

NON-PAPER

An approach to the establishment of a European Roma Institute

A reflection note prepared for the 22 May
informal consultations with the Deputies

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SUMMARY

This non-paper has been drafted as a basis for the consultations with member States on the possible establishment by the Council of Europe of a European Roma Institute. The member States are being asked to provide their views on the paper and its operative proposals as well as to indicate their possible interest in joining a Partial Agreement (PA).

Based on the feedback received during the consultations, a draft proposal of a PA, establishing a value-adding European Roma Institute may be prepared and submitted for consideration to the Committee of Ministers.

The causes of the non-integration of Roma¹ are common to most European countries.

Progress in integration is possible, but what is necessary is a change in attitudes, perceptions and practices to overcome anti-gypsyism. There is a need to deconstruct anti-Roma stereotypes and to promote the positive contributions of Roma to European diversity. There is also a need to support decision-makers at the different levels of government, media and academia with research and ideas about combating anti-Roma stereotypes and building trust between Roma and non-Roma. The involvement of the Roma in this work is crucial.

Also PACE has underlined² the importance of highlighting and promoting the culture and history of Roma in Europe.

The aim of establishing a European Roma Institute (ERI) would be to contribute to enabling such changes within the human rights prism and to promote social cohesion.

The Institute would address the following critical needs:

- Combating prejudice and building bridges between Roma and non-Roma by strengthening knowledge of Roma culture, language and other aspects of Roma life across Europe;
- Acting as an authoritative resource centre for decision and opinion-makers, channelling research findings and ideas on how to combat stereotypes.

¹ The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned.

² <http://assembly.coe.int/ASP/Doc/XrefViewPDF.asp?FileID=20587&Language=EN>

BACKGROUND

1. Among the Secretary General's focal areas for the priorities of the next biennium, endorsed by the Committee of Ministers, is the protection of minorities and vulnerable groups, at the heart of which is the work on Roma³.

2. Many Roma continue to be socially and economically marginalised in various parts of Europe. That undermines their basic human rights, impedes their participation and exercise of their civic responsibilities and propagates prejudice. An effective response to this reality must be long-term, systematic and institutional. It must be advanced by governments and local authorities in member States, with the active participation and support of the Roma.

3. The establishment of a European Roma Institute⁴ should be seen as a means of making a systematic, value-added contribution to the objective of implementing local, regional and national changes and to promote good practices and grass-roots initiatives which can promote a positive image and contribution of Roma to the societies where they live⁵.

4. The primary responsibility for promoting inclusion lies with the member States. However, developments concerning Roma in Europe have demonstrated that many of these issues have general or cross-border implications, requiring a European response. The need for a European response is reflected in the many different initiatives and joint programmes already initiated by the Council of Europe and its relevant bodies, such as the work done by the Commissioner for Human Rights, the European Commission against Racism and Intolerance, the Advisory Committee of the Framework Convention for the Protection of the National Minorities, the European Charter for Regional and Minority Languages, the Ad hoc Committee of Experts on Roma Issues and existing case-law from the ECtHR. The DOSTA! awareness-raising campaign is implemented in 12 member States, the ROMED programme for participation of Roma communities in 22 Member States, the ROMACT programme in 5 member States and the Alliance of Cities and Regions for Roma inclusion. Further initiatives to support and to enhance the inclusion of Roma in Europe have been taken by other international organisations.⁶

AIMS AND ADDED-VALUE

5. The added value of a "European Roma Institute" would be to engage systematically and horizontally in the changing of behaviours, attitudes and norms, which impede the inclusion of citizens of Roma origin in our member States. The ERI would provide a means of building bridges at the local, national and European level between Roma and non-Roma, while at the same time act as a platform where Roma may bring about changes in self-perception of identity. The paper prepared by the consultants, appended in Annex I, is in this respect an important contribution to the reflection by the Deputies on the possible Institute, its activities and structure.

