

THE REPRESENTATION OF NATIONAL MINORITIES IN INTERNATIONAL ORGANIZATIONS: THE CASE OF THE ROMA MINORITY

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Introduction

“Mashkar le gajende leski shib si le Romenski zor- Surrounded by the gaje, the Rom's tongue is his only defense”
/ romani saying /

The role of political representation in improving the situation of minorities has been studied for a long time in political science. According to Mill, one of the advocacies of the importance of political representation, “it is important that everyone of the governed have a voice in the government, because it can hardly be expected that those who have no voice will be unjustly postponed to those who have.”¹ After long time of exclusion of minorities from policy-making and controlling the budget of the state, political representation can be a powerful symbol of acceptance and inclusion². Moreover, presence in the institutions making decisions also means an end to paternalism in policy making³, and therefore, the issue of political representation of minorities became more and more important because of the increase of democracies.⁴

Some research has focused on how institutions can incorporate minority group voices in to the policymaking process. For example, Lijphart (1995) argues that institutions designed to share power (with features such as a federal structure, coalition governments and proportional representation) are better at giving voice to minority groups. Moreover, the political representation of minorities can be an essential tool to develop effective policies aiming at the social inclusion of minorities therefore, the effective representation at the domestic and the

1 „Speech on the State of Representation,” Burke’s politic p229

2 Anthony Karina (2006): The Political Representation of Ethnic and Racial Minorities

3 <http://www.jstor.org/pss/1964129> accessed in 24.05.2008

4 Susan A. Banducci and Jeffrey A. Karp (2006): The Impact of Minority Group Representation on Attitudes and Engagement

international level can be an essential tool to reduce social and economic inequalities.⁵ On the other hand, to be represented at the international level is not enough strong solution.

The latest racist violations toward Roma of Italy clearly show⁶, that antigypsism, and the social and economic situation of Roma cannot be dealt with as an internal case of the nation states. The issues concerning Roma must be dealt with not just at the level of the member states, but at the level of the European Union, and therefore, this thesis focuses on the international institutions of minority representation in Europe. The enlargement of the European Union in 2004 and 2007 has brought with it the possibility of developing special policies addressed to the minorities of Europe⁷ at the international level. Membership in the EU is a huge opportunity to minorities of the member states, but at the meantime it also means a real challenge to the member states. The proper understanding and tenure of new legal instruments and the financial support given by the European Union is a precondition of a substantive and complete membership of the new members. It is a real challenge but also a great opportunity for minorities to use properly these instruments, too. The current situation shows that the process of implementation of these new legal instruments exerts a huge pressure on the member states, and they make serious efforts to accelerate this process. On the other hand, implementing the huge amount of regulations and directives is quite slow.

The international representation of minorities is considered by some scholars as an important tool for reducing the social and economic inequalities of minorities.⁸ The strengths of the international organizations dealing with minority related issues lies in publicizing, criticizing

5 <http://unesdoc.unesco.org/images/0010/001015/101531E.pdf> accessed 24.05.2008

6 <http://www.erionet.org/files/ERIO%20position%20on%20Italy,%20November%202007.pdf> accessed in 03.06.2008

7 Centre for Russian and East European Studies (2001) : Opportunities and challenges- EU enlargement and the Roma/ Gipsy Diaspora University of Birmingham

8 For example Andrzej Mirga, Peter Thelen

governments and influencing their policies of the given states towards minority related issues.⁹ By providing recommendations, guidelines, and standards, they can effectively influence, moreover, pressure the governments of their member states to address the situation of the minorities effectively. Since most of the nation state fails to mobilize the necessary political and financial resources to prevent their minorities from disintegration, it is particularly important to define international minimum standards.

On the other hand, there are scholars¹⁰ who point out the disadvantages, such as the difficulties of funding and lack of consistency in the activities of international organizations representing the interest of national minorities at the international level. The distance of the representatives from their constituency, and their proficiency is also aspect often criticized. As it is argued in this thesis, many of these criticisms can be questioned.

Since one of the main targets of these new legal instruments is the Roma minority, one of the biggest ethnic minorities living in all member states of the European Union, this thesis explores the case of the Europe's Roma minority to test the effectiveness of the international minority representation as a mechanism for improving the Roma's social and economic conditions specifically at the level of the European Union. The social exclusion of the Roma minority is among the most pressing issues need urgent resolutions in Europe. Since the political transformation of the CEE states, the situation of the Roma minority has been followed by intense attention in the international arena. As the nation states have failed to address their critical situation adequately, there was a clear need to develop international standards to find solutions to the problems of national minorities, such as the Roma. Therefore, this thesis asks the following questions. What can the successes and failures of the

9 ZOLTÁN BÁRÁNY (2002): *The East European Gypsies: regime, change, marginality and ethnopolitics* Cambridge University Press. page 263

10 For example Martin Kovats, Zoltán Bárány

international organization representing the Roma minority tell us about the effectiveness of minority representation as a mechanism for improving social and economic inequalities?

The first chapter, the status of the Roma minority and some aspects of their economic and social situation is introduced in order to contextualize the main topic, and to demonstrate the importance of the main subject.

The second chapter analyzes the pro and contra arguments concerning minority representation in international organizations. This theoretical overview serves the better understanding of this mechanism.

Since the minority related policy of the EU is influenced by and depends on the Organization for Security and Co-operation in Europe (OSCE) and the Council of Europe (CoE), in the third chapter the role of these international organizations, concerning the situation of the Roma minority, is presented. The last sections of this chapter is dedicated to presenting the minority related policy of the European Union is introduced, with particular attention on the activities of the European Union (EU) in relation to Roma.

Before the conclusion, a case study of the two Roma members of the European Parliament, namely Lívía Járóka and Viktória Mohácsi, is shown. As these two Roma MEPs, works in an institution, which is given new powers, such as budgetary power, by the Lisbon Treaty, their role and impact on the situation of the Roma minority is an interesting field to explore.

The research was conducted by reviewing many international documents, and articles about the role of international representation of minorities. Concerning the role of the OSCE, CoE,

and the EU the funding documents, their publications was researched. The case study of the two Roma MEPs, besides reviewing their websites and the journals about them, was to be conducted by a questionnaire sent to them via e-mail. Unfortunately, due to their extremely busy agenda, only a phone interview was realized with Lívía Járóka.

Chapter 1 The situation of the Roma minority in Europe

Since the enlargement of the EU to include Central Eastern-European States, the Roma have become the biggest ethnic minority in the European Union.¹¹ In this chapter, after exploring the question of the Roma as a national minority, two common problems, the educational segregation of the Roma minority and the high unemployment rate among the community is presented.

1.1 The status of the Roma as a national minority

According to Palermo¹², the institutionalization of ethnicity is the precondition of the political mobilization's success. As Thelen points out¹³, because of its political implications, the question of status of the Roma is crucial to define. The definition of nation itself is a contested one¹⁴, there is no ultimate definition, and "there is no academically objective definition of nation"¹⁵. In relation to Roma, the lack of a historical motherland causes further implications. After long and intense debates among the Roma among domestic and international organizations, the most commonly used definition of nation applicable to Roma is the following:

11 „Roma are a unique minority in Europe. Unlike other groups, they have no historical homeland and are found in nearly all countries in Europe and Central Asia. From 7 to 9 million Roma are thought to live throughout Europe. Approximately 70 percent of this population lives in the countries of Central and Eastern Europe and the former Soviet Union. In Central and Eastern Europe the share of the population that is Roma has reached between 9 and 11 percent of the population in Bulgaria, FYR Macedonia, Romania and the Slovak Republic" in Poulton, Hugh (2007): Europe in State of the World's Minorities 2007 Minority Rights Group International

12 PALERMO FRANCESCO (2003): No representation without recognition: the right to political representation of (national) minorities published in European Integration Vol.25 (3)

13 Thelen Peter (2005) Roma policy: The long walk towards political participation page 35

14 <http://inscribe.iupress.org/doi/abs/10.2979/RAL.2001.32.3.45?cookieSet=1&journalCode=ral> accessed in 23.05.2008

15 Ibid page

The nation consists of a large group of people, a community based on the awareness of sharing a common language, culture, religion, or history with the intention of being a nation in order to articulate its political will.¹⁶

Regarding the elements of this definition, the Roma minority possesses a common language (Romanes), a common culture (common rooted but various music and dance traditions) and a common history¹⁷. The Roma minority also possesses a national anthem¹⁸ and a flag (see figure1) as a symbol of their nationhood.

