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**Promotion and protection of all human rights, civil,
political, economic, social and cultural rights,
including the right to development**

Regional workshop on the situation of Roma in the Americas*

On 25 September 2015, the Special Rapporteur on minority issues convened a workshop in Brasilia on the situation of Roma in the Americas. Representatives of Roma communities from Argentina, Brazil, Canada, Chile, Colombia, Ecuador and Peru participated in the meeting.

The present report provides an overview of the main issues raised by the participants in the workshop. It highlights a number of overarching thematic areas of regional concern and provides examples raised by participants of the specific challenges faced by the Roma communities in their countries. It also contains a number of conclusions and makes recommendations based on the information received. This conference room paper reflects the discussion during the one-day workshop and does not include further external information or research.

* Reproduced as received.



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I. Introduction

1. On 25 September 2015, at the conclusion of her country visit to Brazil (A/HRC/31/56/Add.1), the Special Rapporteur on minority issues, Rita Izsák, in the exercise of her mandate “to examine ways and means of overcoming existing obstacles to the full and effective realization of the rights of persons belonging to minorities” (A/HRC/RES/25/5), convened a one-day regional workshop in Brasilia on the situation of Roma in the Americas.

2. The workshop was conceptualized as a follow-up to the Special Rapporteur’s 2015 “Comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti-Gypsyism” (A/HRC/29/24), which was presented to the Human Rights Council at its 29th session in June 2015. The report drew on the responses of States and National Human Rights Institutions (NHRIs) to the Special Rapporteur’s questionnaire, which was developed in consultation with numerous international and regional organizations, non-governmental and grassroots organizations, and Roma rights experts.¹ In the report, the Special Rapporteur provided an overview of the situation facing Roma worldwide, and highlighted the positive developments and challenges linked to promoting and protecting the human rights of Roma.

3. One key recommendation of the report was that more attention should be paid to the specific challenges faced by Roma living outside Europe. The Special Rapporteur concluded that the invisibility of Roma outside Europe remains a challenge, and that more should be done to highlight their situation and raise their profile with policymakers, while also helping to empower the communities.

4. In this regard, and taking as a point of departure the research from her global study on Roma, in particular the conclusions and recommendations, the Special Rapporteur decided to organize a workshop to enhance understanding of the specific human rights challenges facing Roma communities across the Americas.

5. The workshop was attended by representatives of Roma communities from Argentina, Brazil, Canada, Chile, Colombia, Ecuador and Peru.² It was divided into distinct sessions to enable participants to provide individual updates on the situation of Roma in each country. The Special Rapporteur then provided a brief overview of the role of international human rights mechanisms. This was followed by a session with the Director of Programmes at the Department of Traditional Communities in the Brazilian Government’s Secretariat on Racial Equality (SEPPIR), the department responsible for Roma affairs. In a concluding session all the participants discussed the synergies identified in the challenges they face and possible advocacy strategies.

6. The goals of the workshop were: to provide a platform for Roma rights activists and advocates to interact with the relevant national and international human rights mechanisms and with each other; to provide an opportunity for participants to share experiences and discuss the common challenges facing Roma communities in the region, as well as possible solutions by creating plans for joint advocacy or synergies in advocacy; and to raise awareness of existing United Nations human and minority rights mechanisms relevant to

¹ The Questionnaire issued by the Special Rapporteur to States and NHRIs, and the responses received are available from <http://www.ohchr.org/EN/Issues/Minorities/SRMinorities/Pages/ContributionsProtectionRoma.asp>

² Regrettably, the Special Rapporteur was unable to secure the attendance of representatives of Roma communities from other countries in the region. This is in no way a reflection of the challenges faced by Roma communities in those countries.

Roma communities in the region. The Special Rapporteur believes that the self-organizing and movement-building efforts of Roma activists in the region need to be assisted as these activists are currently rather dispersed and isolated in their struggles for their communities.

