UNHCR project prioritizes two problems – usury and housing/evictions – as these two are the main factors (though, in many cases, in connection with other factors such as unemployment and *de-facto* discrimination) urging Czech Roma to leave their country and seek asylum abroad (UNHCR 2002a). Since the majority of Roma do not have access to the official banking sector, they often become victims of usury (UNHCR 2002b). Usury leads to asylum-seeking in two ways: some Roma are encouraged by usurers to seek asylum in countries where they can receive social benefits, which are then taken from them by the usurers upon their return (as their asylum applications are usually rejected), others seek asylum in order to escape from the violent acts of the usurers (UNHCR 2002a). In cooperation with partners, the Prague Office adopted a double approach to address the issue of usury – a) repression of usurers, through, for instance, assisting a symbolic court case against usurers in Usti nad Labem (with NGO People in Need) and b) providing social assistance for victims through creating the Emergency Social Fund (interest-free loan arrangement) for the most destitute families in Usti nad Labem and Ostrava (for details about this fund see UNHCR 2002b). At the same time, the UNHCR also has been raising the issue of usury with relevant local and state authorities at various meetings and conferences, including two special sessions of the Czech Governmental Council of Romani Community Affairs. As a result of the UNHCR's actions, some local governments have decided to start an interest-free loan arrangement for socially-disadvantaged people including the Roma, and in August 2002 the Czech Government announced that it was considering the application of the UNHCR project of Emergency Social Fund at the local, and possibly even nation-state, level and creating a special police unit for dealing with the problem of usury (UNHCR 2002a). Similarly, housing problems lead to asylum seeking when Roma are faced with eviction (due to rent arrears and the lack of tenancy right) but cannot find a sufficient alternative (emergency)

accommodation (UNHCR 2002a). The UNHCR has also prioritized this issue because the housing project can bring about positive and visible changes in the Roma's daily life in a relatively short time, unlike the majority of long-term governmental projects, and so can act as a confidence-building measure (Concolato 2002; Concolato 16 December 2002; UNHCR 2001a). Due to the limitations of its capacity, the UNHCR has to address this problem with advocacy, rather than direct assistance for housing projects. The Prague Office 'has tried to encourage international institutions, such as the European Union (EU), to consider creating a special international fund for rehabilitation of accommodation for the Roma and other socially-excluded population in Central Europe' (UNHCR 2001a).

UNHCR Prague has also been co-organising, with a Romani NGO Drom, seminars on different issues such as usury, housing, poverty and micro-credit activity, bringing together NGO workers, Romani advisors and government officials to exchange the positive and negative experiences gained through their activities with Roma. Lastly, UNHCR Prague has supported miscellaneous activities aimed at the integration of Roma into the Czech society, such as co-sponsoring the International Romani Festival Khamoro in Prague and assisting the activities of the Open Club/Community Centre for Romani Children in Ostrava and Pardubice, which are operated by NGOs (UNHCR 2002a).

UN Development Programme (UNDP)

The UNDP only started to show an interest in Roma very recently, with the Bulgarian and Romanian country offices carrying out Roma-oriented projects on education and job creation and the Country Support Team in Bratislava overseeing a joint project with the Hungarian Autonomia foundation and the ILO on Roma in the Hungarian labour market (Ivanov 21 February 2003). At the beginning of 2001, the UNDP decided to produce a Roma Regional Human Development Report. This report is to be a part of a broader project whose objective is 'to encourage the debate and exchange of information on the issue, to merge different organizations' efforts where possible and to bring about real change in human development opportunities for marginalized communities of which Roma are the most numerous' (UNDP 2003a). The report, entitled 'Avoiding the Dependency Trap', was released on 16 January 2003 and is presented as the first cross-border (covering Bulgaria, the Czech Republic, Hungary, Romania and Slovakia) comprehensive survey (carried out by the UNDP and ILO) of the Romani community, expanding the analysis 'from the focus on human rights alone to the broader challenge of human development' (UNDP 2003b). Perhaps its most shocking conclusion is that 'by such measures as literacy, infant mortality and basic nutrition, most of those country's [sic] four to five million Roma endure conditions closer to those of sub-Saharan Africa than Europe' (UNDP 2003b). It is, however, very optimistic about remedying the situation. The UNDP believes that the 'report explains why and how the dependency trap into which many Roma have fallen can be avoided. It [...] show[s] that the Roma want to integrate productively into the countries in which they live without losing their distinctive cultural identities, and outlines a number of concrete proposals on how this can be better achieved' (Brown 2003). These proposals relate mostly to positive discrimination in order to 'promote active participation and opportunities for Roma to solve their problems regarding education, employment and political participation' (RFE

2003). They were, though, the subject of strong criticism from academics (see pp. 113–4).