Figure 1



The idea of the declaration Roma as a nation was officially accepted in 1993 by a resolution of the Council of Europe when the gypsies were declared as a “true European minority”. As the Council of Europe points it out:

"Roma must be treated as an ethnic or national minority group in every member state, and their minority rights must be guaranteed."¹⁹

Therefore, the recognition of Roma as an ethnic minority is just a recent achievement in almost all of the countries possesses significant Roma population irrespective of the political system. The main aim of claiming of the nationhood was to be recognized, and be enabled to participate in international and European institutions²⁰. The resolution specifies that since the

16 Thelen Peter (2005) page 43

17 Thelen Peter (2005) page 45

18 http://www.romani.org/local/romani_anthem.html accesses 23.05.2008

19 Recommendation 1557 (2002) The legal situation of Roma in Europe 6. point

20 Ibid page 49

Roma nation does not have a territory, it needs special protection. The recognition of the Roma minority as a nation is especially important because it makes two especially essential document produced by the Council of Europe applicable to the Roma minority. One of them is the European Charter on the protection of Minority Languages, the other one is the Framework Convention on the Protection of National Minorities, which are one of the most dominant, legally binding instruments in relation to minority protection.²¹

To sum up this section, the Roma minority possesses *de facto* recognition as a national minority at the international level in particular due to the activities of the OSCE, CoE, and they have the right to be represented as a national minority.²² According to Thelen, the Roma minority enjoys *de facto* recognition as a minority at the international level by the Roma related activities of the Council of Europe, and the OSCE's Contact point (see more about these institutions in the third chapter)

1.2 The economic and social situation of the Roma minority in Europe

Although after the collapse of the iron curtain in 1989, the process of political liberalization increased the international and domestic awareness of the situation of the Roma, “including emerging human rights violations and humanitarian concerns related to these deteriorating socio-economic conditions” this minority is not just the largest, but still the most marginalized minority in Europe. As Poulton points it out²³, “the Roma minority remains severely disadvantaged in the key areas of public and private life, such as housing, employment,

²¹ Ibid page 38

²² Thelen Peter (2005) page 39

²³ Ibid Poulton, Hugh (2007) International page 91

education, and health services. They are also frequently the target of racially motivated attacks; see for example the recent news from Italy²⁴. In this chapter, by introducing the problems the Roma minority faces the need for a better political representation at all level of politics is demonstrated. To contextualize the main subject of the thesis, two of the main urging issues, school segregation, and the high unemployment rate are presented.

One of the most urgent issues in relation to the Roma community is the segregation of Roma pupils from majority students and the lack of adequate educational opportunities for Roma students. According to the report of the European Monitoring Centre on Racism and Xenophobia (EUMC) in 2006, “the Roma children are often a subject of direct and systematic discrimination and exclusion in education”²⁵. The phenomenon of segregation has been monitored by the European Monitoring Centre on Racism and Xenophobia. According to Ivan Ivanov²⁶:

School segregation of Roma children takes different forms, including placing Roma children in schools for the mentally disabled; separating Roma in classes with programmes for mentally disabled within the regular school; separating them in Roma-only classes within a regular mainstream schools; and maintaining Roma ghetto schools located in the ghetto or formed as a result of withdrawal of non-Roma from Roma –majority schools²⁷.

Unfortunately, this practice is extremely widespread in the member states that have a significant Roma population, for instance Hungary, Romania, Bulgaria, Slovakia and the Czech Republic, among others. While comprehensive official data are not available, a number of independent studies have collected relevant information on the Roma population and

24 <http://www.erionet.org/files/ERIO%20position%20on%20Italy,%20November%202007.pdf> accessed in 23.05.2008

25 Poulton, Hugh (2007)

26 director of European Roma Information Office (ERIO)

27 <http://www.erionet.org/schoolsegregationonromachildren.html>

educational issues²⁸. These studies show that the problem needs urgent resolution, as the segregation of Roma students is institutionalized and is still in practice after the EU accession. This need is recognized at the level of the member states and the level of the EU, too, as several programs address the development of the conditions of integrated education.²⁹ Moreover, there are several data and framework conditions for influencing the policies of the member states, which aims to accelerate the improvement of the educational situation of the Roma minority. The European Union's Directorate General for Education and Culture has designed many programmes "supporting cooperation between Member States and candidate countries in the field of education, training and youth."³⁰

Another problem concerning the Roma is the fact that the unemployment rate in some of the new member states is as high as 80% among Roma.³¹ According to the European Commission, the Roma minority faces "significant barriers in the labor market and in accessing gainful employment, and as a result disproportionately higher numbers are unemployed"³². According to the World Bank³³, the duration of unemployment among Roma minority is extremely high. This phenomenon is especially striking in Bulgaria, where the difference between the duration of the unemployment of a Roma and a non- Roma is 24 month on average.

Since the Lisbon European Council defines the goal to become "the most competitive and dynamic knowledge-based economy in the world, capable of sustainable economic growth with more and better jobs and greater social cohesion", the high unemployment rate among

28http://www.soros.org/initiatives/roma/articles_publications/publications/equal_20070329/summary_20070329.pdf

29 European Commission (2004): The situation of Roma in an enlarged European Union page 22

30 European Commission (2004)

31 European Commission (2004)

32 Ibid page 23

33 Dena Ringold Mitchell A. Orenstein Erika Wilkens (2005): ROMA IN AN EXPANDING EUROPE: BREAKING THE POVERTY CYCLE World Bank page 40.

Roma needs to be addressed at the EU, too.³⁴ One of the tools designed by the European Union to reach this goal is the European Employment Strategy (EES)³⁵. EES provides opportunities for the Roma minority as well, for instance, in the ACCEDER programme, promoted and financed under the framework of the EES, 16,961 people have been supported (67% Roma) and 9,741 people have entered employment³⁶. Although the situation is still worrying, the labor situation of the Roma minority is addressed by many national policies many of them designed according to the guidelines of the EU.

The described problems are particularly salient in the current demographic and economic climate. According to a Communication of the European Commission³⁷, the working-age population of the EU member states will decrease by 48 million by 2050, thereby reducing the number of workers who contribute to public funds through taxes. At the same time, estimations suggest that by 2050 there will be more working-age Roma than non-Roma in some member states. Therefore, the question logically follows: If the right to appropriate education is not ensured to a disproportionately large number of Roma pupils, and the unemployment rate is high among the Roma minority: how will this affect the labour market, the economy of the new member states, and the EU in general?

To conclude, the situation of the Roma minority is one of the most pressing political, social and human rights issues which Europe faces³⁸. The political representation of this minority at the international level can be an essential tool to improve the social and economic situation of the Roma minority. In order to explore the limits of the political representation of the Roma minority in international organizations, in the following chapter the pro and contra arguments concerning this question is analyzed.

34 http://www.euromarches.org/english/04/0319_5f.htm accessed in 23.05.2008

35 www.europa.eu.int/comm/employment_social/employment_strategy/index_en.htm.

36 European Commission (2004) page 23

37 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52005DC0094:HU:HTML>

38 European Commission (2004): The situation of Roma in an enlarged European Union

Chapter2. The representation of ethnic and national minorities at the international level

From the early 1990s there have been a growing number of international organizations (IGO) working on issues related to the situation of ethnic minorities in Central and Eastern Europe. Many international organizations started to pressure the national governments to change their attitude toward national minorities. These IGO's also managed campaigns aimed to change the attitude of the national governments, raising awareness of rights within minority communities.

In this chapter, some problematic issues, such as the question of consistency, or the funding, and some of the strong points are analyzed in order to have a better understanding about how these international organizations represent the Roma related issue in the international political sphere. Each of these issues concerning international minority representation is illustrated with Roma related examples to put the case study of the thesis in context.

2.1 The question of consistency

One of the weaknesses of international organizations concerning minority- related issues is their lack of consistency. This is particularly true for example in the case of the Regular Reports of the European Commission, which annually deals with the question in a separate chapter, but then in the following year the issue is ignored. As Hughes points out³⁹, “these reports illustrate the lack of clear benchmarks to measure progress in the field of minority rights protection.” Moreover, the structure and the content of these Regular Reports are

³⁹ HUGHES JAMES, SASSE GWENDOLIN: Monitoring the monitors: EU enlargement conditionality and minority protection in the CEE's London School of Economics and Political Science, UK page 15

designed in a way that exaggerates the progress made, and tries to shelve the problems⁴⁰. Also some of the minorities are privileged, such as Russophones in Latvia and in Estonia, or the Roma minority⁴¹. On the other hand, according to a report of the European Council, the special attention to Roma is justified because they lack a “country call their own.”

To illustrate the lack of consistency, the Regular Report of 2000 on Poland mentions that "some acts of discrimination by public authorities and violence against Roma do take place". Nevertheless, the report of the following years does not mention discriminatory practices of public authorities, from which one might conclude that the problem was pleasingly solved, although in practice it was not. The second example is the 1999 report on Bulgaria. According to this report, significant progress was made concerning the inclusion of the Roma minority through the adoption of a Framework programme. In 2001, little of this programme was implemented.⁴²

To sum up, it is obvious that the international organization needs to be more consistent in reporting and monitoring. On the other hand, the precondition of being more consistent is that the member states should provide more reliable data concerning the situation of minorities. These international organizations heavily rely on the information provided by the candidate or the member states. On the other hand, the interest of the member states is often to accelerate the accession, or preserve their reputation in the international arena, and therefore they are not providing reliable information.