³ CM 1169. 30 April 2013. 1.6. Priorities for 2014-2015 and their budgetary implications and CM (2010)133 20 October 2010 Council of Europe High Level Meeting on Roma Strasbourg, 20 October 2010 "The Strasbourg Declaration on Roma"

⁴ "ERI" is a working assumption for this organ. A descriptive name could be European Roma Inclusion and Anti-Gypsyism Institute/European Roma Inclusion and Anti-Discrimination Institute/ European Roma Institute for Inclusion and Against Anti-Gypsyism.

⁵ As recommended by the Secretary General in "State of Democracy, Human Rights and the Rule of Law in Europe – Report by the Secretary General of the Council of Europe" SG(2014)1-Final, 124th Session of the Committee of Ministers Vienna, 5-6 May 2014, p.47

⁶ A brief overview can be found in Appendix V

6. The institute could also provide Europe and its Roma citizens with a resource centre of all the accumulated knowledge which the existing initiatives generate, and thereby reinforce their impact and multiply the effects of individual, often isolated actors and programmes in municipalities, regions and countries.

7. These would imply wide panoply of actions on different levels in societies and among populations. This would include working with Ministries of Education, Culture, scientific and artistic institutions, public service media, national archives and libraries, schools, national theatres, museums and other institutions dealing with access to information, knowledge or opinion.

STRUCTURE AND FUNCTIONING

8. To ensure the co-ordination and the synergies with the other Roma-related activities of the Council of Europe, the PA may be placed under the authority of the Special Representative of the Secretary General for Roma issues. Partnerships with the European Commission and Norway Grants would be critical for their role in the domain of social cohesion policies and resources. Partnerships with institutions with extensive know-how and resources on Roma issues, such as the Open Society Foundations would also be essential. Of particular importance is Roma participation and leadership in the institute and in the decision-making process of the governing structure.

9. For purposes relating to profile, governing structure and financing it has from the outset been the hypothesis that the appropriate legal instrument for the "European Roma Institute" should be a Partial Agreement (PA).

10. The possibility of embedding the ERI in the ordinary budget of the Council of Europe has been also considered, however, the general advantage of a PA is the possibility of shaping it according to the wishes of the participating member States, while at the same time having flexibility in terms of creating an appropriate governance structure, and allowing for the crucial participation of the Roma. Another advantage is the separation of the PA's budget from the decisions regarding the ordinary budget.

11. Meetings have been held with a majority of Executive Secretaries of Partial Agreements⁷ within the Council of Europe, with the Legal Advice Division and the Division for Resource Mobilisation and Donor Relations, who, in preparation, received an explanatory e-mail including a questionnaire.⁸ PAs were analysed from their technical, legal and political perspectives.

12. The legal framework of the PA could draw inspiration from existing partial agreements. Experience of the PAs shows the importance of having a short, flexible Statutory Resolution defining the PA's general aim and envisaged outcome, while working methods including links to the Committee of Ministers should be outlined in detail.

13. After adoption of the constituting resolution, the detailed contents of the PA would be developed by the parties to the PA. The advantage of such a process would be evident: those who

⁷ GRECO. Pompidou Group. Venice Commission. EUR - OPA. Eurimages. Lisbon. Cultural Routes. Sport. Youth Mobility. European Audiovisual Observatory.

⁸ Annex I.

establish the PA would decide on the details; this should be done in consultation with Roma experts.

14. A contribution to the discussion about the potential contents of the PA has been provided by the Open Society Foundation in co-operation with the Support Team of the Special Representative of the Secretary General for Roma Issues. This paper is included in Appendix I. The optimal budgetary and participatory solution would be an enlarged agreement similar to the Venice Commission.⁹

15. The President of the European Commission and several European Commissioners have, on several occasions, expressed their support and positive views regarding the establishment of a European Roma Institute¹⁰. Non-state entities' participation, role and influence in a PA is a political question, not a legal one, as the PA can be shaped accordingly within the current general framework of a PA. Multiple format/co-management formulae including representatives from member States, the Parliamentary Assembly, the Congress for Local and Regional Authorities, Roma organisations and other non-State actors can be developed.