In any case, it remains to be seen whether these recommendations, if implemented, really will make a difference. ‘If implemented’ is a crucial phrase here as Pal Csaky, the spokesman for the Slovak Deputy Prime Minister, has already complained that the ‘report lacks objectivity and is exaggerated’ (RFE 2003). The UNDP has attempted to kick start implementation of the report by publicising it among Romani leaders and running a pilot project in the Slovak region of Spis (see p. 113). According to Andrey Ivanov, the author of the Roma Regional Human Development Report, the Spis project

is very successful because it not just provides support for Roma communities but is very sensitive to interethnic relationships and involves both minorities and majority. It has also strong community mobilization component (encouraging and helping people to solve problems and not solving them on their behalf) and is economically sustainable (not increasing dependency) (Ivanov 21 February 2003).

However, the evaluation reports of this particular project suggest that, so far, these claims are the potential or the goals of the project, rather than the reality, although limited progress has been made (see Musisi and Cristellotti 2002; Musisi 2002). UNDP is also currently preparing both a pilot project on vocational and business education for minority populations (targeting the Roma) in Bulgaria and a feasibility study for projects in Slovakia, Romania, Hungary and the Czech Republic. These projects will seek to implement some of the recommendations of the UNDP report such as an integrated approach to education, qualifications, community development and income generation (UNDP 2003c).

Romani Issues and UN Specialized Bodies

UN Educational, Scientific and Cultural Organisation (UNESCO)

The interest of the UNESCO in Roma started with an article about them in the *UNESCO Courier* in April 1958 (see Barry 1958). However, the next article only came in 1974 (see Ivatts 1974). Two UNESCO-related publications, *UNESCO Features* and *Diogenes*, have also occasionally featured articles on Roma since the 1960s (see e.g. Megret, Undated). In 1984, an entire issue of the *Courier* was dedicated to Roma. Its introductory article was written by Amadou-Mahtar M’Bow, UNESCO Secretary-General, who argued that the Romani historic trajectory ‘strikingly illustrates some of the great principles on which Unesco’s action is based,’ such as universality combined with cultural specificity, and that Romani values and culture offer ‘an outstanding original contribution to the rest of humanity’ (M’Bow 1984: 4). Such recognition was, however, never given in an official UNESCO document.⁸ In 1998, UNESCO published a book on Romani culture, arts, language and living conditions of Roma in Europe, accompanied by a video and CD-ROM (see Reyniers 1998). It also sponsored a number of publications and projects on Roma, through both its headquarters and National Commissions. I have repeatedly inquired with various officials about UNESCO programmes for Roma and the UNESCO’s co-

operation with Romani NGOs, but the answer was always the same. They say no Romani NGO has official relations with us and we have no information on UNESCO programmes for Roma (Abtahi 21 January 2003; Ferrier 11 October 2002; Maguire 28 October 2002 and 21 January 2003). (See also pp. 103–109.)

International Labour Organisation (ILO)

The ILO has taken some interest in Roma as subjects of employment discrimination since 1989, starting to pay attention to Roma in some of its projects – work which has intensified since the beginning of the new millennium (see e.g. Molina 1998, ILO 1999). Today, the ILO is well aware of Romani problems, but this concern has not yet been adequately translated into its projects. The Budapest ILO Office is, however, currently preparing a project on education and employment which should, in general, target the Romani community. As of now, there has not been a significant discussion of Romani issues within the annual ILO conference (Thomas 29 October 2002).