⁴⁰ Ibid 15

⁴¹ Ibid page 16

⁴² Ibid page 17.

2.2 The question of funding

The second problematic issue concerning these organizations representing certain minorities is⁴³ the question of funding. While at the national level governments finance organizations dealing with minority related issues, at the international level it is more difficult to find financial support. According to Bárány, these funds are “used for unintended purposes” by the international organizations.

On the other hand, noting that the processes of monitoring are far from perfect, there are stricter rules and supervisions, especially concerning EU related funds. For instance, According to Vermeersch⁴⁴, as a result of the attention of the international arena for Roma, new financial and technical resources became available by some private foundations and international organizations. These new funds directly aimed to protect the rights of Roma and maintain the foundation of new Roma related organizations. For instance, the Soros foundations or the German Marshall Fund have provided essential financial support to a great number of projects and initiatives. The international human rights advocacy was strongly supported by these above mentioned funds.

Another important financial source, the PHARE programme, provided by the EU also illustrates the financial potential of international organizations to promote human and minority rights. For instance, this programme, which was designed to facilitate preparing progress of the candidate countries, has provided 20 million Euros between 1993-1999, 10 million Euros in 1999, and 13 million Euros in 2000 for developing programmes aiming at the

43 ZOLTÁN BÁRÁNY (2002): page 262

44 PETER VERMEERSCH (2001): Advocacy Networks and Romani Politics in Central and Eastern Europe
Institute for International and European Policy, University of Leuven, Belgium page 12

social inclusion of the Roma minority⁴⁵. Another example is the “Decade of Roma inclusion” (2005-2015), proposed by the World Bank and the European Union, which aims to address the social and economic inclusion of the Roma minority.⁴⁶ Furthermore, according to Mohácsi, the EU has spent 750 million Euro on Roma related issues so far.⁴⁷

To conclude, at the international level the question of funding is a delicate issue, since it is very difficult to find donors contributing to minority related issues with financial resources. On the other hand, as the above described examples show, it is not impossible. One can also argue that these funds rarely reach the targeted community. On the other hand, the duty to allocate these financial resources is the responsibility of the member states, and therefore the role of the member states seriously affect the effectiveness of the funds provided by the international organizations.

2.3 The distance of the representatives from constituency

The third argument against the international level is that the representatives of the minorities at the international level no longer have personal impressions, experiences, and knowledge about the situation of the certain minorities. In other words, the representatives of minorities at the international level are becoming estranged from their community, and they are no longer aware of the real needs of the community, and therefore, they cannot represent the minority effectively.

45 http://ec.europa.eu/external_relations/human_rights/intro/index.htm accessed in 11.12.2007

46 <http://www.romadecade.org/> accessed in 19.05.2008

47 http://www.alde.eu/index.php?id=263&tx_pixmeps_pi3%5BshowUid%5D=175&cHash=dc19f0d77d

On the other hand, the convincing power of this argument is seriously undermined by the fact that this critique is articulated by the political opponents of these representatives. In these kinds of so-called status battles, envy plays a crucial role in this criticism. For instance, the representatives of the Roma minority at the international level, such as Andzrej Mirga, the Chairman of the Council of Europe Specialist Group on Roma and Travelers, or Nicolae Georghe, Advisor on Roma and Sinti issues at the Contact Point for Roma and Sinti Issues of the Office for Democratic Institutions and Human Rights of the Organization for Security and Co-operation in Europe, are highly qualified professionals, whose work was fundamental in developing the civil rights movement of the Roma minority, and raising the awareness of the Roma issue at the international level.

The fourth argument against leaders of the Roma community in the international arena and supranational organizations is that they are not known by the local Roma related organizations⁴⁸. However, as the growing number of co-operations between local and supranational organizations shows, these representatives are getting more and more known. One of the main reasons of this closing information is the growing interest of media, and the possibilities to access to information via the internet. The several trainings and conferences and internship possibilities organized by these institutions, such as OSCE, were also crucial in getting know these organizations and their representatives. For instance, the Roma internship programme of the European Commission and the conferences of the CoE obviously help to get know to these organizations. As a trainer of the Hungarian Helsinki Committee and the teacher of the Romaversitas Foundation, my overall impression is that although the national organizations are more widely known in Hungary, the international institutions and representatives are quite known within the Roma related national organizations, and many of them are well respected at the domestic, and the international level too.

48 ZOLTÁN BÁRÁNY (2002) page 263

2.4 The heterogeneity of the represented

Another, specifically Roma related factor which might have a negative impact on the effectiveness of the supranational organizations is the heterogeneity of the Roma minority. The “numerous crosscutting subgroups, including family clans” among the Roma minority are often referred to as a kaleidoscope, or a mosaic.⁴⁹ Because of the variety of the Roma communities all around Europe, who possess diverse political need and ambitions, diverse political capacities are needed. Related to this, there are also noticeable differences in how the member states deal with the issues concerning Roma minorities. As Hatfield argues⁵⁰, the degree of differentiation present in the Roma populations of eastern Europe makes it difficult to define standards and policies towards Roma, dealing with the Roma minority as if it were homogenous, ignoring the complex and diverse reality.

On the other hand, there are many common trends in relation to Roma minority all over Europe. The problems they face are almost the same in each member state, and there are good practices as well.⁵¹ As Vermeersch points out, there are four typical problem areas: racial violence, unequal access to education, substandard living conditions, and lack of political participation.⁵² In spite of the obvious diversity of the Roma, these fields are common and need to be addressed in relation to Roma communities all across Europe.

49 Dena Ringold Mitchell A. Orenstein Erika Wilkens (2005): ROMA IN AN EXPANDING EUROPE: BREAKING THE POVERTY CYCLE World Bank page 10

50 WILL GUY HATFIELD (2001): Between Past and Future: The Roma of Central and Eastern Europe. University of Hertfordshire Press

51 Dena Ringold Mitchell A. Orenstein Erika Wilkens (2005) page 177

52 VERMEERSCH PETER (2006): The Romani Movements Minority Politics and ethnic mobilization in Contemporary Central Europe. page 187

2.5 The issue of awareness raising

According to Sobotka⁵³ “since the transformation of the political regimes of the CEE states, the Roma community has increasingly benefited from human rights advocacy and instruments”. By the efforts of these international organizations to gain public attention in the national and international level, the so-called public construct of human rights was formed as a result of international human rights advocacy.

An example to illustrate this is the concept of Roma rights, which was first declined by all the CEE governments, but as a result of the significant efforts of international organizations such as the European Union, the Roma related human and minority rights have been integrated into the domestic policies.⁵⁴ Although the recommendations of these international organizations are not legally binding on states, nor do they possess a monitoring system, there is widespread agreement in the international political sphere that these recommendations are morally binding on states, and the implementation of these guidelines are a precondition of a membership in international political cooperation, and institutions such as the European Union itself. As a result, these international recommendations mean pressure to the national governments. Moreover, the international NGOs working on human rights related issues suggest that these organizations play an essential role in transforming state sovereignty⁵⁵

These international organizations have contributed to the establishment of human rights standards in international law to a great extent. In many cases they support and encourage the

53 EVA SOBOTKA (2007): Human rights and Roma policy formation in the Czech Republic, Slovakia and Poland CEU University Press page 136

54 Ibid 144

55 RISSE, T., K. SIKKINK (1999). “The Socialization of Human Rights Norms into Domestic Practices: Introduction”, in: The Power of Human Rights: International Norms and Domestic Change, Risse, T. et al. (ed.), 1-38. Cambridge: Cambridge University Press.

civil society in protesting a state's violations of international norms. By their efforts and activities they have demonstrated the limitations of political leaders' power. According to Vermeersch, "their involvement may lead governments to change policy, or in certain cases it may trigger the transformation of a whole political regime."⁵⁶

To illustrate this, the integration of the EU antidiscrimination provision to the domestic policies provides an essential opportunity for addressing minority protection, and anti-racism. To illustrate this, referring to Poulton⁵⁷, the incentive to becoming a member state has been used to pressure candidate countries to improve their policies with regard to discrimination and the protection of minorities. Higher legal standards on minority rights were adopted in the new member states. The directive 2000/43/EC "implementing the principle of equal treatment between persons irrespective of racial or ethnic origin" (the "Race Directive") has been especially influential on the national policy-making of the old and the new member states.⁵⁸ The directive, as the part of the *acquis communautaire*, had to be adapted to the national legislation.⁵⁹ For instance, the Hungarian Minority Act⁶⁰, based on this directive, declares the Roma as a national minority and guarantees the right to "to establish corporate entities in public and civil law in villages, towns, districts of the capital and at national level."⁶¹ Slovakia has adopted an Anti-discrimination Act in 2004 inspired by the directive.

