

Participation with equal rights for Sinti and Roma in Germany

Position paper on the general framework of the European Union for improving the situation of Roma in Europe

Background

In principle, the Central Council of German Sinti and Roma welcomes the framework for national strategies to improve the situation of Roma in Europe prescribed by the European Union¹. The European Commission and the European Parliament found that the responsibility for the respective national minorities of the Sinti and Roma in Europe lies with the Member States and, in particular that the implementation of every programme has to orientate itself towards the local conditions.

At the same time the Central Council of German Sinti and Roma sees a tendency in the discussions and documents of the policy at the European and national levels to define the existing marginalisation of the Roma population - large sections of it in individual Member States - as a characteristic which is valid for the overall minority.² The perception of the minority is thereby reduced to existing stereotypes. With their focusing on social and economic problems, the reports of the European Commission can therefore reproduce the image of the Roma minorities as an ostensibly "European marginal social group". The openly or subliminally transported stereotypes, which refer to a supposedly 'special way of life and culture' of Sinti and Roma and which are in turn the cause of their inadequate integration, are also stigmatising.³ The same mechanism through which the cause of existing discrimination is attributed to the entire minority as a result of a constructed 'foreign culture' is at work here. The tendency to describe the national minorities of the Sinti and Roma in Europe as both marginalised and as a foreign culture has a mutually reinforcing marginalising effect and is therefore contrary to the objective target of the European Union of guaranteeing and improving the equal participation of Sinti and Roma. Each programme must take account of this correlation and may not lead to a new form of marginalization and segregation.

The Central Council therefore does not think that a standard resolution in reiteration of the EU paper with a title such as "Strategy for improving the integration of Sinti and Roma" in Germany is appropriate. It is not productive on account of (a) the entirely different situation of the German Sinti and Roma as a long-established national minority and (b) the situation of the Roma who have come to Germany in considerable numbers in the last few decades as refugees from civil wars or crises or as immigrants from EU member states.

¹ See http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_de.pdf, last accessed: 13.10.2011.

² The Commission has actually identified four main categories of Roma:

"(i) Those living in disadvantaged highly concentrated (sub)-urban districts,

(ii) Those living in disadvantaged parts of small cities/villages in rural regions and in segregated rural settlements isolated from the majority,

(iii) Mobile Roma communities with citizenship of the country or another EU country and

(iv) Finally the mobile and sedentary Roma who are third-country nationals, refugees, stateless persons or asylum seekers."

Measures to promote the situation of Roma EU citizens in the European Union, 2011, p. 22,

<http://www2.lse.ac.uk/businessAndConsultancy/LSEConsulting/pdf/Roma.pdf>, last accessed: 17.07.2011.

³ "The history of the Roma has created a mixture of traditions, beliefs and social values, resulting in differences in culture and life styles between different Roma groups. This has led to diverse degrees of integration ...", *ibid* p. 7.

Differentiated political guidelines and measures are therefore required

- with regard to the German Sinti and Roma with German citizenship for effective implementation of the "Framework Convention for the Protection of National Minorities" with specific measures for recognition, participation and promotion
- with regard to the refugees and immigrants with appropriate regulation of the questions of status/residence rights, naturalization laws, support in the field of education and training, job opportunities, protective social measures especially in respect of health and housing.

Specific demands for implementation of the "Framework Convention for the Protection of National Minorities" with respect to the German Sinti and Roma:

A Measures for Holocaust survivors

- 1 Completion of the memorial to the Sinti and Roma murdered in Nazi-occupied Europe in Berlin.
- 2 Improvement of the procedure for granting of widow's pensions to Holocaust survivors. The present practice of rejection and strategy of exaggerated assessment and legal procedures does not consider the situation of the few remaining survivors and their partners.
- 3 Specific promotion of contact with Holocaust survivors; information events, trips and excursions for Holocaust survivors and relatives to historical memorial places in and outside Germany.
- 4 Recognition of the ghettos for Sinti and Roma in the territory of the former German Reich as ghettos as provided in the Law regarding the conditions for making pensions payable on the basis of employment in a ghetto (ZRBG) by the Federal Office for Central Services and Unresolved Property Issues.
- 5 Protection and preservation of the graves of persons persecuted by the National Socialists. The grave sites of Sinti and Roma persecuted by the National Socialists threatened by removal after the expiry of grave rights must be preserved as family memorial sites. The Central Council proposes an initiative for a regulation on a national basis, so that the grave sites of Sinti and Roma persecuted under National Socialism are permanently preserved and protected. These grave sites should be taken into public care as graves of honour or "in the public interest" as heritage-protected graves after expiry of the occupancy period. Affected graves have been given protected status or should be recognized as graves of honour in individual Federal states. During their administrative activities, the responsible local authority bodies should take account of the fact that family members of those concerned were killed in the concentration camps and the survivors were therefore faced with particular difficulties and hardship after 1945 which have a continuing effect, and that the identity of the following generations of the German Sinti and Roma was permanently affected by the Holocaust. In this respect, the "Law concerning the Council of Europe's Framework Convention for the Protection of National Minorities" (Bundestag document 13/6912) passed by the German Bundestag on 22nd

July 1997 with the preamble and Article 5 of the Framework Convention represent the legal basis for the respective decisions.