7. The present conference room paper provides an overview of the issues raised during the workshop and notes some of the overarching themes. It also presents a number of conclusions and makes recommendations based on the information received.

8. In the coming months, under the terms of her mandate, the Special Rapporteur will seek further direct communication with the relevant governments about many of the concerns raised during the workshop and in this paper, and seek their views on those concerns. She also hopes that the workshop, and this brief report thereon, will provide an impetus for national governments, international organizations and civil society organizations to pay more attention to the situation of Roma in the Americas.

9. The Special Rapporteur would like to warmly thank the United Nations in Brasilia for hosting the workshop. She would also like to thank Mr. Jorge Bernal of Asociación Identidad Romani (AICRA) for assisting with the coordination of the meeting, and all the Roma representatives for their participation and for presenting their concerns and sharing their perspectives with her.

II. Methodology

10. The 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (Declaration on the Rights of Minorities) is a key instrument through which the situation of Roma in the Americas should be understood. In adopting the Declaration, United Nations Member States demonstrated their support for the Declaration's call for affirmative and concerted action to promote and protect minorities through the four pillars of minority rights: (a) protection of a minority's existence, including combating violence against them and preventing genocide; (b) protection and promotion of the identity of minority groups and their right to enjoy their collective identity and to reject forced assimilation; (c) a guarantee of the rights to non-discrimination and equality, including the ending of structural or systemic discrimination and the promotion of affirmative action when required; and (d) the right to effective participation in public, political, social, economic and cultural life and in the decisions that affect them. These pillars should be instrumental for States seeking to better promote and protect the rights of Roma communities within their borders.

11. As the Special Rapporteur on minority issues notes in her Global Study on Roma, "The term 'Roma' refers to heterogeneous groups, the members of which live in various countries under different social, economic, cultural and other conditions".³ Therefore, the term as used in this report does not denote a specific group, but instead refers to diverse groups and subgroups which overlap but are united by common historical roots, linguistic communalities and a shared experience of discrimination in relation to majority groups. Roma is therefore a multidimensional description that corresponds to the fluid nature of Roma identity, in the Americas as elsewhere.

12. Regarding terminology, a majority of the Spanish and Portuguese speaking governments of the region refer to Roma peoples as Gitanos (Spanish) or Ciganos (Portuguese). However, some participants indicated that their preferred terminology in Spanish is 'el pueblo Rom'. For the purposes of this report, the English term Roma is used.

³ See A/HRC/29/24, para. 2.

13. It should be noted that this workshop builds on existing work by the Federation of the Romani Associations and Kumpanias of the Americas (Saveto Katar le Organizatsi ay Kumpeniyi Rromane and l'Americhi / Consejo de Organizaciones y Kumpeniyi Rom de las Américas, SKOKRA), the network of Latin American Roma activists in the region.⁴ One of SKOPRA's principal documents, the Quito Declaration of 2001, proclaims unity between the distinct Romani kumpanias in the region, and sets out the key principles of the network, as well as requests and recommendations.⁵

III. Key human rights issues facing Roma in Latin America

14. In the Americas region, Roma communities are among the most discriminated against, socially and economically marginalized, and politically subordinated members of the societies in which they live.⁶ Nonetheless, despite this concerning reality, the situation of Roma in the Americas remains largely invisible.⁷ In general, very little is known about the Roma communities and the challenges they face. With a small number of recent exceptions, few official policies or programmes exist in the region dedicated to promoting and protecting Roma rights.⁸ Moreover, the identity of Roma as a distinct minority group is often either not acknowledged or misunderstood. Indeed, there is little public recognition or acceptance of Roma as a distinct minority in the countries of the Americas. This situation is compounded by the fact that Roma identity is largely not reflected in national statistics, and Roma are rarely given opportunities to participate in the political life of the countries in which they live. This invisibility contributes to a vicious circle of marginalization and exclusion, and leads to neglect by the authorities and policymakers.