56 PETER VERMEERSCH (2001): page 12

57 Poulton, Hugh (2007) page 91

58 EUROPEAN COMMISSION Directorate-General for Employment and Social Affairs (2004): "The situation of Roma in an enlarged European Union"

59 Five member states, Austria, Finland, Germany, Greece, and Luxemburg were referred to the European Court of Human Rights (ECHR) for not communicating the transposition of the Directive. Moreover, Finland and Luxemburg were convicted by the ECHR for failing to adopt the legislation to transpose the directive.

TOVE H: MALLOY (2006): Europe in State of the World's Minorities 2006 Minority Rights Group International page 144

60 The Hungarian Minority act was accepted in July 7 1993 by the Hungarian Assembly.

61 BALÁZS MAJTÉNYI (2004): Where Are They Heading? The Situation of the Roma Minority in Hungarian and International Law

2.5 The inability of the member states

Another argument for the importance of these international organizations, according to Thelen⁶², is the fact that the currently obvious inability of the CEE states to adequately protect the Roma minority on their own makes the international level particularly important. Since the given countries have failed to mobilize the political and financial resources which would be necessary to prevent the disintegration of the Roma communities, the European institutions possess an essential role in solving the current situation. Although the sovereign states possess real political and financial power, as the current situation of minorities, especially the situation of the Roma minority shows, states fail to address effective policies concerning the improvement of their political, and social, and economic situation. Therefore, it is crucial to define international standards, even if they define minimum requirements, and pressure the national level of policy making to implement them.

To conclude this chapter, firstly, it can be stated that the literature on the role of the international organizations concerning minority related issues is rather critical. There are certain fields, such as funding and accountability, which are reasonable to criticize, and need to be improved, but many of these fields can only be improved at the domestic level, where these recommendations and guidelines are implemented, and where the financial resources provided by these institutions are redistributed. The attitude of the nation state determines the limits of these international organizations, and therefore the effectiveness of these organizations heavily depends on the will and even the interest of the given member states.

62 PETER THELEN (2005) page 37

The role of the international organizations in representing minority related issues is just the awareness raising, and to provide professional recommendations to the nation states. They play a crucial role in pressuring the national governments to implement their recommendations and design programmes which can effectively address the social inclusion of the Roma community; therefore, their representation as a mechanism may provide essential support to the member states to improve the social and economic conditions of the Roma. The representation of Roma in these international organizations is important because they can influence the policies of the member states toward Roma, and indirectly can have a positive impact on the social and economic situation of Roma. On the other hand, due to the sovereignty of the member states, their influence depends on the attitude of the member states.

Chapter 3 The role of the Organization for Security and Cooperation in Europe, Council of Europe, and the European Union in the representation of Roma at the international level

After having analyzed political representation of minorities at the international level, this section introduces the activities of three international organizations, namely the Organization for Security and Co-operation in Europe, the Council of Europe and the European Union. Due to the lack of Roma representatives at international organizations, special offices have been set up in the framework of the OSCE and the CoE, which are the OSCE's Contact point for Roma and Sinti and the Specialist Group on Roma/Gypsies of the Council of Europe)⁶³, so these organizations represent the interest of the Roma minority at the international level. Their activities are important, as they influence the minority policy of the European Union. In the last to sections the EU minority related policy is introduced in order to have a better understanding about the context in which the European Parliament works.

3.1 The Organization for Security and Co-operation in Europe (OSCE)

The OSCE is one of the most dominant regional security organizations in the world. It manages a wide range of activities related to all three dimensions of security — the human, the politico-military and the economic-environmental.⁶⁴ Since ethnic based conflicts are one of the main sources of large-scale violence in Europe, the approach of the OSCE is “to identify - and seek early resolution of - ethnic tensions and to set standards for the rights of persons belonging to minority groups”⁶⁵. In other words, its main objective is to ensure

63 VERMEERSCH Peter (2006): The Romani Movement: Minority Politics and ethnic mobilization in contemporary Central Europe

64 <http://www.osce.org/activities/> accessed in 25.05.2008

65 Ibid

security in the region through protecting minority rights and preventing ethnic conflicts.⁶⁶ The OSCE monitors minority rights and protections, and promotes development of Roma civil society. It also manages programs to stop discrimination, racism, and xenophobia. The OSCE pays special attention to improving the political situation of the Roma minority in the OSCE, aiming conflict prevention at South-Eastern Europe “as well as to foster and support civil society development among Roma communities in the Balkans”⁶⁷.

In 1991, the OSCE adopted the Copenhagen Document, one of the first international initiatives after the Cold War aiming at the “preservation of international stability and peace to question of minority protection.”⁶⁸ In this document, the OSCE declared that their main aim is “to reinforce respect for, and enjoyment of human rights and basic freedom, to develop contact between persons, and to find solutions to questions of a related humanitarian nature.”⁶⁹ The OSCE declared its firm attention to:

commit themselves to take appropriate and proportionate measures to protect persons or groups who may be subject to threats or acts of discrimination, hostility or violence as a result of their racial, ethnic, cultural, linguistic or religious identity, and to protect their property;⁷⁰

and

to take effective measures, in conformity with their constitutional systems, at the national, regional and local levels to promote understanding and tolerance, particularly in the fields of education, culture and information⁷¹

In the final report of the following meeting in Geneva, which was a follow-up of the Copenhagen meeting, their commitment to finding solutions to the situation of the Roma

66 Mitchell A. Orenstein and Umut Ozkaleli (2006): European Union as a Network Actor in Roma Minority Policy

67 Ibid

68 VERMEERSCH PETER (2006): page 187

69 SYMONIDES JANUS (1995): The legal nature of commitments related to the question of minorities International Journal on Minority and Group Rights, Volume 3, Number 4, pp. 301-323

70 http://www.osce.org/documents/odihr/1990/06/13992_en.pdf accessed in 25.05.2008

71 Ibid

minority was reaffirmed⁷². As Liégeois points out, as a result of these meetings, the governments of the participating state's government have intensified their focus on Roma related issues.⁷³

On the other hand, there have been no legal or political instruments developed. In order to solve this situation, the High Commissioner on National Minorities was appointed within the framework of the OSCE.⁷⁴ The main objective of its mandate was "to prevent the conflict between states, or dealing with conflicting territorial claims within one states"⁷⁵. Although the Roma question is not directly related to, the appointed Commissioner, Max van der Stoep, introduced two essential reports related to Roma, which led to further discussion in Warsaw 1993, and 1994, described by many as a "milestone for Roma advocacy efforts at the international level".⁷⁶

As a result of the above introduced efforts, another institution, the Contact Point of Roma and Sinti Issues", was established. As Bárány points it out, it was the "first organizational manifestation of the growing recognition of the Gypsy problem's magnitude by a major supranational organization"⁷⁷. Three main tasks of the contact point was defined⁷⁸. Firstly, to facilitate the exchange of information related to Roma. Secondly, it aims to facilitate the networks between the participating states, IOG'S and non governmental organizations. Thirdly, it should maintain and develop these issues in the framework of OSCE, and other institutions. One main task undertaken by this contact point was the launch in 2003 is

72 LIÉGEOIS JEAN PIERRE (2007) : Roma in Europe published by Council of Europe page 252

73 Ibid page 253

74 VERMEERSCH (2006) page 187.

75 Ibid

76 Ibid page 188

77 ZOLTÁN BÁRÁNY (2002): page 268

78<http://www.osce.org/odihr/18149.html> accessed in 23.05.2008

preparation of an action plan on improving a situation of the Roma minority within the OSCE area.⁷⁹

To conclude, as Vermeersch points out, two main developments can be emphasized in relation to how Roma related issues has been dealt within the OSCE.⁸⁰ Firstly, the Roma issue begins to be dealt with separately from conflict prevention and national minority protection in order to put the topic in the context of commitment of the states in relation to all vulnerable minorities. Secondly, the following development was due to the conviction that the Roma minority needs special attention, because their ethnicity is one of the main causes of their social and economic marginalization. The further activities of the OSCE have confronted this shift.