Most monitoring of the rights of Roma is carried out within the supervisory system of the ILO 111 Discrimination (Employment and Occupation) Convention of 1958 (111 ILO Convention). As with other conventions, this system consists of annual state reports on compliance with the convention which are examined by the Committee of Experts on the Application of Conventions and Recommendations.⁹ Since the late 1990s (and occasionally since the early 1990s), many, although not all, countries with significant Romani populations regularly report on employment and training-related issues in relation to the Roma.¹⁰ Since 1999, the Committee reacts to the requested information concerning Roma and the 111 ILO Convention, requests more information when deemed appropriate and demands submission of information where Roma are omitted.¹¹ In 2002, for example, it dealt with the situation of the Roma in thirteen countries (Austria, Bulgaria, Czech Republic, Finland, Germany, Hungary, Italy, Poland, Romania, Slovakia, Slovenia, Sweden, and Switzerland), and drew attention to them as a group particularly affected by employment-related discrimination (ILO 2003). Occasionally, Roma are also addressed within the framework of the supervisory system of the ILO 122 Employment Policy Convention (ILO 2002a and 2002b). Trade unions, who are, along with employers associations, the ILO's social partners, are also slowly starting to take an interest in the conditions of Roma in some countries. For example, in 1999 the National Confederation of Hungarian Trade Unions, the National Federation of Autonomous Trade Unions and the National Federation of Workers' Councils all reported their concerns about employment discrimination against members of the Romani minority (ILO 2002c). Recently, one of the main ILO social partners, the International Confederation of Free Trade Unions, has also started to call for attention to the problematic situation of Roma (Thomas 29 October 2002).

However, the most significant intervention the ILO has made on behalf of the rights of Roma remains its early (1990) Commission of Inquiry,¹² appointed under article 26 of the ILO Constitution to examine the observance by Romania of the 111 ILO Convention. This Commission of Inquiry, consisting of the Honourable Jules Deschenes and Professors Francesco Capotorti and Budislav Vukas, was constituted following a complaint submitted by thirteen worker's delegates from various countries (for the complete list of names and countries see ILO 1991) that called attention to employment discrimination in Romania, especially in relation to the Hungarian

minority. The Commission, however, inquired into discrimination against all of Romania's minorities, including the Roma. It solicited background material from various UN bodies, including reports by Joseph Voyame and a number of NGOs. In the summer of 1990 the Commission heard thirteen witnesses presented by the complainants and five¹³ witnesses of its choice. The Commission members also conducted a number of on-site visits and interviews with minority leaders in Romania (see p. 110). Based on the information gathered, on 28 March 1991 the Commission of Inquiry recommended that the Government of Romania adopt, as soon as possible, a number of measures which would help it fully conform to the 111 ILO Convention. Among the recommendations, five paragraphs were devoted to measures related to Roma. These measures were to be aimed at:

Undertaking a vast campaign, in collaboration with the political authorities, employers' and workers' organisations and other appropriate bodies, with a view to eradicating the traditionally negative attitude towards the Roma (Gypsies) [paragraph 13]. Improving the social situation of the Roma by means of an integrated programme drawn up in collaboration with their representatives, covering education, employment, housing and the other elements necessary to their progress [paragraph 14]. Stepping up existing efforts to train teachers of Rom origin and to ensure that children of Rom origin attend school [paragraph 15]. Allocating the maximum available resources to enable Rom families to improve the utterly deplorable housing conditions under which many of them live [paragraph 16]. Drawing up programmes of special measures as provided in Article 5 of Convention No. 111 to improve the socio-economic status of the Roma; in particular, creating a programme for the recognition of occupational skills which are not formalised by a diploma [paragraph 17] (ILO 1991).

Romania was required to address its progress with implementing these measures in its future reports. As a consequence, since 1991, Romania's reports on the 111 ILO Convention have devoted significant space to the situation of the Roma, and the Committee responds to this information (see also pp. 110–111).¹⁴

Another ILO Convention – 169 Indigenous and Tribal Peoples Convention of 1989 (169 ILO Convention) – might, in the future, be used to promote the rights of Roma. In a letter dated 20 December 2000, Switzerland's Director of the Federal Department of Economic Affairs requested an official and formal opinion from the International Labour Office (ILO's permanent secretariat) on, (among other things), whether 'travellers, such as those of Jenish, Roma and Gypsy origin' should be covered by the 169 ILO Convention (see Table 2.2). The Office's opinion was issued in 2001 and basically declared that such people should be covered by 169 ILO Convention if they declare themselves to be tribal (see ILO 2001). A similar request was recently raised by Germany but no formal opinion has yet been published. As of October 2002, the 169 ILO Convention has not been used to pursue the rights of Roma (Thomas 29 October 2002). A number of factors make such use in the future questionable. Firstly, the majority of countries with significant Romani populations have not yet ratified the convention (for current ratification information see the ILO website, <http://www.ilo.org/ilolex/english/convdisp1.htm>). In addition, most Romani leaders do not see their populations as tribal or indigenous (see p. 111 and Klimova 2003: §8.5). It remains to be seen whether Romani leaders from Argentina, Brazil, Colombia, and Ecuador (all of whom ratified the Convention), who are actually in favour of application of this Convention to their people, will push for this to happen.