15. While each Roma community faces specific concerns and challenges in its own national context, the workshop highlighted for the Special Rapporteur the overlaps in terms of the human rights challenges that Roma communities face in the Americas. The Special Rapporteur noted the pressing need to address these concerns, which are often very similar to those issues faced by Roma people in other parts of the world, including in Europe.

A. Lack of accurate data

16. Even though they are a minority group with a distinct identity and culture, very little is known about the situation of Roma in many countries of the region. In this connection, all the participants expressed concern about the lack of reliable data and official statistics on the size of Roma populations and their socio-economic situation.

17. The Government of Argentina estimates that there is a population of approximately 300,000 Roma in Argentina, made up of different groups and subgroups with distinct

⁴ Kumpania is a Romani language word meaning a group of Roma who have economic relations and are organized on a residential basis; a grouping together of families not necessarily united by kinship ties, but all belonging to the same group and the same subgroup, or to related subgroups.

⁵ The Declaration is available from http://liloro.ru/romanes/declaration_eng.htm.

⁶ See A/HRC/29/24, paras 8–9.

⁷ Druzhemira Tchileva, 'Emerging Romani Voices from Latin America', European Roma Rights Centre, 27 May 2004, available from <http://www.errc.org/article/emerging-romani-voices-from-latin-america/1847>.

⁸ For a general discussion see Jorge Bernal, 'The Rom in the Americas', Paper presented to the Sub-Commission on Promotion and Protection of Human Rights, Working Group on Minorities, ninth session, 12–16 May 2003, E/CN.4/Sub.2/AC.5/2003/WP.17, http://ap.ohchr.org/documents/E/SUBCOM/other/E-CN_4-SUB_2-AC_5-2003-WG_17.pdf.

identities and histories.⁹ However, there is no official census data to confirm these figures. Data has been disaggregated since 2001, but thus far only according to specific categories of indigenous peoples and Afro-descendants. The National Institute to Combat Discrimination, Xenophobia and Racism (Instituto Nacional contra la Discriminación, la Xenofobia y el Racismo, INADI), located within the Ministry of Justice and Human Rights, coordinates the “Discrimination Mapping Project” in collaboration with several universities. In 2013 the project found Roma to be among the most discriminated against groups in Argentina.

18. In Argentina, it is estimated that only 5 per cent of the Roma population maintains a semi-nomadic lifestyle. In large part, the culture of travelling was ended in the 1950s, when President Juan Perón passed a law that forced most Argentinean Roma to stop travelling and maintain a more sedentary lifestyle.

19. The Special Rapporteur made numerous observations about the overall situation of Roma in Brazil in her country visit report, including on new legislative and policy initiatives.¹⁰ The Government of Brazil estimates that there are at least 500,000 Brazilian Roma.¹¹ A recent mapping project found Roma living in 337 municipalities in 21 States. The Brazilian Government has committed itself to include Roma as a demographic category in the next census, which will be held in 2020. This will be an important tool for improving the mapping of the Roma population in Brazil. At present, very few Roma communities maintain a travelling lifestyle.

20. Participants observed that the Roma population in Brazil is heterogeneous, with many different groups and subgroups. They urged the authorities to ensure that distinct Roma communities can speak for themselves and are not misrepresented by other groups.

21. In Canada, Roma were first included as a distinct ethnic group in the 2006 census, under the category “Other European Origins: Roma (Gypsy)”. Only 5,255 people self-identified as Roma in the census, but unofficial estimates indicate that the Roma population in Canada is over 110,000. More than 90 per cent of the Roma population resides in the Greater Toronto Area. It is believed that lack of self-identification in the 2006 census was used by many Roma as a safety mechanism, due to their lack of trust in the system, and fear of discrimination or other negative repercussions linked to public disclosure of their identity.

22. Participants estimated that there might be a population of around 50,000 Roma across the whole of Chile. However, no official census data exists to confirm these figures. Communities usually live in small camps of 20 to 100 people.

