Parliamentary Assembly
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COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Recommendation 1203 (1993)[1]

Gypsies in Europe

Parliamentary Assembly

General observations :

1. One of the aims of the Council of Europe is to promote the emergence of a genuine European cultural identity. Europe harbours many different cultures, all of them, including the many minority cultures, enriching and contributing to the cultural diversity of Europe.

2. A special place among the minorities is reserved for Gypsies. Living scattered all over Europe, not having a country to call their own, they are a true European minority, but one that does not fit into the definitions of national or linguistic minorities.

3. As a non-territorial minority, Gypsies greatly contribute to the cultural diversity of Europe. In different parts of Europe they contribute in different ways, be it by language and music or by their trades and crafts.

4. With central and east European countries now member states, the number of Gypsies living in the area of the Council of Europe has increased drastically.

5. Intolerance of Gypsies by others has existed throughout the ages. Outbursts of racial or social hatred, however, occur more and more regularly, and the strained relations between communities have contributed to the deplorable situation in which the majority of Gypsies lives today.

6. Respect for the rights of Gypsies, individual, fundamental and human rights and their rights as a minority is essential to improve their situation.

7. Guarantees for equal rights, equal chances, equal treatment, and measures to improve their situation will make a revival of Gypsy language and culture possible, thus enriching the European cultural diversity.

8. The guarantee of the enjoyment of the rights and freedoms set forth in Article 14 of the European Convention on Human Rights is important for Gypsies as it enables them to maintain their individual rights.

9. Specific legislation to protect minorities has been adopted by the member states of the Council of Europe. The Council of Europe has adopted several resolutions and recommendations concerning minorities. Reference should be made in particular to Assembly Recommendation 1134 (1990) on the rights of minorities. These texts are important to Gypsies, but as one of the very few non-territorial minorities in Europe Gypsies need special protection.

10. In the past the Council of Europe has also adopted several resolutions and recommendations specifically concerning Gypsies : Assembly Recommendation 563 (1969) on the situation of Gypsies and other travellers in Europe ; Committee of Ministers Resolution (75) 13 containing recommendations on the social situation of nomads in Europe and Recommendation No. R (83) 1 on stateless nomads and nomads of undetermined nationality ; Standing Conference of Local and Regional Authorities of Europe Resolution 125 (1981) on the role and responsibility of local and regional authorities in regard to the cultural and social problems of populations of nomadic origin. The implementation of these resolutions and recommendations, and particularly in the new member states, is extremely important for the position of Gypsies.

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1. Assembly debate on 2 February 1993 (24th Sitting) (see Doc. 6733, report of the Committee on Culture and Education, Rapporteur : Mrs Verspaget). Text adopted by the Assembly on 2 February1993(24t Sitting).

11. The Assembly therefore recommends that the Committee of Ministers initiate, where appropriate by proposals to governments or the relevant local and regional authorities of member states, the following measures :

In the field of culture :

1. *the teaching and study of Gypsy music at several schools of music in Europe should be stimulated and the development of a network of such music schools encouraged ;*
2. *a European programme for the study of Romanes and a translation bureau specialising in the language should be established ;*
3. *the provisions for non-territorial languages as set out in the European Charter for Regional or Minority Languages should be applied to Gypsy minorities ;*
4. *the foundation of centres and museums of Gypsy culture should be stimulated, and support given to regular Gypsy festivals ;*
5. *a travelling exhibition should be organised in the series of European art exhibitions on the reciprocal effects of contacts with Gypsy culture ;*

In the field of education :

1. *the existing European programmes for training teachers of Gypsies should be extended ;*
2. *special attention should be paid to the education of women in general and mothers together with their younger children ;*
3. *talented young Gypsies should be encouraged to study and to act as intermediaries for Gypsies ;*

In the field of information :

1. *information should be provided for Gypsies on their fundamental rights and how they can be secured ;*
2. *a European information centre should be established on the situation and culture of Gypsies, one of its tasks being to inform the media about Gypsies ;*

In the field of equal rights :

1. *member states, which have not yet ratified the International Covenant on Civil and Political Rights (New York, 1966) or the International Convention on the Elimination of all Forms of Racial Discrimination (New York, 1966), should be urged to do so ;*
2. *discrimination against Gypsies in the European Convention on Human Rights should be removed by an appropriate declaration to the effect that the term ‘‘vagrants" in Article 5.1.e does not necessarily apply to people with a nomadic lifestyle ;*
3. *the provisions of any additional protocol or convention relating to minorities should apply to non-territorial minorities ;*
4. *member states, which have not yet done so, should ratify the 4th Protocol to the European Convention on Human Rights, which guarantees the liberty of movement and is as such essential for travellers ;*
5. *member states should alter national legislation and regulations that discriminate directly or indirectly against Gypsies ;*
6. *it should be acknowledged that the fact of being the victim of a pogrom or having a reasonable fear of becoming a victim of a pogrom, against which the authorities refuse or prove unable to offer effective protection can, in individual cases, constitute a well- founded fear of persecution for being a member of a particular social group, as indicated in the 1951 United Nations Convention relating to the Status of Refugees ;*
7. *Everyday life :*
    1. *member states should ensure that Gypsies are consulted in the drawing up and application of regulations regarding them ;*

2. *further programmes should be set up in the member states to improve the housing situation, education and labour possibilities of those Gypsies who are living in less favourable circumstances ; the Gypsies should participate in the preparation of these programmes and in their implementation ;*

8. *General measures :*

   a. *independent research should be initiated into the national legislation and regulations concerning Gypsies, and their application in practice, and regular reports on this research presented to the Assembly ;*

   b. *co-operation should be pursued with the European Community on subjects relating to Gypsies, such as education, combating poverty, safeguarding the European cultural heritage, recognition of minorities and promotion of equal rights ;*

   c. *the Council of Europe should grant consultative status to representative international Gypsy organisations ;*

   d. *a mediator for Gypsies should be appointed by the Council of Europe, after consultation with representative organisations of Gypsies, with the following tasks at least :*

   a. *to review the progress made in the implementation of measures taken or recommended by the Council of Europe concerning Gypsies ;*

   b. *to maintain regular contact with representatives of Gypsies ;*

   c. *to advise governments of member states in matters concerning Gypsies ;*

   d. *to advise the different bodies of the Council of Europe in matters concerning Gypsies ;*

   e. *to investigate government policy and the human rights situation related to Gypsies in member states ;*

   f. *to investigate the position of stateless Gypsies or Gypsies with undetermined nationality ; and with the authority :*

   g. *to receive replies to questions addressed to governments or government representatives of member states ;*

   h. *to enjoy full access to relevant government archives and other material ;*

   i. *to question citizens of member states of the Council of Europe ;*

9. *member states should report to the Secretary General of the Council of Europe in two years time on the progress made in improving the situation of Gypsies and implementing Council of Europe recommendations.*