

International Advocacy: ERRC Interventions at the OSCE Human Dimension Implementation Meeting

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FROM 29 September until 10 October 2008 the Organization for Security and Cooperation in Europe (OSCE) held its Human Dimension Implementation Meeting (HDIM), one of the most important yearly OSCE events that brings together representatives from the participating States' governments, civil society, as well as OSCE institutions and other international organisations. The HDIM has a special importance for Roma because this meeting provides their representatives the opportunity, through the special working session devoted on Roma and Sinti, to address the human rights violation that Roma face today and to call upon national governments and international organisations to undertake measures to improve the human rights situation of Roma in the OSCE region.

This year's working session on Roma and Sinti issues was held on 2 October, during which the OSCE's report on the implementation of the Action Plan on Improving the Situation of Roma and Sinti was launched. During the session, discussions addressed the initiatives that are undertaken at the national and regional level as well as existing good practices in the implementation of policies aimed to improve the position of Roma. The European Roma Rights Centre (ERRC) made the following comments and recommendations regarding the existing policies and practice in the OSCE countries:

"In recent years, some of the states of the OSCE region have introduced different initiatives and policies for the inclusion of Roma into mainstream society; in many cases due to the Decade of the Roma Inclusion which was launched in 2005. However, the effective implementation of these policies which should enable Roma to enjoy the human rights guaranteed under international and domestic legis-

lation remains a cause for deep concern. In this regard, the 2008 OSCE report on the implementation of the Action Plan on Improving the Situation of Roma and Sinti underlines that the "area of particular concern is the absence of mechanism to provide and ensure sustainable support for Roma and Sinti integration."

The European Roma Rights Center (ERRC) is very much concerned about the fact that a significant number of OSCE participating states have failed to develop any kind of strategy for the inclusion of Roma into mainstream society and the protection of their rights, although the vast majority of Roma in these countries are living at the margins of society and face serious human rights violations.

The ERRC reminds national governments that they have an obligation and a positive duty to undertake action to address the particular situation of the Roma. This obligation of the states was affirmed by the European Committee of Social Rights in its ruling on Collective Complaint *ERRC v. Bulgaria*, which emphasised that "for the integration of an ethnic minority such as Roma into mainstream society, measures of positive action are needed" and held that indirect discrimination may arise by failing to take adequate steps to ensure that the rights and collective advantages that are open to all are genuinely accessible by and to all.

The ERRC uses this occasion to call upon the governments of EU member states and the OSCE's Contact Point for Roma and Sinti Issues to work on developing common European standards for Roma inclusion, based on the effective engagement of institutions and Member States of the European Union, Roma representatives and

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civil society organisations in order to close the existing gap between Roma and the rest of society. This is of crucial importance having in mind that what happens at the EU level impacts all other states in Europe that aspire to join the EU, and even in the broader context. In addition, the Contact Point for Roma and Sinti Issues should play a key role in facilitating the engagement of the EU and therefore it should take a proactive role in coordinating the activities and developing overarching guidelines for the solution of the problems that Roma face today in the OSCE region.”

Apart from the participation in the Roma and Sinti session, ERRC representatives also participated in the working session on equality opportunity for women and men, in which progress on the implementation of the OSCE Action Plan for the Promotion of Gender Equality was discussed, together with specific countries’ policies and practices. ERRC representatives used this occasion to address the specific position of Romani women who suffers multiple forms of discrimination as a result of their gender and race and to call upon the national governments and OSCE for action. Specifically, the ERRC made the following remarks and recommendations:

“The European Roma Rights Centre (ERRC) would like to highlight the worrisome situation of Romani women because of the multiple forms of discrimination they face as a result of their gender and race, which is compounded by the lack of effective policies to combat intersectional discrimination in most OSCE countries.

School segregation and employment discrimination of Roma are reported in many countries of Europe. Though Roma in general have lower levels of educational attainment than the majority population, the education attainment levels of Romani women are even lower than that of Romani men. For instance, ERRC research in Hungary showed that those Romani girls who do overcome pervasive barriers to accessing education (such as extreme poverty and early childbirth) face ridicule, physical and verbal abuse, and often receive a lower quality of education. Further, Romani girls are disproportionately placed in schools for the mentally disabled or segregated classes due to administrative bias.

Romani women face higher rates of unemployment than both the general population and Romani men, due to a combination of childcare responsibilities and widespread discrimination by employers. ERRC research conducted in Serbia indicates that a large number of Romani women do not have access to formal employment as a result of low educational attainment levels as well as direct and indirect discrimination on the part of employers.

In addition, Romani women experience segregation and substandard care in maternity wards, extortion and discrimination by health care professionals, and several instances of forced or coercive sterilisation were documented in a number of European countries such as Czech Republic, Hungary and Slovakia. Some Western European governments (Sweden, for example) have established compensation mechanisms for victims, but have not yet recognised the racial targeting aspects of these systemic harms. Some Romani women harmed by coercive sterilisation have pressed justice claims with only limited success to date and none have fully received compensation for the harm they suffered.

Domestic violence is also an issue which affects Romani women in the OSCE region. Specifically an ERRC/partner survey carried out amongst 237 Romani women in Macedonia demonstrated that 70% of the respondents had been victims of violence at the hands of their partners, their in-laws and other members of their families. In most cases, Romani women do not report violence to law enforcement officials due to fears of further victimisation and due to prevailing negative and discriminatory reactions by police and other state authorities. ERRC research in several countries revealed that police often refuse to help Romani women.

For these reasons, the ERRC calls upon the national governments of the OSCE region and the OSCE itself to develop and implement policies which will address the effects of multiple forms of discrimination and eliminate discrimination based on gender and race. This is crucial not only for Romani women but also for all other marginalised women that face discrimination on several grounds.”