23. In Colombia, 4830 individuals identified as Roma in the 2005 census, according to the National Department of Statistics (Departamento Administrativo Nacional de Estadísticas, DANE). The lack of self-reporting, however, means that the actual number could be much higher. It is estimated that 94 per cent of the Colombian Roma population lives in the departments of Atlántico, Bolívar, Bogotá, Nariño, Norte de Santander, Santander and Valle del Cauca. The main cities in which the main kumpanias are located are: Barranquilla, Cali, Cartagena, Cúcuta, Girón and Ipiales. Participants noted that many

⁹ The Response of the Government of Argentina to the Questionnaire issued by the Special Rapporteur on Minorities, 2015 is available from <http://www.ohchr.org/Documents/Issues/IEMinorities/ProtectionRoma/Argentina.pdf>.

¹⁰ See A/HRC/31/56/Add.1, paras 14, 31, 40, 76–80, 115–117.

¹¹ Relatório Executivo Brasil Cigano, May 2013, available from <http://www.seppir.gov.br/portal-antigo/arquivos-pdf/relatorio-executivo-brasil-cigano-1>.

Roma in Colombia no longer travel or maintain itinerant lifestyles due to the ongoing conflict in the country, which impedes their ability to move freely.

24. The Roma community in Ecuador is small and largely invisible. Roma arrived in the country at the end of the 19th century and the beginning of the 20th century, travelling throughout the country. Today, Ecuador's Roma predominantly reside in the provinces of Carchi, Chimborazo, Cotopaxi, El Oro, Guayas, Imbabura, Manabí, Pichincha and Tungurahua. It is estimated that there are approximately 5000 Roma in Ecuador today.

25. There is, however, no official data on the Roma population in Ecuador, and Roma is not an ethnic category in the national Census. In response to the questionnaire issued by the Special Rapporteur in preparation for her global study on Roma, the Government of Ecuador noted that despite their best efforts, they had been unable to locate or get in contact with any community members.¹² In 2012 the Committee on the Elimination of Racial Discrimination (CERD) noted with regret that the Government of Ecuador 'considers the Ecuadorian population of Roma origin to be a foreign group and that it does not have up-to-date information on the enjoyment by the Ecuadorian people of Roma origin of their rights'.¹³

26. The Roma community in Peru numbers approximately 5,000, although no official data exists to confirm this estimate. In general, Roma live collectively, grouped around central family ties. Many members of the community are descendants of the Central European Roma who migrated in the 1930s in order to escape Nazism in Europe. The population is currently expanding, however, as a number of Mexican Roma have moved to Peru in recent years. The newly arrived Mexican Roma have sought to maintain their own distinct identity away from the Peruvian Roma community, and have established their own communities of approximately 50–60 persons.

B. Awareness and understanding of Roma communities

27. Throughout the Americas, Roma are very proud of their distinct cultures, identities, languages, traditions and roots. They hope to be able to maintain their distinct identities, and to be afforded the respect and recognition they deserve. All regret, however, that apart from negative stereotypes, there are so few references in historical documents or literature to their existence as minorities and the contributions they have made to their countries. All the participants reported the existence of discriminatory attitudes towards Roma in the societies in which they live. Stereotypes such as the 'lazy Gypsy' prevail, and Roma are often characterized as "vagabonds, kidnappers and criminals who steal and cheat or participate in sorcery, fortune telling and witchcraft". Roma complain that these stereotypes are perpetuated by the mainstream media. Participants reported that as Roma they regularly experience direct discrimination on account of their ethnicity.

28. Participants from Argentina noted the widespread negative and discriminatory attitudes of the general public towards Roma. They mentioned incidents of police harassment and violence experienced by Roma communities, and that they believe that they are the victims of racial profiling. So-called preventative raids have been carried out on Roma houses by law-enforcement authorities without any legal basis, purely because of presumptions made about criminality based on the ethnicity of the occupants. Participants

¹² The response of the Government of Ecuador to the Questionnaire issued by the Special Rapporteur on the situation of Roma worldwide is available from <http://www.ohchr.org/Documents/Issues/IEMinorities/ProtectionRoma/Ecuador.pdf>.