3.2 The Council of Europe

Since 1993, the issues concerning the Roma minority have been among the three of the Council's top priorities: protection of minorities, the fight against racism and intolerance and the fight against social exclusion.⁸¹ Its main objective is to advance minority rights, democracy and rule of law all over Europe.⁸² The main approach of the Council of Europe was to convince the member states to ratify and implement legal norms⁸³. The CoE also manages and finances programs to advance public understanding and development in relation to minority related issues. As Vermeersch points out, "the activities of CoE have centered

79 LIÉGEOIS JEAN PIERRE (2007) page 252

80 VERMEERSCH (2006) page 189

81 http://www.coe.int/T/DG3/RomaTravellers/Default_en.asp accessed in 25.05.2008

82 Mitchell A. Orenstein and Umut Ozkaleli (2006): page 20

83 Ibid page 20

mainly on the promotion of European identity and the protection of human rights⁸⁴. Although in the early 1990's these concerns remained implicit, and were among the general attempts to develop new legal instruments aiming to protect national minorities⁸⁵, the CoE was among the first institutions addressing the situation of the Roma minority, and proposing practical measures for the improvement of situation of the Roma minority.⁸⁶ The Council of Europe has drawn the attention to the intense discrimination, living condition and school provision, consultation, social security, and health care issues concerning Roma.⁸⁷

The CoE has published several other resolutions, such as the Resolutions (75)13 “carrying recommendations on the social situation of nomadic populations of Europe”, directly and generally addressing the situation of the Roma minority, but one of the most essential Roma related document of the CoE was the report titled “On Gypsies in Europe”, initiated by Josephine Verspaget (Verspaget report) in 1994. Although Kovats⁸⁸ has articulated a reasonable critique about the conservative nature of the report, the report is still important, since this report has resulted in the declaration of the Roma minority as a “true European minority”, which was one of the essential steps concerning the improvement of the political representation of the Roma minority.

Most of the Roma related activities of the CoE is framed in a Specialist Group, chaired by Andrzej Mirga, set up in 1996, established as a result of another Verspaget Report in 1995. This Special Group is “tasked with advising member states on all Roma, Gypsies and Travellers issues -related matters and encouraging international authorities to take action where it was needed. Its role complements that of the Secretary General's Co-coordinator of

84 VERMEERSCH (2006) page 191

85 Ibid

86 LIÉGEOIS JEAN PIERRE (2007) page 236

87 Ibid page 236

88 <http://www.ecmi.de/jemie/download/Focus11-2001KovatsComment.pdf>

Activities on Roma and Travellers issues, responsible for promoting co-operation with other relevant international organizations and developing working relations with Roma, Gypsies and Travellers issues organizations.”⁸⁹ Its intended purpose is to be a catalyst of a coordinator in all kinds of issues concerning the Roma minority.⁹⁰ This Specialist Group concentrates on human rights violations, women’s rights, and the situation of Roma refugees, aiding the Council larger objectives, which aims to help increase the effectiveness of Roma policies pertaining to the Roma minority of Europe.⁹¹ Through studies, recommendations and conferences, its main concern is the legal status of the Roma minority. Moreover, according to Thelen, it has inspired several recommendations of the Council of Ministers.⁹² In 2002, the areas of responsibility of the Group were extended to the issues of Travellers, and were given a new name, the Group of Specialists on Roma, Gypsies and Travellers.⁹³

As Bárány points out, there are two contending approaches present in this Specialist Group. One of the approaches is to focus on concrete social and economic problems. The second approach focuses on institutionalizing the Roma as a national minority, and “consider dangerous to tackle these long term difficulties, as they might serve as an excuse for national government.”⁹⁴

After establishing this specialist group, the Council was not keen on further institutionalizing the Roma issue.⁹⁵ On the other hand, due to the deep commitment of some politicians, for instance Tanja Halonen, or Csaba Tabajdi, in 2004 the European Roma and Travelers Forum was established, which functions as a non elected independent international body that has a

89 http://www.coe.int/T/DG3/RomaTravellers/Default_en.asp accessed in 26.05.2008

90 THELEN PETER (2005) page 37

91 ZOLTÁN BÁRÁNY (2002): page 269

92 THELEN PETER (2005) page 37

93 http://www.coe.int/T/DG3/RomaTravellers/Default_en.asp accessed in 26.05.2008

94 ZOLTÁN BÁRÁNY (2002): page 268

95 VERMEERSCH (2006) page 193

closed and privileged links with the Council of Europe, and works in Roma related issues. The Forum is an autonomous body, independent of governments and inter-governmental organizations⁹⁶. The relationship with the CoE can manifest in “the form of a hearing, participation at meetings, providing expert advice.”⁹⁷ The Forum may also seek consultative relations with other international institutions and organizations, and with governments.”

Although there are problems with the legitimacy of the Forum, as Thelen points out, the establishment of the Forum is

an important milestone since for the first time a representative organization can develop, which has the power to articulate Roma interest beyond the boundaries of nations, and competing organizations and which will make their voice heard.

To sum up this section, the Council of Europe plays a crucial role in the declaration of Roma at the international level. Although their approach was rather conservative because they emphasize the implications of the nomadic lifestyle of Roma, they played also a crucial role in representing the aspect and implications of the social and economic situation of Roma. The establishment of the Specialist Group on Roma and later the European Roma and Travellers Forum was essential in representing the Roma, establishing a Roma grass root, and influence the decisions of organs of the European Union by providing reliable information on Roma.

3.3.1 The minority policy of the European Union

The minority related issues was considered as a matter of internal politics⁹⁸ till Maastricht⁹⁹, therefore the protection of minorities is a rather new priority of the European Union. On the other hand, as a result of two historical process, namely the transformation of the former

⁹⁶ http://www.coe.int/t/dg3/romatravellers/FERV/default_en.asp accessed in 26.05.2008

⁹⁷ *ibid*

⁹⁸ Tamas Pal (2007): Central European Roma policy: National minority elites, nation states, and the EU

⁹⁹ Pentassuglia Gaetano (2001): The EU and the Protection of Minorities: The case of Eastern Europe page 7

communist states, the second is the shift in the EU self perception, the issue of minorities became an issue.¹⁰⁰ In this section, some fields, in which there is a broad agreement in relation to the human rights and minority protection policy, are introduced. They are the following:

Firstly, since the European Union does not possess strong instrument, the OSCE and the CoE has provided assistance in developing the policies imposed during the accession process.¹⁰¹ According to Orenstein, EU has sought to uphold norms and conventions of the Council of Europe, most importantly the Framework Convention on National Minorities.¹⁰² The EU also has reinforced the OSCE norm creation and monitoring activities of the High Commissioner on National Minorities.¹⁰³

Secondly, human and minority rights concerns in the EU *acquis* are not articulated, except for the “race equality directive” that forbids discrimination on the basis of race or ethnicity, but further elaboration in the EU treaties hasn’t been realized.¹⁰⁴ On the other hand, as a Cheney points out, the scope of the founding treaties was extended from purely economic issues to more political ones.¹⁰⁵ To illustrate this, according to the Treaty on the European Union article 1¹⁰⁶:

The Union is founded on the values of respect for human dignity, freedom, democracy, equality, the rule of law and respect for human rights, including the rights of persons belonging to minorities. These values are common to the Member States in a society in which

100 HUGHES JAMES, SASSE GWENDOLIN page 5

101 Will Kymlicka (2002) , “Multiculturalism and Minority Rights: West and East,” Journal of Ethnopolitics and Minority Issues in Europe, 4

102 Mitchell A. Orenstein and Umut Ozkaleli (2006)

103 Ibid

104 Martin Brusis (2003), “The European Union and Interethnic Power-Sharing Arrangements in Accession Countries,” Journal of Ethnopolitics and Minority Issues in Europe,, p. 1.

105 Cheney Emelyne, Bieber Florian (2006): Advocacy in the European Union Minority Rights Group International

106 <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2007:306:0010:0041:EN:PDF> accessed in 26.05.2008

pluralism, non-discrimination, tolerance, justice, solidarity and equality between women and men prevail.

Although this Treaty is not a legally binding one¹⁰⁷, it possesses political significance, since it declares the protection of minorities, and equality as a fundamental principle of the EU.

Thirdly, the attention of the EU to human and minority rights related issues has been enhanced since the early 1990s as a result of developments in the CEE states.¹⁰⁸ According to Toggenburg, the EU enlargement process has also brought “a third player onto the scene of international minority policies—the European Union”¹⁰⁹. The EU started to impose the minority rights protection as a precondition of accession, as defined in the Copenhagen criteria.¹¹⁰ The immediate consequence of the Copenhagen declaration was that the candidate states were required to demonstrate that they ensure minority protection in order to accede to the EU. This has led to intense scrutiny by the EU institutions, in particular the Commission, of the situation of vulnerable minorities in the candidate States.¹¹¹

Fourthly, as some of the old member states, namely Austria, Finland, Germany, Greece, and Luxembourg fails to ratify the Framework Convention for the Protection of National Minorities (FCNM), EU minority policy was inconsistent. Moreover, higher standards for new member states than for the old members. “The EU is holding prospective members to a higher standard than they themselves are willing to meet with their own minority groups. As a result of these inconsistencies, formulation of EU minority rights policy “remained vague and open to

107 Cheney Emelyne, Bieber Florian (2006): Advocacy in the European Union Minority Rights Group International page 74

108 HUGES, SASSEY(2003) :“Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs,” Journal on Ethnopolitics and Minority Issues in Europe, Issue 1

109 Gabriel N. Toggenburg MINORITY PROTECTION IN A SUPRANATIONAL CONTEXT:LIMITS AND OPPORTUNITIES

110 Ibid 2003

111 <http://www.eumap.org/topics/minority>

interpretation.”¹¹² Although the accession process brought significant to the national legislation of the member states, this inconsistent nature also has resulted in a weak implementation of the regulations.