The biggest progress so far has been achieved by the Colombian Romani NGO Proceso Organizativo del Pueblo Rom de Colombia (PROROM), whose lobbying resulted in the Colombian Ministry of Interior recognising in its resolution no. 022 of 2 September 1999 that the 169 ILO Convention applies to Roma. However, translating this recognition into implementing the rights of Roma under this Convention has been slow (PROROM 2000).

World Bank (WB)

Since the late 1990s, the WB has started to support policy development related to Roma at the country level. For example, in Hungary and Slovakia it is working with governmental and NGO partners on strategies for implementing the governmental policies on Roma. It also supports capacity building activities for monitoring bodies and new offices on Romani issues. It helps with evaluation of past programmes and disseminating the experience/lessons learned to other countries (WB 2002a). WB funded the first stage (2000–2003) of the Pakiv – the European Roma Fund programme for training Roma social managers from Slovakia, Hungary, Romania and Bulgaria (Gheorghe 2001). It also finances and/or carries out research on Romani issues.¹⁵ Additionally, Roma are beneficiaries of many general WB programmes for CEE (for more details see WB 2002a and 2002b). For example, the Child welfare project for Bulgaria targets Romani children using educational initiatives (WB 2002a). (See also pp. 111–2.)

Conclusion

This chapter has demonstrated that, since the 1970s, there has been some interest in Romani issues from a number of UN ECOSOC bodies, namely the Commission, Subcommission, WGPM, several treaty bodies, UNICEF, UNHCR, UNDP, UNESCO, ILO and WB. This interest intensified significantly from the early 1990s, probably because of both the renewed salience of minority rights after the collapse of Communism in CEE, and the westward exodus of Roma resulting from ethnic conflict and hardships caused by (among other factors) economic transition in the region.¹⁶ Three UN resolutions have been devoted, either in large part or completely, to Roma. In addition, one UN resolution has specifically named them among groups with the right to development. Several UN Special Rapporteurs have paid attention to Romani issues in their work. An initiative to establish a UN Special Rapporteur on rights of Roma has, however, so far been unsuccessful. One Roma-specific treaty body recommendation has been issued by CERD, which also organized a thematic discussion on Roma. The interest of UN funds, programmes and specialized bodies has mostly been realized by preparing and/or supporting publications and projects on Romani issues. In addition, UNICEF's work contributes to the application of the ICRC to Romani children, and the ILO monitors discrimination against Roma in employment and training through its own instruments.

This chapter identified the agenda-setting and discursive developments in relation to Roma and many of the key events/actions that led to them, as summarized in Table 3.1. It also identified a number of procedural/institutional developments, but these

cannot be *clearly* linked to the key events/actions (see Table 3.2). As Table 3.1 shows, all events/actions can be linked to either agenda or discursive developments or both. However, four agenda developments (including Roma being a more regular item on the agenda of treaty bodies, UNICEF, UNESCO, ILO and WB projects) show no clear link to any of the identified events/actions. On the other hand, all discursive developments were linked with events/actions. The tables also reveal that most developments were discursive or agenda-setting, with a lesser amount of procedural/institutional developments. However, none of these developments were very revolutionary. In terms of agenda-setting, they relate to inclusion in projects (UNICEF, UNESCO, ILO, UNDP, UNHCR, WB), and inclusion in the considerations of 1) minority issues by the Subcommission, 2) discrimination in employment by the ILO, 3) treaty commitments by treaty bodies, 4) country and thematic mandates by *some* Special Rapporteurs, and 5) the right to development by the Commission. Roma, unlike (for example) the indigenous peoples, have neither become a global issue on the UN agenda nor an official focus minority group or issue under the global agenda issue of human rights.¹⁷