¹³ CERD, Concluding observations on the combined 20th to 22nd periodic reports of Ecuador, adopted by the Committee at its eighty-first session, 6–31 August 2012, CERD/C/ECU/CO/20-22, para. 13.

also noted the heightened discrimination experienced by Roma women, who are often easily identifiable due to their traditional dress.

29. Argentinian participants expressed immense pride in their culture, ethnicity and language, but regretted the widespread lack of awareness of Roma as a specific Argentinian minority. They expressed a desire for their cultural identity and specificities to be recognized, respected and valued as part of the cultural heritage of Argentina. In this regard, participants noted the lack of funding and support for Roma communities to be able to adequately research and publish information about their communities in order to better inform the Argentinian public. They complained that they are often the subject of anthropological studies by outsiders, but not afforded opportunities to design and author such studies themselves

30. Participants from Brazil noted the widespread nature of the negative stereotypes about Roma and their ways of life. These are often perpetuated by the media, through the reproduction of images and depictions of the “dirty, cheating, immoral gypsy”. These stereotypes also contribute to the criminalization of Roma communities, including through policing policies and racial profiling. This involves preventing Roma who travel from establishing temporary camps for their caravans, and discrimination with regard to access to public spaces. Participants further reported that they experience a lack of responsiveness to their needs by the law enforcement authorities when Roma individuals or communities are the victims of crime.

31. Participants from Canada also raised concerns about a recent rise in discriminatory or even racist discourse about Roma. For example, participants told how there had been a spate of articles published recently associating Canadian Roma with criminality, as exemplified by a campaign launched by the Quebec Police to warn the public to be careful of Roma. This was clear discrimination and racial profiling. Fortunately, the Quebec Human Rights Commission made an official complaint and the campaign was withdrawn. There were also allegations of increasing racial profiling, discrimination and even attacks on Roma by the police.¹⁴

32. Chilean participants emphasized that they are given no opportunities to freely express their Roma identity, and must identify simply as Chilean. They noted that the Government has so far failed to recognize Roma as a minority ethnic group, and that no official policies or programmes exist that specifically apply to them. They also expressed frustration at the lack of opportunities to participate in any meaningful and constructive dialogue with the authorities.

33. Chilean participants further noted that this reluctance to recognize Roma as a minority appears to be linked to widespread prejudice on the part of the wider public, which perceives them as merely a “deviant” subculture that should be “normalized”. Participants gave examples of the widespread discrimination in society, such as not being allowed to use public transport.

34. Participants emphasized their feeling that there is little understanding of Roma history in Chile, such as the persecution by the Nazi regime and the extreme suffering experienced during the Holocaust, which remains very vivid in the memory of many families. Rather, any public discourse about Roma, where it exists, focuses on negative stereotypes and tends to perpetuate discrimination.

¹⁴ See A/HRC/29/24. Para. 45 provides a positive example of a training and capacity building project in Ontario run by the police and members of the Roma community, aimed at reducing discriminatory policing behaviours against Roma.

35. Participants from Peru noted the lack of specific legislation to assist Roma communities. Indigenous peoples and other minority groups are recognized, but a legislative and institutional silence surrounds Roma minority rights. It was suggested that establishing public policy on Roma and recognizing Roma as a Peruvian minority might increase trust in the Government as a partner in promoting and protecting their rights, and that this might make individuals feel more comfortable about disclosing their Roma identity.

36. Participants also emphasized their wish for Roma to be able to integrate more into Peruvian society in order to reduce marginalization and exclusion, albeit while maintaining their distinct identity and culture. Currently, many Peruvian Roma prefer to hide their identity, fearing that disclosing their ethnicity could lead to discrimination or have other negative impacts.