To conclude, although the European Union „has not been attributed explicit competences in the field of the protection of minorities, several provisions of the EC and EU treaties let the adoption of certain instruments that can contribute to improving such protection in the EU Member States. Furthermore, to the extent that it has been attributed certain competences in fields not specifically related to the protection of minorities, both the institutions, bodies and agencies of the European Union, and the Member States acting under Union law, must comply with certain values, among which minority rights.¹¹³

In spite of the fact, that the question of minorities are not among the main concerns of the European Union, and may follows a minimalist approach in this relation¹¹⁴, the EU demonstrates a growing concern for the protection of national minorities¹¹⁵, and increasingly makes policies in traditional areas of domestic politics-such as social policies, including minority rights related issues.¹¹⁶ Moreover, the EU had a potential to have a direct impact on minority policies by the normative pressure the EU conditionality brought¹¹⁷.

112 HUGES, SASSEY(2003)

113 DE SCHUTTER Oliver (2006) The Framework Convention on the Protection of National Minorities and the Law of the European Union

114 Poulton, Hugh (2007) page

115 Vermeersch (2006) page 195

116 Simon Hix, Abdul Noury, Gérard Roland (2006) The dimensions of politics in the European Parliament American Journal of Political Science

117 Vermeersch (2006)

3.3.2 The representation of Roma related issues in the European Union

As introduced in the first chapter, the Roma are the most vulnerable minority in Europe. They face extremely bad economic and social situation. At the same time, they are the most young and most rapidly growing population in a Europe that is demographically aging.¹¹⁸ Due to these reasons, the treatment of Roma became an issue in a political agenda during and after the accession of the CEE states posses' significant Roma population. After reviewing the main points of the minority policy of the European Union, this section introduces how the Roma related issues are represented in the European Union.

On the one hand, because the risk of an ethnic conflict caused by the vulnerable situation of the Roma was rather minimal, at the beginning of the accession process the situation of the Roma minority was not the subject of the negotiations. On the other hand, due to the increased media coverage and the serious efforts of international organizations, such as the OSCE, or the CoE, their protection as one of the most vulnerable minority became an important point of the conditionality¹¹⁹, The importance of a document was striking concerning raising the awareness of the EU. In spite of the fact, that the document, named- the Roma- a truly European people, was purely declarative in nature, the European Commission was referred to it more and more during defining the Copenhagen political criteria.¹²⁰ The European Commission stated that the overall situation of national minorities is satisfactory, “except for the situation of the Roma minority in a number of applicant countries, which gives cause for concern.”¹²¹

118 Mitchell A. Orenstein and Umut Ozkaleli (2006)

119 Vermeersch (2006) page 196

120 Ibid page 197

121 European Commission 1997)

The role, which the overall situation of the Roma minority plays, became even more apparent with the Commissions annual reports, which are evaluating the progress of each of the candidate countries in fulfilling the so-called ‘‘Copenhagen criteria’’¹²²: the political and economic criteria and ability to take on the obligations of membership *acquis*.¹²³ Moreover, according to Sasse¹²⁴, the situation of the Roma minority was one of the most dominant among the issues of other minorities. As a result of a significant migration of the Roma minority from Slovakia¹²⁵, the issues concerning Roma became more apparent in the agenda of the European Commission. Although the minority protection, as accession criteria, was rather vague, inconsistent¹²⁶, the improvement of the Roma’s social and economic situation of Roma was defined as a priority in the accession partnership on Slovakia¹²⁷.

3.4. The lessons of the activities of the OSCE, CoE, and the EU

To conclude the lessons of the activities of the OSCE, CoE, and the EU, there are two main approaches in the international politics related to the human rights of the Roma minority: human rights policy vs. human rights politics¹²⁸.

Human rights policy is the approach best described as a ‘‘lens through which we examine a given social, political or cultural or other issue and provide right-based policy using explicitly or implicitly human rights law as a reference.’’¹²⁹ For instance, this approach can be present in various policy areas, such as school desegregation, migration, etc. This method can be

122 <http://www.eumap.org/topics/minority>

123 Vermeersch (2006) page 196

124 HUGHES JAMES, SASSE GWENDOLIN

125 Vermeersch (2006) page 196

126 Mitchell A. Orenstein and Umut Ozkaleli (2006) Vermeersch (2006) Sasse

127 European Commission 2000 ‘‘1999 Accession Partnership-13 October 2000’’

128 SOBOTKA EVA (2007): Human rights and Roma policy formation in the Czech Republic, Slovakia and Poland CEU Press

129 EVA SOBOTKA (2007) page 137

completed with other policies, that are not rights based, but not contradictory with other set of priorities, such as economic efficiency.¹³⁰ In other words, human rights policy is an attitude in decision making, when the actors of policy making taking human rights in consideration, and respect them, therefore the each policies made accords human rights.

The second approach is human rights politics, which is the opposite of the first approach. It is located outside of the human rights paradigm or discourse. According to Sobotka, “the human rights politics can be conducted by states or by non state actors”. This approach highlights the importance of the political functioning of the human rights discourse, and studies the relationship between power and human rights. As Sobotka points out¹³¹, human rights politics exists outside the human rights discourse and may be developed by the states, as well as by non state actors. In human rights politics, emphasis is on the political functioning of human rights. Borrowing Sobotka’s words: “human rights politics is the relation of human rights to power.” A nice example of this approach is when human rights are studied from a security perspective, as security concerns themselves have led to integration of human rights considerations in the internal relations of the EU.¹³² In other words, human rights politics is an approach when human rights paradigm is used as a tool to reach certain goals, or protect the interest of the given actors.

This latter approach was present in the policies developed in the early 1990’s by the OSCE, and the CoE as well. The issues in relation to the Roma minority were dealt with as security concerns, such as crime prevention, or assimilation¹³³. Later these organizations started to develop human rights policies, which inspired the CEE states to adopt policies which address

130 Ibid page 137

131 Ibid page 137

132 Ibid page 140

133 Ibid page 136

socioeconomic inequalities, anti-discrimination, and minority protection, according to the guidelines defined by these international organizations.

To sum up this chapter, at the international level, concerning Roma related issues, the Council of Europe (CoE) and the OSCE are the most active organizations.¹³⁴ These two main international actors, by producing guidelines, conventions, and resolutions pertaining to the Roma minority since 1969, have managed to establish standards for governmental policies and increase the “political visibility of the Roma community”. Due to the fact that EU minority policy at the start of the accession process was less developed than it should have been to impose norms on new member states, the EU used the norms and regulations defined by the OSCE and CoE. The cooperation was manifested in “setting norms for Roma policy, monitoring adherence to Roma policy norms, and developing grant-making programs that advance Roma policy goals”¹³⁵. Although the OSCE and the CoE were the “the centre of gravity” in developing Roma-related policies, their efforts failed to produce significant results in the social and economic situation of Roma.¹³⁶

By the enlargement policy of the European Union, the attention shifted to minority related activities of the EU. Regarding to the minority policy of the EU, it can be concluded that there are certain fields, such as the inconsistencies in the annual report, the asymmetry between the member states needs to be improved. The Roma issue should be more present at the European Commissions agenda. On the other hand, the financial resources of the European Union (see the PHARE programmes) with the OSCE and the CoE assistance, has the potential to have an impact on the social and economic situation of the Roma. Again, the effectiveness of the

134 ZOLTÁN BÁRÁNY (2002) page 281.

135 Mitchell A. Orenstein and Umut Ozkaleli (2006)

136 Project on Ethnic Relations (2005): Romani politics: present and future

international level is depends on the will of the member states to use the instruments provided by these international organizations.

Chapter 4 Case study: Representation of the Roma issue in the European Parliament

Among the main organs of the European Union (the Council, the Commission, the Parliament and the Court of Justice), the European Parliament was the first to deal with the minorities in a separate resolution in 1981. Simultaneously the EP is one of the most active in developing complete political integration¹³⁷, which provides an outstanding activity of the European Parliament, among other EU institutions, in the field of the protection of the minorities. This chapter, after presenting the capabilities of an MEP, introduces the activities of the two MEP in order to show how the Roma minority is represented in the EP.

