

Roma as a European minority in the context of the Framework convention for the protection of national minorities.

Thank you for inviting me to this meeting and providing me with the opportunity to examine with you to what extent the Framework Convention can be exploited by the Roma to improve their situation in society.

The European Framework Convention is the first legally binding multilateral instrument focused exclusively on the protection of the rights of minorities in member states. The Convention does not contain detailed rights but sets down principles that have to be applied to ensure the respect of minority rights.

Odd as it might seem the Framework Convention, contrary to other Council of Europe monitoring bodies, is little known within the Roma communities and little used by them to enforce the respect of their rights.

This is probably due to a number of reasons related to the nature of the Convention, the perception the Roma have of their rights as a minority and the priority they attribute to their social needs.

In the first place the Framework Convention is perceived as a loose set of principles allowing wide flexibility to member states to translate them into domestic legislation and policies best suited to their specific situation and lacking a complaints procedure. It does not have the appeal of the European Human rights Convention and of the European Social Charter.

Secondly, the Roma do not necessarily see themselves as a minority in the same way as the Hungarians in Romania or the Albanians in Italy. Apart from constituting a minority in most member states, they constitute, more than any other national minority, a veritable European minority. While national minorities have a country of origin apart from a country of residence the Roma have no country of origin to which they can refer. They are - as we Roma like to say - Europeans par excellence, transcending territorial limits without nationalistic pretensions or prejudices.

It is interesting to note that the reports of the Advisory Committee do not list their comments and recommendations together with the other minorities but in a separate section. The comments are moreover concerned with social issues.

Some might even argue – rightly or wrongly – that the recognition of an ethnic minority can be restrictive of rights. A minority can define in a way as to diminish or change the status of the group.

Thirdly, a high percentage of the 10 to 15 million Roma in Europe lives in very poor conditions, socially marginalized and discriminated against in practically all walks of life. Their main concern is survival. Minority rights are seen as the butter on the bread – and they have no bread.

In this context the Roma fail to perceive the Framework Convention other than as an instrument defending cultural and linguistic differences. When you are hungry and have no decent lodging such issues lose their importance and their relevance. Unfortunately, due to the poor social conditions of the Roma, their cultural and linguistic heritage is rarely evoked in national and international fora or even by Roma and non-Roma NGOs working on Roma issues.

Should this perception of the Framework Convention be changed? I strongly believe so.

The general wording of the provisions of the Convention is not necessarily to the disadvantage of minorities. A minority group can use the flexibility of the provisions to its own benefit. Moreover, the Contracting Parties are obliged to interpret the provisions in the spirit of the Convention. In addition Article 22 links the Convention to other international instruments and prohibits states from using the Convention to lower existing standards. The Convention should be read with other international instruments to ensure a maximum standard of protection.

NGOs, particularly Roma NGOs can use the political space created by the Convention to stimulate discussion on minority issues and justify demands for reforms in line with the governments' obligations under the Convention.

It is worth noting that Articles 4 and 6 of the Convention refer respectively to equality before the law and protection against discrimination - issues of paramount importance to the Roma communities.

Nor should we ignore the fact that the conclusions and recommendations of the Committee of Ministers and the opinions of the Advisory Committee have a significant publicity value and a moral force.

This leads me to make a few proposals for improving the poor perception, which the Roma have of the Framework Convention.

I would first of all like to propose that the ERTF organize jointly with the Secretariat of the Framework Convention a seminar for international Roma and non-Roma organisations to explain the political value of the Convention and the best way that it can be used to the advantage of the Roma. There is a need for the Roma and for the organisations that fight for their rights to move away from an exclusively social dimension and extend their interest to identity issues as reflected in language and cultural heritage.

The ERTF should undertake to make the Roma national organisations aware of the Convention and explain to them ways and means of exploiting it. Roma national organisations should be convinced that the application of the Framework Convention in its totality, including the cultural and human rights issue, can have, through empowerment, a beneficial effect on the social conditions of the Roma.

And finally, could I plead with the Advisory Committee to list the information on the Roma in the same section as the other national minorities and to refer more to the cultural and human rights issues concerning them.

Thank you for your attention.