In terms of discursive developments, UN member states have made no commitments in relation to Roma. The discursive developments identified are limited to acknowledging the problems Roma face and generally vague recommendations for addressing these problems by the Commission, Subcommission, Special Rapporteurs or specialized bodies. Yet, the procedural/institutional changes are the most disappointing. While indigenous peoples now have their own advisory body – the Permanent Forum – all the Roma have is a couple of UN agencies' websites dedicated to them (see WB 2002a and UNDP 2003a), three focal points within the UN, and some attention by several Special Rapporteurs, treaty bodies, the Subcommission and within the ILO 111 Convention. This is in stark contrast to the growing number of Roma-specific bodies established by European IGOs, such as the Contact Point for Roma and Sinti Issues at the OSCE Office for Democratic Institutions and Human Rights, the Specialist Group on Roma/Gypsies (see Rooker 2002: 274–278; Barany 2002: 269) and the proposed European Roma Forum within CoE (see Klimova 2002b, CoE 2002b), as well as to the UN procedural/institutional changes related to the indigenous people. The reasons for the differences in the degree of success between the Romani and the indigenous activism are briefly reflected on in Chapter 7. The reasons for the growth of Roma-specific institutions at the European level are not explored in this book. They probably relate to the greater salience of Romani issues in Europe (e.g. the need to improve the treatment and living conditions of Roma in the former Eastern Bloc in order to prevent East-West Romani migrations and asylum seeking) as well as to the goals of the European project of a supranational state in which the power of nation-states is eroded in favour of legitimacy of other (higher as well as lower) levels of power and authority (whose promotion is an inherent interest of the European IGOs).

What accounts for this lack of significant Roma-related UN developments? Is it, and the minor developments that have occurred, linked to the actions of Romani and pro-Romani activists at the UN? In order to answer these questions, Part Two analyses the role of the Romani and pro-Romani activists in relation to the identified events/actions and agenda, discursive and procedural/institutional developments, as well as their general interaction with the above named UN funds, programmes, and specialized and treaty bodies.

Table 3.1 Main Events/Actions Leading to Agenda-setting and Discursive Developments

Year	Event/action ¹⁸ [C ¹⁹]	Agenda setting	Discursive commitment (C)/ acknowledgement (A)/ recommendation (R) ²⁰
1977	Capotorti's report ²¹ [SR] Resolution 6 (XXX) [S]	Roma put on the agenda for dealing with minority issues ²² [S]	Presence of Roma in many countries (A), States to accord Roma the same rights as the rest of the population (R) [S]
1989/ 1990	Commission of Inquiry [ILO]	Roma put on the agenda for addressing discrimination in employment [ILO]	Romania to address discrimination against Roma (R) [ILO]
Since the 1990s		Roma as a more regular agenda item [TB/UNICEF/ UNESCO ²³]	
1990-91	Voyame reports ²⁴ [SR]	Roma as a human rights special concern group in Romania [SR]	Roma in Romania subject to human rights abuses, discrimination, racism (including violent acts) and marginalisation with the tacit or even open consent of the authorities; an important minority problem (A) to which Romanian authorities should devote attention (R) [SR]
1991/ 1992	Resolution 1991/21 [S]	Romani issues on the agenda within the framework of prevention of racial discrimination and protection of national minorities [S]	Existing obstacles to human rights of the Roma, their particular vulnerability, manifestations of racism, prejudice, discrimination, intolerance and xenophobia against them; the need for the UN to provide states with advisory services on the topic (A), All Special Rapporteurs to pay attention to Roma (R), States to take measures, in consultation with Romani communities, to ensure equality, protection and security of Roma (R) [S]
1992	Resolution 1992/65 [C]	Roma on the agenda of the 'Minorities' Special Rapporteur ²⁵ [SR]	States to eliminate any form of discrimination against Roma by adopting measures and to use UN advisory services (R) [C]
1993	Eide's ²⁶ report [SR]		Deterioration in the situation of Roma (A) The OSCE and CoE to undertake Europe- wide measures to prevent discrimination and promote equality for Roma (R) [SR]
1993	Braham's UNHCR Report on Roma [E]	Roma on the agenda [UNHCR]	Roma as a transnational group subject to increasing economic deprivation, social instability, and racially-motivated violence (A) Number of specific recommendations for the work of the UNHCR and for establishing various Roma-specific institutions at the European level (R) [E]