16. A PA should be driven by participating member States' and other Parties' demands.¹¹ The Committee of Ministers may in its relevant work wish to be advised by the "ERI" and take possible action upon such advice.

17. With regard to the number of member States, which would be parties to a PA, what "ERI" needs is a critical mass to allow for the establishment of the Institute. At this stage various representatives of a number of member States have expressed their possible interest in participating in such an Institute.

18. In terms of financing, a Partial Agreement, "unlike ordinary intergovernmental committees that are financed by the general budget, [...] has its own budget which provides for operational and staff expenses that are borne exclusively by the members. The possibility of having a separate budget, often financed directly by the specialised ministries concerned and not subject to the annual ceiling fixed by the Committee of Ministers, has in fact been a major incentive for the setting up of a partial agreement in the past".¹² The method for calculating the scale of member States' contributions to the budget of the Council of Europe as stipulated in CM Resolution (94)31¹³ is equally applicable in terms of the financing of a Partial Agreement, as expressed in paragraph 4 of the Resolution, "the provisions of the present resolution shall also apply *mutatis mutandis* to Enlarged and/or Partial Agreements".

19. Besides the contributions made by States Parties to the partial agreement, financing could be expected from the European Commission, the EEA grants and the Norwegian Financial Mechanism, the Open Society Foundations and other foundations and funds. Various national and regional authorities and non-state actors could contribute as well, in particular with in-kind resources.

⁹ The development of this PA – probably the most referred to of all - is particularly relevant on account of its perceived impact, working methods, relation to the CM and public standing. GRECO is likewise of considerable relevance.

¹⁰ EU Commission President Barosso's speech at the European Roma Summit 4 April 2014, Brussels: "Initiatives such as the establishment of the European Roma Institute by Mr Jagland of the Council of Europe and Mr Soros of the Open Society Foundation are complementary initiatives to the Commission's and Member States' actions and to fight negative stereotypes and advance on Roma inclusion. I am informed that these initiatives are getting considerable support of Member States, of the Council of Europe and this is indeed very promising." http://europa.eu/rapid/press-release_SPEECH-14-288_en.htm

¹¹ The European Audiovisual Observatory as well as Eurimages seem to have a mandatory result oriented performance culture. EPAS and Cultural Routes are experienced in working with civil society and grass roots. Also EUR-OPA has valuable experience in this context.

¹² "Legal Opinion on Partial Agreement Statutes", 15 May 2002, p. 6-7.

¹³ Committee of Ministers Resolution (94)31 On the Method of Calculating the Scale of member States' Contributions to Council of Europe Budgets, 4 November 1994.

PROCEDURE

20. Two separate decisions on the resolution would be required by the Committee of Ministers concerning the creation of a Partial Agreement, namely: "an initial decision taken by the Committee of Ministers in plenary, authorising the member States concerned to establish a partial agreement" and "a second decision, taken solely by the member States concerned, adopting the partial agreement"¹⁴.

21. Possible timeframe:

22 May: informal consultations with delegations, to ascertain the level of interest and commitment among member States.

June: A draft decision expressing the Deputies' decision to set up a partial agreement, to be prepared in the GR-SOC and forwarded to the CM for adoption.

June-September - Following consultation with member States intending to join the partial agreement, a second draft decision is prepared, establishing the partial agreement and its budget.

LOCATION

22. It is proposed that the seat of the "ERI" be in Strasbourg. Thereby the Institute can easily coordinate and co-operate with existing relevant bodies within the framework of the Council of Europe, while at the same time developing its network in participating member States.

23. States Parties to the partial agreement may wish to consider, at the appropriate time, to what extent some meetings within the PA's governing structure could be held in Council of Europe facilities outside Strasbourg or in other member States which might put facilities at the disposal of the Institute.

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¹⁴ "The decision making process in the context of Partial Agreements, GR-J Rapporteur Group on Legal Co-operation, 26 February 2007."

Appendix I

European Roma Institute (activities, outreach, budget and structure)

A reflexion prepared by the Open Society Foundations in co-operation with the Support unit of the SRSG for Roma issues.