B Participation of the minority in politics and society

- 6 Participation of representatives of the Sinti and Roma in broadcasting councils and State Media Authorities, which has so far only been implemented in Rhineland-Palatinate in respect of the State Media Authority for Private Media (LMK). The prospect of a respective initiative has been raised by the Federal Government and the CDU/CSU Bundestag faction but only for the Deutsche Welle broadcaster and no date has been set. Constitutional legal opinions have demanded this participation for some time.
- 7 Participation of representatives of the Sinti and Roma in political bodies (in the various subject areas, textbook commissions, etc.) and parties (in line with the so-called Lund Recommendations of the Council of Europe and the OSCE).
- 8 Participation of representatives of the Sinti and Roma in judicial bodies (appointment as lay assessors and honorary judges).

C Anti-discrimination policy

- 9 Extension of Article 5 on the protection of minorities of the state constitution of the Federal State of Schleswig-Holstein with the entitlement to protection and promotion also for the Schleswig-Holstein Sinti and Roma. According to the unanimous expert opinions heard by the state parliament in 2010, there is no doubt that the current constitutional situation, which only provides for the entitlement to protection and promotion for the Danish and Frisian minority, contains a legal discrimination which is incompatible with the Federal Constitution and the international principles of law. The marginalization of the Sinti and Roma minority, who have lived in Schleswig-Holstein from time immemorial, contravenes both the principle of equality and the prohibition of arbitrary action pursuant to Article of the 3 Basic Law.
- 10 Support for the study of the Central Council of German Sinti and Roma in conjunction with the Centre for Research on Anti-semitism in Berlin "Attitudes of the majority population towards Sinti and Roma", which has been applied for since 2009 and is to be updated annually. The findings of EMNID⁴, Allensbach⁵ and Infratest⁶, which show that up to 63 % of the majority population were against having Sinti and Roma as neighbours, will be examined in more detail by this means. In respect of the Jews, forms of anti-Semitism are a major concern in the assessment of their situation (e.g. EVZ support of the High Level Meeting of OSCE / ODIHR on the subject of "Confronting Anti-Semitism in Public Discourse" in Prague). The aim of the meeting was to point out occurrences of anti-Semitism in public debates, media and political life, which is also necessary to the same extent in respect of the Sinti and Roma.

⁴ The American Jewish Committee: Einstellungen gegenüber Juden und anderen Minderheiten [Attitudes towards Jews and other minorities], New York (1994), GESIS Datenarchiv, Cologne. ZA2418 Data file Version 1.0.0, doi:10.4232/1.2418, p. 5, Survey by: Emnid, Bielefeld.

⁵ Noelle-Neumann, Elisabeth/Köcher, Renate (eds): Allensbacher Jahrbuch der Demoskopie [Allensbach Year Book of Survey Research] 1993-1997, Volume 10, 1997, p. 204.

⁶ The American Jewish Committee: Die Einstellung der Deutschen zu Juden, dem Holocaust und den USA [The attitude of Germans towards Jews, the Holocaust and the USA], Berlin (2002), p. 2, Survey by: Infratest, Berlin.

- 11 The appointment of a panel of experts consisting of academics and practitioners to prepare a report on antiziganism in Germany at regular intervals and submit recommendations as to how programmes for combatting antiziganism can be developed and implemented.
- 12 Continuation of anti-discrimination programmes of the European Union and the Council of Europe in Germany on the basis of systematic research on antiziganism, which should be supported along similar lines to research on anti-Semitism in Germany.

D Improvement of the anti-discrimination laws and measures

- 13 The right to bring an action (right to sue) before the Administrative Court with the objective of obtaining an injunction is required for representative organizations of the minority, in order to be able to respond effectively to discriminatory actions and defamatory public statements of representatives of the authorities in extreme cases. This currently only exists for injured individuals and only in exceptional cases for organizations where their rights are directly attacked. The same applies to a right of complaint and formal proceedings to compel the initiation of a prosecution
- 14 Hate sites in the Internet which make threats of violence and murder against Sinti and Roma and trade in prohibited demagogic music have constantly increased in recent years. The Central Council of German Sinti and Roma has demanded that a Permanent Working Group be set up at the Ministry of Justice and the Interior of the Federal German Government for some time. In this respect, other authorities and bodies such as jugendschutz.net and the major Internet companies (e.g. google, yahoo, ebay, amazon, etc.) should be involved. Representatives of the Central Council of German Sinti and Roma, the Central Council of the Jews and other groups concerned should also be invited at least once a year to discuss the current situation. In addition to observing the development ("monitoring"), the working group should also submit specific recommendations for better ways of combatting racist and anti-Semitic calls for violence in the Internet and hatred-inciting contents on neo-Nazi websites.