4.1. The rights of an MEP

The history of the European Parliament, as Corbett points out, can be described as a transition from a “fig leaf to a co-legislature”¹³⁸. The EP has accumulated significant power over time. With the Lisbon Treaty, the powers of the Parliament have gained even more influence in terms of legislation, budget and also political control, which all aim to improve democratization process of the European Union.¹³⁹ The 785-member, directly-elected European Parliament became a key institution of the 27 member states. Currently, it plays a role in the EU’s legislative and budgeting processes and exercises general supervision over other European Union.¹⁴⁰ According to the Treaty of the European Union,

The European Parliament shall, jointly with the Council, exercise legislative and budgetary functions. It shall exercise functions of political control and consultation as laid down in the Treaties.

137 Kende Tamás (szerk.) i.m. 238–252. p

138 Corbett R. Jacobs and Shackelton Michael (2005): The European Parliament London Palgrave Macmillan

139 <http://www.robert-schuman.org/doc/divers/lisbonne/en/10fiches.pdf> accessed in 13. 05. 2008

140 Kristin Archick (2004) : The European Parliament

On the other hand, the European Parliament still faces some challenges concerning democratic legitimacy and operational costs.¹⁴¹ This section lists and analyzes the most essential duties and capabilities of the members of the EP, in order to show, that in spite of its limitations, an MEP possesses several rights to influence the European decision making.

One of the most essential capabilities, an MEP possesses, is the right to initiate legislative proposals by issuing a report in the framework of one of the specialized committees of the EP. As members of specialized committees, they check the legal basis of the reports, and in certain fields, they even have the right to initiate one. The MEPs can table amendments in every report too; therefore, the MEP has the possibility to influence each report.

These reports are essential tools to influence the European policies.¹⁴² According to the decision of the European Parliament, adopting the Statute for Members of the European Parliament, each Member shall be entitled to table proposals for Community acts in the context of Parliament's right of initiative. Although these reports are a product of one of the EP's specialized committees, each report has a so-called *rapporteur*, whose responsibility is to ensure the professional background of the report. There are three types of reports: legislative, non legislative and own initiative. According to the Rules of Procedure of the European Parliament¹⁴³

141 Kristin Archick (2004) : The European Parliament

142 Cheney Emelyne, Bieber Florian (2006)

143 <http://europa.eu/scadplus/leg/en/lvb/o10000.htm> accessed in 27.05.2008

Regarding to the legislative reports¹⁴⁴, the President of Parliament issues the Commission proposals, consultations, requests by the Council or from the Commission for an opinion, and the Council common positions to one of the specialized committee of the European Parliament, which first analyzes the legal basis. The committee commissions a *rapporteur* whose report contains draft amendments, a draft legislative resolution and an appropriate explanatory statement if needed.

In the case of non-legislative and the own-initiative reports or opinions¹⁴⁵, the specialized committees also nominate a *rapporteur*, who plays an essential role in the procedure. The duty of the *rapporteur* is to present a report that contains a motion for a resolution, an explanatory statement including a financial statement, and the texts of any motions for resolutions to be tabled in plenary¹⁴⁶. Own-initiative reports, which are sent to the European Commission, can introduce a proposal for legislation.

To sum up this section, the role of an individual MEP in the legislative process is quite strong, since they can initiate a legislative proposal by issuing reports, and amend the other member's reports.

The European Parliament is “involved in approving the budget, controls its implementation and grants discharge to the Commission in respect of such implementation”¹⁴⁷. Parliament shall monitor the implementation of the current year's budget. It shall entrust this task to the committees responsible for the budget and budgetary control and the other committees concerned.¹⁴⁸

144 *ibid*

145 *ibid*

146 *ibid*

147 <http://europa.eu/scadplus/leg/en/lvb/o10000.htm> accessed in 30.05.2008

148 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+RULES-EP+20080519+RULE-072+DOC+XML+V0//EN&language=EN&navigationBar=YES>

Concerning the budgetary power of the European Parliament, the MEPs also play a role, namely the right to vote on it. The Council of the European Union and the European Parliament form the Union's budgetary authority, which decrees annually on the EU's expenditure and revenue. Concerning 'non-compulsory expenditures' (other expenditure) Parliament decides in close collaboration with the Council. On the other hand, regarding the 'compulsory expenditures', the European Council possesses exclusive power to decide on it.¹⁴⁹ Parliament has refused to accept the budget on two occasions in the past, but this tool has not been used since the EP began defining a multi-annual financial framework jointly with the Council¹⁵⁰.

To sum up this section, although the budgetary power of the European Parliament is shared with the Council, it is one of the most essential powers in the EP's hand. To participate in defining and approving the budget is an important influence. Although the individual role of an MEP is very narrow, it is still an essential one.

The European Parliament possesses not just legislative and budgetary power, but supervisory power. Regarding this supervisory power the European Parliament possesses, the MEPs have the right to address a question to the European Parliament, the European Council, the Council of Ministers and the Commission.¹⁵¹

Since the EP has supervisory power over the Commission; and it can also censure it, the Commission has to reply to questions addressed by MEPs, and defend its proposals before Parliament. Commissioners can also be required to attend the meeting of the EP's

149 <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=5> accessed in 20.05.2008

150 http://www.delvnm.ec.europa.eu/european_union/europeanparliament.pdf accessed in 20.05.2008

151 Ibid

committees'¹⁵². The European Parliament debates the annual reports on the activities of the Communities submitted to it by the Commission, and therefore, the MEPs possess the right to contribute to these annual reports.

The EP also examines large numbers of other Commission reports on the implementation of policies, legislation and the budget. This supervisory power is manifested in the citizen's right to petition, in the inquiries, Parliament's right of recourse before the Court of Justice of the European Communities, and the financial control of the EP.¹⁵³

An MEP can deliver a one minute speech to draw attention to a particular problem. MEPs also have the right to table a motion for resolution according to the debate held in the EP on the cases of serious breach of human rights, democracy and rule of law.¹⁵⁴ The members of the European Parliament also have the right to organize public hearings in order to discuss certain issues.

To conclude this section, the members of the European Parliament possess essential tools to influence the decision making of the EU, such as the right to initiate. On the other hand, their rights can be construed in the activities of the certain specialized committees in which the member participate. Since the EP itself has just limited, but developing rights, the members of the EP possess limited capabilities to have direct impact on certain issues.

152 http://www.delvnm.ec.europa.eu/european_union/europeanparliament.pdf accessed in 20.05.

153 <http://www.europarl.europa.eu/parliament/public/staticDisplay.do?id=46&pageRank=8&language=EN>

154 Cheney Emelyne, Bieber Florian (2006)

Table 1 Rights of the members of the European Parliament

- Right to issue reports in the framework of the specialized committees of the European Parliament
- Right to amend reports issued by other MEPS
- Right to vote on the budget
- Right to address questions to the European Parliament, the European Council, the Council of Ministers and the Commission
- Right to contribute to the annual reports
- Right to deliver one minute speeches
- Right to table a motion for resolution
- Right to organize public hearings

4.2 The case study

The European Parliament is one of the largest parliaments in the world, with its 785 members representing 500 million European citizens from 27 countries.¹⁵⁵ Two of them are Roma women, elected in 2004 to represent the Roma minority in the European Parliament. This case study introduces their main activities in order to show analyze the impacts on the social and economic situation of Roma.

One of the Roma MEPs is Lívía Járóka, member of the Group of the European People's Party (Christian Democrats) and European Democrats party, delegated by the Young Democrats-Hungarian Civic Party (FIDESZ).¹⁵⁶ She is the member of the Committee on Civil Liberties, Justice and Home Affairs and the Committee on Women's Rights and Gender Equality.

¹⁵⁵ http://www.europarl.ie/abouteu_str.html accessed in 17.05.2008

¹⁵⁶ <http://www.europarl.europa.eu/members/public/yourMep/view.do?name=j%C3%A1r%C3%B3ka&partNumber=1&language=EN&id=28141> accessed in 28.11.2006

The other Roma Member of the European Parliament is Viktória Mohácsi, who works as the member of the Group of the Alliance of Liberals and Democrats for Europe Party. As a member of the Committee on Legal Affairs and as a substitute member of the Committee on Budgets she especially focuses on the educational segregation among the Roma students.¹⁵⁷

Regarding to legislation, the main achievements of the two MEP is the two resolution of the European Parliament on Roma. The resolution on the situation of the Roma in the European Union adopted in 2005¹⁵⁸, and the resolution on the situation of Roma women in the European Union adopted in 2006 are important initiations, since they draw the attention to the situation of Roma, and drive the European Commission to take further actions. Based on this two resolutions, besides other documents as well, the European Commission will published a common Framework Strategy in 02.07.2008 to define a clear target and a clear legal base of further steps in establishing Roma related policies.¹⁵⁹ According to Járóka, her main mission as an MEP is to provide professional expertise in developing a common European Roma Strategy, which would change the ad hoc and quite paternalist “project policy” of the EU. This Framework Strategy is expected to be essential step in establishing this common strategy, since it will define further legislative actions.