1. Background

The concept of a European Roma Institute holds two objectives that should go hand in hand at all times, as member states seek to combat anti-gypsyism and its multiple negative effects on societies. On the one hand, **building bridges simultaneously at the local, national and European level** between Roma and non-Roma through innovative actions at each level, and, on the other, on **reconnecting Roma to the pride of their own belonging (Romanipen)** and reconnecting Roma elites to Roma communities and identity – a process which aims to bring about change in the self-perception of Roma and their perception by the majority population.

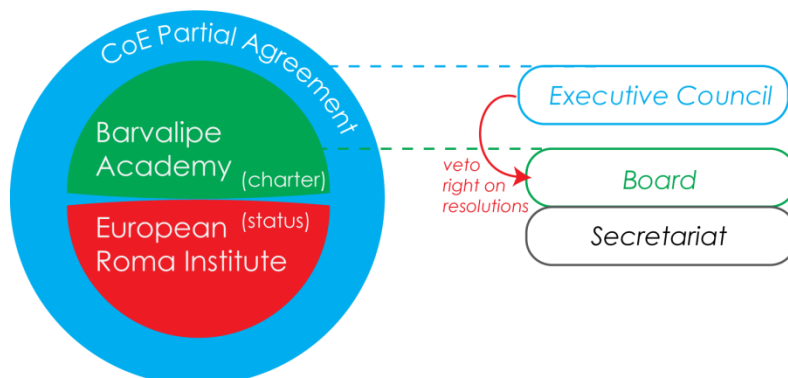
The added value of ERI will consist in its capacity to fight anti-gypsyism at **European scale**, through the valorisation, revival and support of existing quality initiatives, conferring an **image of excellence and constructing Roma identity in an innovative, large-scale manner**. Should the mission of ERI succeed, its benefits would be countless and of the most unexpected nature. However, the effect most sought, which would, without the shadow of a doubt, be beneficial to both Roma, non-Roma and governing bodies, would be to contribute to breaking the incredibly low glass ceiling that keeps most Roma unemployed, uneducated and victims of an endless cycle of poverty, **easing thus the process of integration and granting such efforts greater chances of success**.

The structure of ERI¹⁵ was conceived to reflect these objectives and to respond to other requirements such as financial accountability towards the signatory States of the Partial Agreement, and towards the Council of Europe and its Committee of Ministers.

2. Structure of the European Roma Institute

INTERNAL FUNCTIONING

ERI's internal structure will be defined by a statute regulating its accountability and objectives, as well as its mechanisms for functioning. The figure to the right describes the internal configuration proposed, which will be transposed within the statute.



¹⁵ See Structure of ERI at the end of the paper, page 12

Within this configuration, the **Barvalipe Academy** represents the visionary body of the Institute. It is a self-governing body, established through the invitation of twenty distinguished public intellectuals of Roma origin with a professional arts and culture and/or academic backgrounds, who, in turn, invite not more than ten other prominent non-Roma experts from the same fields to make the Academy complete.

The Barvalipe Academy elects **the Board** of ERI among its membership and through the Board instructs, oversees and monitors the Institute's work and verifies its compliance with the tasks conferred by the Partial Agreement. A relation of dialogue between the board of ERI and the Committee of Ministers will be established. Through this dialogue, the Board of ERI will produce a semestrial activity report and present it in front of the Committee of Ministers, along with a results-oriented evaluation for the CM. The Board will use its research for advisory purposes and will organize debates with the CM twice a year, as well as within the CAHROM plenary sessions. **The Secretariat** puts into practice the Board's resolutions and conducts a series of tasks related to the development of ERI, its outreach and activities.

Within the Council of Europe, an **Executive Council** shall be composed of one representative appointed by each member of the Partial Agreement (PA). The Executive Council shall adopt, every year, the budget of the PA for expenditures relating to the implementation of the program of activities and the Secretariat. It shall also approve the annual accounts of the PA. The Executive Council has veto rights on the resolutions of the Board of ERI.