E Police authorities: Historical assessment/training

- 15 After the very positive example provided by the BKA with the assessment of its history in the early years of the Federal Republic of Germany and the involvement of former National Socialist perpetrators, it is vital that the police authorities of the Federal States also assess their own history. The colloquia in the BKA and academic studies have shown that systematic and massive racism was pursued against Sinti and Roma particularly at federal state level, such as in the Bavarian Landfahrerzentrale (Vagrant Department) at the LKA (State Office of Criminal Investigation) in Munich and the SS perpetrators from the Reichssicherheitshauptamt (Reich Security Main Office) employed there. Such an assessment not only serves to transfer knowledge to young police officers but is also a suitable way of counteracting discriminatory attitudes towards Sinti and Roma which are influenced by clichés. As a result, the sensitivity of the officers for democracy and a state under the rule of law and unprejudiced contact with persons belonging to minorities is also promoted.

To this end, also in accordance with the example of the BKA, information and training modules for the final year trainees of vocational training courses for the various job grades should be implemented by the police academies of the Federal States by means of

a regulation agreed with the Documentary and Cultural Centre of German Sinti and Roma.

F Support in education

The general principle that the subject of Sinti/Roma should be systematically included in all the existing structures applies here. The example of the Sinti and Roma shows the deficits in the current school system: the early and high level of selection defines the educational pathways early on and often prevents further educational qualifications. An open school and the quality of the teachers are of critical importance. Care should be taken to ensure that any measures do not require or include segregation. Requirements for education include:

- 16 Supported and facilitated access to all levels of education; exemption from random selection, numerus clausus and other access restrictions (in the same way as for e.g. ethnic German immigrants from the former USSR); scholarship schemes for training and vocational training (e.g. through an educational fund for Sinti and Roma which can be associated with one of the big foundations, e.g. the EVZ).
- 17 Setup of a Permanent Working Group at the Conference of German Ministers of Education and the Arts (KMK), in which the subject of Sinti and Roma and national minorities in Germany is a permanent feature and in which respective minority organisations are incorporated.
- 18 Systematic inclusion in projects and measures which are also open to others (especially homework tutoring and individual support); individual promotion of education at the local level in collaboration with schools and other educational institutions.
- 19 Carefully directed offers for attending nursery schools and pre-school classes.
- 20 Support for the transition to higher schools and in the transition from school to work.
- 21 If necessary, the deployment of mediators from the minority, who follow the approach of human rights-based mediation in line with the current European Training Programme for Roma Mediators of the Council of Europe (ROMED).
- 22 Preparation of teaching materials and syllabuses, incorporation of the subject of minorities in the curricula and guidelines of the Federal States (e.g. through the P. 16 working group at the KMK).
- 23 Targeted extended training programmes for teachers at schools which participate in local projects. The results of the antiziganism research should be used for this, in order to develop suitable materials and training programmes.
- 24 Implementation of detailed resource analyses by the Sinti and Roma associations, in order to use them to determine the need and to develop any required local initiatives. The municipalities should provide support for the associations in the process.

G Roma from EU member states and non-member States living in Germany

We refer to our detailed opinion of the 8th September 2010 in the state parliament of Schleswig-Holstein for the requisite measures in respect of the situation of Roma refugees.

H For refugees from former Yugoslavia and especially Kosovo

- 25 Secure residence status for families which have lived in Germany for many years, especially those who are affected by the existing grandfather clauses; recognition of their status as war refugees.
- 26 Secure residence permit, especially for families with children, for people who have been traumatised or have chronic illnesses and for older people.
- 27 Targeted support of education and vocational training for young Roma who live in Germany as refugees; collaboration with Sinti and Roma organizations in Germany, in order to be able to use the programmes of the European Union locally. This also includes secure financing (e.g. through guarantees) to enable the participation of smaller organizations in these programmes.
- 28 It must be guaranteed that returnees can return safely and with dignity; return should only be voluntary under the given conditions.

I Roma who migrate to Germany from EU states or non-member States

Here it must be ensured to a particularly large degree that the existing situation is described in such a way that there is no ethnicising of the causes of migration. Furthermore, Roma emigrate from many countries of southeast Europe (usually temporarily), in order to escape both the massive racism as well as the lack of economic opportunities locally and, at the same time, they often have the chance in Germany (and western Europe) to be seen as Romanians or Bulgarians, etc. for the first time and not be referred to as "Roma". Their particular situation as a minority should also be taken into account. This includes:

- 29 Irrespective of their residence status, the educational provision for the children must be ensured by local language teaching programmes, early attendance of nursery schools, support and development of integration in primary and secondary schools, homework tutoring, special equipment for schools and appropriate further training for teachers; as a general principle, mainstream schools should implement such programmes.
- 30 The situation of Roma migrants in Germany should be a permanent feature of the proposed permanent KMK Working Group.
- 31 Participation in the existing qualification programmes for migrants, in order to improve the opportunities of Roma in the labour market; systematic participation of Sinti/Roma organisations in programme planning and implementation (XENOS, amongst others).
- 32 Promotion of education programmes for young people, particularly in the transition from school to work; right to integration courses also for EU citizens.
- 33 Establishment of development cooperation with governments and non-governmental organisations of the countries of origin of Roma migrants, in order to combat the causes of migration, especially discrimination and poverty. In particular, this includes the support of stable structures of the Roma groups in the countries of origin.

34 Guarantee of health provision, especially for children.

In Heidelberg, December 2011