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Human rights situations that require the Council's attention

Joint written statement* submitted by World Roma Federation Inc., International Assembly of Roma, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[29 January 2023]

* Issued as received, in the language of submission only.



Human Rights Of The Roma People

There are many issues with regards to the Roma & Human Rights that need to be brought directly to your attention, in order for you to have a better understanding of the gap between politics, representation (and misrepresentation) and Roma throughout the world.

The people of the Roma community continue to suffer human rights violations, many of them relating to their social situation and cultural identity. Low education levels and poor living conditions are thought by human rights groups to be factors which increase the risk of human rights violations experienced by the Roma community. The Roma community faces discrimination in many parts of Europe, and this is thought to be one of the main factors contributing to their social exclusion.

There is also a lack of understanding by many people in Europe of Roma culture, which has led to prejudice against them. The Roma people have their own language and culture, but they are often treated as second-class citizens who do not have the same rights as other Europeans. There are many barriers to integration of the Roma people into mainstream European society, including language, culture and poverty. The European Union has tried to improve the situation by providing funding for projects aimed at improving living conditions in Roma communities. However, politicians have been accused of using this as an excuse to avoid taking responsibility for their own failings in tackling discrimination against the Roma community.

According to a letter we received from the European Commission:

"It remains nonetheless the competence of national authorities to investigate, prosecute and try individual cases of alleged hate motivated crime. The Commission has stepped up its work with national law enforcement and judicial authorities, including by providing guidance through a dedicated expert group and by supporting national authorities' efforts through targeted funding. The Commission is also looking into ways to better address the issue of online hate speech, an increasingly worrying phenomenon.

Therefore, it is up for Member States to ensure the respect and protection of fundamental rights according to their national legislation and international human rights obligations."

As you can see, the Commission is not doing enough. It is up to the Member States to ensure that fundamental rights are respected and protected within their own borders. The European Union has no power over individual countries' internal affairs and how they handle human rights violations. The Commission does not have the power to enforce its recommendations, so it is up to the Member States to take action. If they don't, then there are no consequences for failing to comply with European Union regulations. This is why it is important for the United Nations to step in and take action. to enforce its own human rights standards. The Commission can't do it all on its own, as we can see with Hungary. This is why the European Union needs to step up and take action against Member States that violate human rights. The European Union cannot be considered a human rights defender if it does nothing when one of its Member States violates human rights.

The representation of Roma in public life would be considerably improved were Roma visibly represented among the ranks of the UN or its Specialized Agency, civil service, including as teachers and in the police, at local, regional and national level. At present, however, inclusion in public employment remains scant, and for the most part of low visibility.

The continued phenomenon of racial discrimination requires immediate attention. Adopting and implementing comprehensive antidiscrimination legislation is a necessary step. Member states who are part of the EU, that have not yet done so should also adopt Protocol No. 12 of the European Convention on Human Rights, providing for a general prohibition of discrimination. National structures promoting equality as well as low-threshold complaints bodies have an important role to play in offering effective and accessible remedies for Roma victims of discrimination. In addition to removing obstacles in the way of fulfillment of rights, member states should take proactive measures so that Roma are given a real chance to overcome a long history of exclusion.

The problem of statelessness and lack of personal documentation for thousands of Roma in Europe must be addressed with resolve, as these persons are often denied basic rights such as education, health care, social assistance and the right to vote. Strategies aimed at the inclusion of Roma should be implemented with the participation of the communities themselves in the development, Implementation and Evaluation Of These Policies.

There will not be any improvement in these areas without the participation of Roma in decision-making processes. Especially with regard to any UN related initiatives or mechanisms. The World Roma Federation is convinced that this is indeed the only way forward: the United Nations and the Human Rights Council must redouble their efforts to engage all segments of the public to secure genuine Roma inclusion. Otherwise, Europe is at risk of further ethnic polarization with frustration sparking violence from all sides.

Efforts to secure the fundamental human rights of Roma in practice can and must be the Human Rights Council's present and future. The World Roma Federation calls on the UN to intensify and deepen their efforts to ensure that Roma finally enjoy equal dignity in societies free of discrimination.

The ability of a group to determine its own future is understood, furthermore, to be predicated upon full participation in society, which includes inter alia the right to participate in public fora, the right to equality in access to goods and services and the right to freely practice one's own culture, language and to decide upon the education of one's children.

It is clear that Romani groups within state boundaries are not entitled to self-determination, but only recognition as individual Roma as citizens of a country. Self-determination in its current form, whether external or internal, is incapable of providing the recognition sought. Conceiving self-determination as the achievement of recognition through the right to participation in an agonistic process removes the need for distinctions between peoples, nations and ethnic groups; rather all those who claim recognition will be deserving of the right to negotiate their status and rights with those around them. In practice, self-determination thus considered could grant all groups the right to the political institutions necessary to govern their own affairs, but it is the place At The Table and Not The Institutions Themselves That Constitute Self-Determination.

In regard to the Roma Minority specifically and the question asked by the council, "What specific initiatives should be in place to strengthen and better recognise and protect minority rights"? our answer would be to ask the General Assembly for the recognition of a Roma Intergovernmental Organization, which would allow the Roma Minority to have their own self-rule institution in order for them to be able to fully participate in society. Thus, such a measure would allow forequality before the law and equal protection of law and provide Roma with a full social participation. The Roma are not recognized as a nation because they have no political independence from the host country and state. They reside in one state or territory and do not have autonomous institutions or self-government.

We propose the Roma Human Rights Council. It is a body of an International Organization that works on behalf of Roma and has a mandate from them since 2017. It was created because we have too many NGOs who all have different goals, strategies and strengths but for decades have been fighting for the same thing: a society that is more inclusive for Roma. The difference between an international organization and non-governmental organizations is that the former can have a higher level of political and social power. There are so many NGOs for Roma that it makes it harder for the Roma people to affect change because they are spread out, cut off from each other and competing for funding.

The Council also seeks to become an influential actor in the democratic process. It has developed many new initiatives and aims for setting a successful example of how civil society can start from understanding and advocating for rights. The Universal Roma Human Rights Council advocates for the protection of the fundamental human rights of the Roma on an international level. The Council also mandates accredited representatives from across the world to report human rights violations and hate crimes against Roma. It advocates for strengthening legal institutions and creating effective partnerships and mechanisms, such as specialized police units, to investigate and prosecute racist violence.

The Roma Human Rights Council will be active in international arenas, through cooperation with international organizations and governments who enter into host agreements. We hope you take this input into consideration. We are at your disposal for any further discussion or dialogue regarding the Roma situation on a global scale.