Table 3.1 Continued

Year	Event/action¹⁸ [C¹⁹]	Agenda setting	Discursive commitment (C)/acknowledgement (A)/ recommendation (R)²⁰
1997–2001	Ahanhanzo's reports ²⁷ [SR]	Roma on the agenda for addressing contemporary forms of racism, racial discrimination, xenophobia and related intolerance [C]	The Czech Republic, Romania and Hungary Roma and community building measures, segregation in education, improvements in anti-discrimination law, tolerance and information campaigns, police attitudes and involving Romani organisations in decision-making (R) [SR]
1999–2000	Initiative for appointing a Special Rapporteur on Roma/ Yuen's working paper on Roma [S/E]	Roma suggested as focus minority/human rights group on the Subcommisison's agenda and as an agenda item for the WCAR [E]	Reiteration of the acknowledgement of discrimination against Roma (A), tougher anti-racism laws, state responsibility for protection of the Roma, and an in-depth study of successful adaptation of Roma in South America (R) [E]
End 1990s ²⁸		Roma on the agenda [UNDP/WR/SR ²⁹]	
1999–2002	Weissbrodt's reports ³⁰ [SR]	Roma (temporarily) on the agenda for addressing citizenship problems [S]	The lack of systematic UN effort to understand and address the situation of Roma and their problems of racism, discrimination and citizenship rights (A) [SR]
2000	General Recommendation XVII and thematic discussion [CERD]	Roma reiterated as an item on the agenda for elimination of racial discrimination and as an agenda item for the WCAR ³¹ [CERD/C]	A number of recommendations for states to adopt specific measures to protect Roma against violence and to improve their living conditions (see pp. 43–4) (R) UNHCHR urged to consider establishing a Focal Point for Romani issues and to take account of Roma as some of the most disadvantaged and discriminated against (A) in the world for the forthcoming WCAR (R) [CEDR]
Since 2000s		Roma on the projects agenda [ILO]	
2001	Resolution 2001/9 [C]	Roma on the agenda for the realisation of the right to development as a vulnerable group [C]	Attention to be paid to Roma in the process of the realisation of the right to development (A/R) [C]
	Recommendation no. 7 and 10 [WGPM]		OSCE and CoE to intensify their work to ensure non-discrimination and minority rights of Roma, and UN treaty bodies to pay attention to Roma [WGPM]
	International Labour Office formal opinion on the applicability of ILO 169 Convention to Roma [ILO]		Roma as tribal people for the purposes of the ILO 169 Convention (A/R) [ILO]

Table 3.1 Continued

Year	Event/action ¹⁸ [C ¹⁹]	Agenda setting	Discursive commitment (C)/acknowledgement (A)/ recommendation (R) ²⁰
2003	Roma Regional Human Development Report [UNDP]	Roma reiterated as a project agenda item [UNDP]	Roma as a development issue and in need of positive discrimination (A) Recommendations to five CEE states giving measures for positive discrimination (R) [UNDP]
2003	Kothari's report [SR] ³²	Roma in Romania as a vulnerable group in relation to housing and living conditions [SR]	Roma in Romania as a vulnerable group in relation to housing and living conditions (A) Government to continue monitoring and to enforce anti-discrimination and facilitate obtaining proper identity documents by Roma, Romani needs to be integrated into national housing sector policies in meaningful consultation with them (R) [SR]

Table 3.2 Procedural/Institutional Changes

Year	The specific change [C]
1992 Since the end of 1990s	Romani issues delegated to the Subcommission by the Commission [C/S] Several Special Rapporteurs start to briefly mention Roma in their reports ³³ [SR]
1998 End of 1990s As of late 1990s	Establishment of a Focal Point [OHCHR] Establishment of a Focal Point [UNICEF] Many countries with significant Romani populations regularly report on employment and training-related issues in relation to the Roma within the ILO 111 Convention [ILO]
Since 1999	The ILO Committee pays attention to Roma when monitoring ILO 111 Convention [ILO]
1999 Beginning of 2000s 2003	Establishment of a Focal Point [UNHCR] Dedicating a specific website [WB] Dedicating a specific website [UNDP]

Notes

- 1 e.g. Jose Cutileiro, Special Rapporteur on the situation of human rights in Bosnia and Herzegovina and the Federal Republic of Yugoslavia and Katarina Tomasevski, Special Rapporteur on the right to education (see UN Doc. A/56/460; UN Doc. E/CN.4/2000/6/Add.2; UN Doc. E/CN.4/2001/52; UN Doc. E/CN.4/2002/60; UN Doc. E/CN.4/2002/60/Add.2).
- 2 The name of this body was the Subcommission on the Prevention of Discrimination and Protection of Minorities until it was changed by an ECOSOC decision on 27 July 1999 (UNIHP, Undated).
- 3 I was not able to verify whether a debate over the decision to not appoint the Rapporteur took place, as the relevant summary records had not been issued before this manuscript was completed.