OUTREACH

The outreach of ERI, and its external structure is pictured in the figure on page 12.

Satellites are already existing on high quality initiatives for and with Roma, specializing in and focusing on intellectual investigation, artistic and cultural production. Under the **licence** of ERI they **act as information and training centres** specializing in particular artistic or research areas. They organize events and generate product(ion)s that involve and interest expert stakeholders across Europe, and inspire, contribute to and help shape the international public sphere. They have a mandate to nurture collaboration with relevant Roma-related initiatives in a given sector, and to collect, exchange and disseminate the results of their work. They may join major ERI research projects carried out by the Secretariat and host or coproduce Campus events.

ERI would encourage and support the establishment of **Roma Chairs** in a select number of Universities (in Europe and even beyond) that would enhance and expand Roma-relevant teaching, research and outreach. Through the **Roma Chairs** network, higher education and research institutions all over Europe pool their resources, both human and material, to encourage students to address themes that may contribute to a better understanding and acknowledgement of Romani history, identity formation and Romanipen. Chairs also serve as think tanks and bridge builders among academia, civil society and local communities, through research and policy-making. They enter into propitious dialogue with the Secretariat, generate innovation through teaching, research and outreach, and **represent poles of excellence and innovation** with a strong and adequate Roma voice.

Local Affiliates are self-governing organizations of Roma interest, run along the principles and means as set out in their respective resident countries and recognized as such under the ERI **label**. *Local Affiliates* form a Europe-wide network of publically accessible places that enable ERI to build and strengthen relationships between Roma and non-Roma communities, showcase Roma culture and values, promote Romani language learning, favor intercultural dialogue and in general foster goodwill and mutual understanding. **Local Affiliates** exemplify the European commitment to a core tenet of democracy: a citizen's right to the free definition and practice of identity. They **provide easy access to authoritative information** about what being Roma means in today's

Europe, to connect Roma and non-Roma citizens, counteract negative perceptions about the Roma, and build bridges of mutual respect and understanding.

ERI ACTIVITIES

The internal activities of ERI managed by the Secretariat are pictured in the figure on page 12.

The Secretariat positions ERI as a platform for knowledge and opinion production where outstanding Roma and non-Roma thinkers, creators and activists meet to develop theoretical, epistemological, methodological approaches that can open up Romani identity, history and culture in productive, positive ways. The ERI would especially support young Roma scholars and policymakers with fellowships, networking, residencies and innovative use of available technologies.

The Secretariat will produce a **Campus** each year hosted and co-organized by a partner organization (Satellite, Chair or Affiliate) mobilizing large number of academics, artists and activists to explore through intellectual and cultural means a concrete, urgent theme for Roma and Europe. These major events will produce a substantial amount of high-quality content that can be afterwards circulated within and through the networks.

The Secretariat provides tools and means for the three networks it works with, aiming to develop their capacities and assure high professional standards. This goes mainly through the labelling-licensing process devised, mentored and monitored by Secretariat staff.

The promotion of Romani intellectual and artistic work and aspirations (be they formulated within or outside of the ERI's frame) is carried out in three strands: the **Archives**, the **Media Centre** and **Outreach**. They are all managed by the Secretariat, yet fulfil different objectives. While the Archives mostly deal with the collection of text-based materials, the Media Centre utilizes the potential of visual communication and the latest digital tools; it serves both as the newsroom and the agency of the ERI and all of its activities. Outreach creates an interface between ERI and the world outside, building diverse circles of partnerships, networks of followers, and supporters. If the Archives receive and store projects and the Media Centre crafts and diffuses messages, Outreach deliberately targets possible stakeholders and proactively invites them to join and take part in ERI.