Previous to the second resolution, Járóka, has taken the issue of the situation of the Roma women in front of the Plenary of, she issued a report on the situation of Roma women in the European Union in 2006.¹⁶⁰ This report was the own initiation of Járóka, in the Framework of the as the member of the Committee on Women’s Rights and Gender Equality. It was one

157 <http://www.europarl.europa.eu/members/public/yourMep/view.do?name=Moh%C3%A1csi&partNumber=1&language=EN&id=30099> accessed in 07.12..2006

158 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//TEXT+TA+P6-TA-20050151+0+DOC+XML+V0//EN> accessed in 03.05.2007

159 Phone interview with Livia Járóka 03.06.2008

160 <http://www.europarl.europa.eu/sides/getDoc.do?pubRef=-//EP//NONSGML+REPORT+A6-2006-0148+0+DOC+PDF+V0//EN&language=EN>

of the first and most essential steps in mainstreaming the issue of Roma and drawing the attention of the Commission to the gender aspect of the Roma issue.

The two MEPs have amended several reports as well. This right is an important tool of the two Roma MEPs to mainstreaming the Roma related issues. For example, the aspect of the Roma children has been integrated to the report "Towards an EU Strategy on the Rights of the Child"¹⁶¹ according to the amendments of Járóka, or the segregation of Roma students have been integrated to education related reports according to Mohácsi's amendment.

They made several one minute speeches at the plenary of the European Parliament, in which they draw the attention to the issues concerning Roma. Recently, the unfortunate events in Italy are on the agenda. Mohácsi traveled to Italy to meet the competent authorities and the Romanian Roma, and made a speech in Strasbourg, in which she calls the Italian government to protect Roma from the racist attacks.¹⁶² Although these actions are rather symbolic, they are essential for several reasons. First, since the Roma community is represented in the EP, it can articulate its interest. Moreover, the MEPs generate intense attention on Italy, by which can pressure the government to take further actions to solve the situation which is a potential source of ethnic conflict, and poisons the relationship between Romania and Italy.

Concerning the right to organize a public hearing, in 2005 Járóka has organized one on the situation of Roma women, to which several distinguished Roma activists were invited to

¹⁶¹ <http://www.europarl.europa.eu/sidesSearch/search.do?type=REPORT&language=HU&term=6&author=1941> accessed in 03.06.2008

¹⁶² <http://nol.hu/cikk/492444/>

discuss the issue¹⁶³ This right nicely illustrates an essential role of an MEP, namely to empower the civil organizations and activists with information, and provide opportunity to lobby. In relation to this role, both of the MEPs have established internship programmes in their offices aiming to support Roma youngsters to expand their knowledge and experience of the political processes, of institutional structures and of available resources within the EU¹⁶⁴

The question of influencing the budget is the most challenging issue concerning the role of the two MEP. They have the right to vote on it, but they have failed to pressure the Commission to allocate financial resources. Regarding to the budget, as Vladimir Spidla, the Commissioner for Employment Social Affairs and Equal Opportunities, points it out, to establish separate funds for a certain group of people is quite problematic. To improve the economic conditions of Roma, the European Social Fund can provide support. The communication of the Commission about the budget, come out on July 2008, may provide guidance on this issue, but there are still many uncertainties concerning the financial resources.

To conclude this chapter, there are several rights the two Roma MEPs used effectively to improve the social situation of Roma. The two resolutions of the European Parliament have not only called the attention of the EU institutions but provided guidance and essential information to the member states of the EU. The main role of the two MEPs is to draw the attention to issues concerning Roma, provide information to the public and civic institutions.

On the other hand, without financial tool in their hand their role is rather symbolic.

163 <http://www.ceeol.com/aspx/getdocument.aspx?logid=5&id=4c63baf4-2697-419a-8406-9a51e60046f8>
accessed in 04.06.2008

164 <http://www.tur.vlada.gov.sk/data/files/3032.doc> accessed in 04.06.2008

Conclusion

According to the recommendation of the Council of Europe¹⁶⁵, one of the main preconditions for the improvement of the situation of Roma is

To involve representatives of Roma at all stages of the decision-making process in developing, implementing and evaluating programmes aimed at improving the conditions of Romani individuals and communities.” Moreover, “this involvement should not be limited to consultation only, but should take the shape of a real partnership.

This thesis examined how the Roma minority is represented within the framework of the international organizations.. The research was puzzled by the question: What can the successes and failures of the international organization representing the Roma minority tell us about the effectiveness of minority representation as a mechanism for improving social and economic inequalities?” To find the answer to this question, the argument was developed as follows.

As the first chapter shows, the social and economic situation of Roma is one of the most pressuring issues in the member states of the EU needs urgent resolution at domestic and the international level. The educational segregation of Roma pupils and the high unemployment rate among Roma have a serious impact on the personal life of the Roma individuals. Moreover, this situation influences the employment market and social welfare system of the member states, and therefore, it has an impact on the economic prosperity of the European Union too. One tool to improve this situation is to involve Roma in all the level of the decision making. As the international organizations have gained more and more influence on

165 EVA SOBOTKA (2002): Political Representation of the Roma: Roma in Politics in the Czech Republic, Slovakia and Poland

the national decision-making, it seems reasonable to have Roma representative on these international organizations.

The second chapter argued that in spite of their weaknesses, international organizations possess the potential to improve the social and economic situation of Roma by pressuring the government to implement their policy recommendations. The funding provided by these organizations can be an essential tool to establish practical programmes addressing Roma minority.

On the other hand, the literature on the role of these institutions is quite critical. Several researchers points out the difficulties concerning the implementation of the recommendations of international organizations and the inconsistencies of reporting and monitoring. However, many of these difficulties can be solved just at the national level, and therefore the member states have special role in increase the positive impact of IGO's.

The third chapter introduced the activities of the main international organizations concerning the Organization for Security and Co-operation in Europe, the Council of Europe, and the European Union. This section introduced the main achievements, but also the main limitations of these organizations and argued, that in spite of the difficulties concerning the representation of Roma, these international organizations have defined essential standards concerning minority protection, and even if these standards rather moral than legal these IGO's pressurize the government to implement them. Among the introduced the organs, the EU seems to be the weakest, on the other hand, the improvement the EU made in dealing with minority related issues is unexampled. This progress shows that the EU can be one of the most essential actors in protecting the rights of national minorities living in its member states.

In the fourth chapter, the activities of the European Parliament were presented in order to show that in light of the evolution of its influence, the EP can be a key institution in the representation of national minorities. Among the institutions of the European Union, the European Parliament seems to be the most interested and the most active in the representation of Roma. One example of this involvement of the EP in Roma related issues is the election of the two Roma MEPs, Lívía Járóka and Viktória Mohácsi in 2004. The case study shows, that the two Roma representatives possess essential tools to have impact on the social and economic situation of the Roma community, and they have used almost all of these tools. Obviously they have not had the possibility to use the new powers gained in December 2007 with the Lisbon Treaty. As too short time has passed since their election, and to show any direct impact is extremely difficult, this thesis argues that these deputies have the potential to improve the current situation of Roma. On the other hand, without strong influence on the budget, their role is rather symbolic.

This thesis argued that the representation of national minority, including the Roma, is an essential tool to improve the social and economic conditions of minorities. By defining standards, recommendations concerning minorities to the national governments are essential guideline, and pressure on the member states. Moreover, the funding provided by the EU is an essential tool to develop practical programmes addressing the Roma, and therefore may have an impact on the social and economic situation of Roma.

On the other hand, the influence of these international organizations should not distract from the attitude of the sovereign member states. Despite the growing influence of the EU in the national decision makings, the solution of the current situation is still in the hand of the

member states. However, with a strengthened reporting and monitoring system, the impact of the IGO's can be improved.

The answer of the main research question is, that the political representation of Roma as a mechanism at the international level is an essential tool, but in itself not enough strong to improve the social and economic situation of Roma. The successes of the MEPs tell us, that the issues concerning Roma became an essential point of the agenda. The two resolutions of the European parliament

The diffusion and power of international norms has been an attractive research field, which is the main reason of the growing literature, therefore the literature on the topic is quite rich and substantial ¹⁶⁶ On the other hand, an interesting topic for further analysis is to study the way how can be the monitoring and reporting of the EU can be more consistent, and define or design tools to make the nation state implement their recommendations, thereby improving the effectiveness of the national legislations.

166 PETER VERMEERSCH (2001): Advocacy Networks and Romani Politics in Central and Eastern Europe
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