- 4 The full version can be found e.g. in Rishi 1990: 5–6 and Danbakli 2001: 268.
- 5 Early on, this office was known as the Division of Human Rights. It was renamed to Centre for Human Rights in 1982 and then to OHCHR after it became headed by a High Commissioner in 1994 (UNIHP, Undated).
- 6 Among those are a book based on the workshop ‘Growing Up as a Gypsy’ held in 1992 in Florence, Italy (Costarelli 1993); two further series from the UNICEF International Child Development Centre (Stavenhagen 1994; UNICEF 1995); and two 2000 studies, in co-operation with the World Bank (WB) on Vulnerability of Roma children in the Municipality Shuto Orizari and Vulnerability of Roma children in the Dispersed Roma Communities in Skopje (for a complete list of publications see WB 2002b).
- 7 Groups traditionally considered Gypsy/Romani, but recently claiming a separate Ashkali or Albanian identity (see Table 1.2).
- 8 Nor any other, for that matter. However, the EU (then EC) at least recognized in 1989 that Romani ‘culture and language have formed a part of the Community’s cultural and linguistic heritage for over 500 years’ (Liegeois 1994: 275).
- 9 This committee is composed of twenty independent persons renowned in legal and social fields, appointed in personal capacity, and submits an annual report to the International Labour Conference, which is examined by the tripartite committee composed of government, employer and worker members (ILO 1998: 15).
- 10 To retrieve the individual documents search the ILOLEX database for the phrase ‘CEACR: Individual Observations concerning Convention No. 111, Discrimination (Employment and Occupation)’.
- 11 To retrieve the individual documents search the ILOLEX database for the phrase ‘CEACR: Individual Direct Request concerning Convention No. 111, Discrimination (Employment and Occupation)’.
- 12 Complementary but rare supplement to the regular supervisory mechanism.
- 13 The sixth invited witness, Karoly Kiraly, did not appear.
- 14 See documents on Romania in the ILOLEX database under ILCCR (examination of individual cases) and CEACR (individual observation) concerning Convention no. 111.
- 15 The three most important publications to date are ‘Roma and the Transition in Central and Eastern Europe: Trends and Challenges’ by Dena Ringold, ‘Poverty and Welfare of Roma in the Slovak Republic’ by The World Bank, Foundation S.P.A.C.E., Ineko, and the OSI, and ‘The Health Status of Romas in Hungary’ by Lajos Puporka and Zsolt Zadori from the Roma Press Center (WB Regional Office Hungary, NGO Studies No. 2). For a complete list of publications see WB 2002b.
- 16 These reasons for the intensified interests are however not analysed in this book.
- 17 For the list of the UN agenda items see http://www.un.org/partners/civil_society/agenda.htm and follow links to ‘issue subheadings’ and ‘groups in focus’.
- 18 The table excludes events in the framework of WCAR. For those see Klimova 2003: 388.
- 19 Code for the UN body to which the discursive development applies: [S] – the Subcommission, [C] – the Commission, [SR] – individual UN Special Rapporteur, [E] – individual expert commissioned to do a study, [TB] – treaty bodies. For others, regular abbreviations are used.
- 20 Does not include state-specific treaty bodies’ recommendations.
- 21 The Special Rapporteur to carry out a study on the rights of persons belonging to ethnic, religious and linguistic minorities.
- 22 Yet their situation did not start being systematically addressed until the late 1990s.
- 23 Given the limited amount of information available on UNESCO’s projects on Roma, this is a tentative placement.
- 24 The Special Rapporteur on the situation of human rights in Romania.
- 25 The Special Rapporteur charged with preparing a study on possible means and ways of facilitating the peaceful and constructive solution of problems involving minorities. Yet he paid only very limited attention to the Roma.



- 26 The 'Minorities' Special Rapporteur.
- 27 The Special Rapporteur on Contemporary Forms of Racism, Racial Discrimination, Xenophobia and Related Intolerance.
- 28 Meaning since the end of 1990s.
- 29 Only a number of SR, not all. In addition, they often only refer to them in passing.
- 30 The Special Rapporteur carrying out a study of the rights of non-citizens.
- 31 This was further reiterated by the actions of e.g. the OHCHR and UNHCR.
- 32 The Special Rapporteur on adequate housing.
- 33 This is the only development that can vaguely be linked to an action or event (see Table 3.1, column 1991–1992).