3. *Indicative budget*

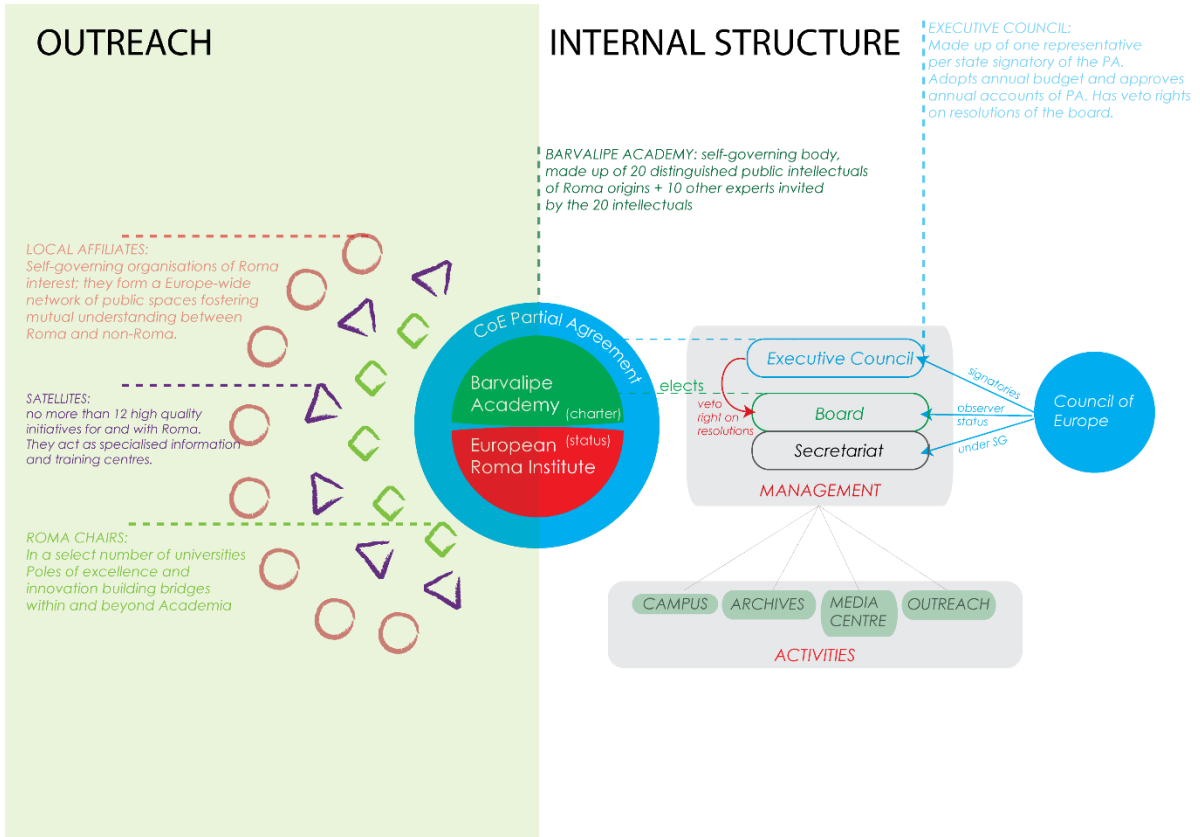
ERI's functions and means are defined in the PA, however the scale of its operation will largely depend on the resources made available by the founding member states and partners. ERI should be legally and administratively enabled to raise money and thus to diversify its funding scheme. At this phase neither the founders' donations, nor the fundraising capacities are known, so the financial forecast below reflects rather budget items, proportions, volume scales on the one hand and forms of contributions and ways of funds development on the other.

Barvalipe Academy operates through the European Roma Institute, therefore it does not have an own, independent budget. The Academy's running costs are incorporated in ERI's budget and the Secretariat provides the administrative background. Academy related expenses are per-diems for Board and costs of the Board meetings.

Budget scheme and costs forecast

EXPENSES/COSTS (in EUR)	yearly		Remark
Maintenance	from	to	
Personnel			
Secretariat salary	200,000	600,000	A staff of 5/15 people
Board allowance	24,000	48,000	9 persons on daily allowance
Operation			
Premises	20,000	25,000	
Office management	6,000	12,000	depending on the size and type of rent
Travel & General communication	30,000	60,000	staff trips and institutional PR
Total admin expenses	280,000	745,000	
Activities	from	to	
Production			
Events	70,000	150,000	Yearly Campus and Board meetings
Materials	20,000	40,000	publications and on-line postings
Provision			
Projects Fund	50,000	220,000	project number between 2 and 10
Fellowship	30,000	90,000	2-6 fellows a year
Promotion			
Archives	20,000	40,000	
Media Centre	60,000	150,000	
Outreach	30,000	60,000	
Total program expenses	280,000	750,000	
Total annual expenses:	560,000	1,450,000	

ERI STRUCTURE



Appendix II

Work of the international organisations related to Roma

All descriptions are taken from the respective websites of each organization.

The UN: The UN Office of the High Commissioner for Human Rights (OHCHR), which chairs the UN Regional Working Group on Roma, works in a number of countries to strengthen the effective exercise of human rights by Roma and Travellers. It does this through supporting work to develop government policies on Roma inclusion, strengthening the capacities of Roma – and in particular Romani women – to take part in local, regional, national and international decision-making, as well as by working to challenge patterns and practices of discrimination and abuse. The UN Human Rights Office also leads the civil society group on Roma health, which enables Roma activists to comment on UN, European and national policies in this area.¹⁶

OSCE: "Contact Point for Roma and Sinti Issues". The Office for Democratic Institutions and Human Rights (ODIHR), OSCE promotes the rights of Roma and Sinti through projects on political participation, education, housing, civil registration, combating racism and discrimination, and protecting the rights of displaced persons.¹⁷

The World Bank: The Bank aims to be an objective information broker. It aims to conduct and support integrative and constructive analysis, in order to identify the economic and social issues that affect the Roma, and to unravel how these issues are interlinked. It also shares innovative approaches, both from within and from outside the region, which could help address these issues. Through this analytical work, the bank also leverages and informs the involvement of other donors.¹⁸

EU – The European Commission: The European Union finances projects that contribute to fostering Roma integration across Europe. It supports the work of EU countries to improve the lives of all vulnerable people, including the Roma, through the European Structural and Investment Funds, principally the [European Social Fund](#) (ESF), the [European Regional Development Fund](#) (ERDF) and the [European Agricultural Fund for Rural Development](#). Furthermore, in 2011, the European Commission adopted an EU Framework for National Roma Integration Strategies focusing on four key areas: education, employment, healthcare and housing.¹⁹ The EU's Fundamental Rights Agency has contributed, since its creation, with regular research and studies on a number of Roma-related issues.

European Roma Rights Centre (ERRC): Based in Budapest, the European Roma Rights Centre (ERRC) is an international public interest law organization working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education.²⁰

Open Society Foundation: The Roma Initiatives Office provides grants, fellowships, and training to stimulate Roma community participation and active citizenship, to empower Roma women and youth, and combat anti-Roma discrimination.²¹

The European Roma and Travellers Forum: The ERTF is the largest Europe's Roma organizations. Its mission is to ensure that each and every one of the 12-15 million Roma is not discriminated against because of his/her ethnic origin and is treated with dignity and respect. The ERTF and its members are committed to the achievement of equal rights and equal opportunities for Roma in Europe as well as increasing political participation. The European Roma and Travellers Forum take active part in the fight against discrimination and for the full realization of human rights. The ERTF has a special partnership agreement with the Council of Europe, and is located in Strasbourg.²²

¹⁶ <http://www.ohchr.org/EN/Issues/Minorities/Pages/UnitedNationsRegionalWGonRoma.aspx>

¹⁷ <http://www.osce.org/what/roma>

¹⁸ <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTROMA/0,,contentMDK:23258966~pagePK:64168445~piPK:64168309~theSitePK:615987,00.html>

¹⁹ http://ec.europa.eu/justice/discrimination/roma/index_en.htm

²⁰ <http://www.errc.org/about-us-overview>

²¹ <http://www.opensocietyfoundations.org/about/programs/roma-initiatives-office>

²² <http://www.ertf.org>