C. Education

37. Almost all the participants indicated that one of the major challenges for their communities is access to education. Literacy rates in Roma communities across the Americas remain low, and school dropout rates high. States often highlight the itinerant lifestyles of Roma as the key obstacle to education, but the majority of participants noted that most Roma no longer travel. It was emphasized that experiences of discrimination are the key challenge in terms of accessing education.

38. Participants described hauntingly similar experiences of discrimination in terms of access to education, from the bullying of Roma children by other students and their family members to direct discrimination by educational administrators who refuse to enrol Roma students in schools on the basis of their ethnic identity. Other challenges identified include inadequate accommodation of the cultural practices of Roma students, such as Roma languages and traditional dress, and of the specific needs of those who maintain a travelling lifestyle. Even where overarching policies do exist to protect the right to education for all without any form of discrimination, a lack of awareness of these laws among teachers and school administrators, as well as a lack of awareness about Roma and their rights as a minority group, mean that in practice, in the locations in which Roma live and where prejudices remain alive, these laws are not implemented.

39. The Special Rapporteur notes that all of these factors have contributed to the low levels of educational attainment and high dropout rates among Roma communities, which perpetuate the cycle of marginalization and exclusion.

40. The government of Argentina has recognized that Roma communities have low levels of literacy and high school dropout rates. The Government attributes these to cultural factors such as nomadism and early marriage, and the practice of encouraging early entry into the labour market.¹⁵ Participants, however, highlighted the ongoing discrimination experienced by Roma children in accessing education as the key obstacle in this regard. This includes direct discrimination against Roma students by both teachers and school administrators, as well as bullying by non-Roma pupils that is often not adequately addressed by the school authorities. Participants noted that when children with Roma surnames try to enrol in school, they are often not accepted. They observed that while some outreach workers criticize Roma communities for withdrawing their children from school, Roma parents report that they have no alternative, as their children are not offered a safe place in which to pursue their education while freely expressing their Roma identity.

¹⁵ Response of the Government of Argentina (note 9), p.6.

41. An important point emphasized by the Brazilian participants in the workshop was that the cultural contribution of Roma to Brazilian society is highly undervalued. Participants also noted that some educational books still included on the curriculum contain pejorative and stereotypical depictions of Roma. They called for educational materials to be vetted, and for all such examples to be removed from curricula throughout the country.

42. Access to schooling and discrimination in schools on the basis of students' Roma identity were also raised by the participants from Brazil.

43. Representatives from Chile emphasized that their communities face many of the same social and economic problems identified by the participants from other countries across Latin America. In particular, they noted the difficulties faced by Roma children in accessing education due to discrimination on the basis of their Roma identity.

44. One of the participants noted that in order for him to keep his son enrolled in school, it became obvious that he would have to hide his son's Roma identity. The only solution was to give a non-Roma friend power of attorney over his son. This enabled the friend to enrol him in a private school in order for him to continue his education. Both parents believed that if they had tried to enrol their son directly, his Roma identity would have precluded his acceptance into the school.

45. Participants from Colombia noted the specific problems faced by Colombian Roma in accessing education, including higher education, as well as the lack of birth registration for Roma babies and children, which leaves them vulnerable.

46. Similarly, participants from Ecuador reiterated the challenges Roma children face in accessing public schools due to the level of discrimination. This problem is compounded by the lack of birth certificates for some Roma children.

D. Health services and birth registration

47. The health of Roma is a matter of significant concern throughout the region. The lack of specific data means that there is little official information on the health status of Roma communities, but many participants indicated that there are significant barriers to Roma accessing health care services.

48. A related concern is the lack of birth registration or citizenship documentation afforded to Roma children in some of the countries in the region, for a variety of reasons. This lack of formal documents limits access to basic public services such as health and education, as well as other social benefits.

49. Participants from Brazil noted that Roma often encounter difficulties in obtaining identity documentation, including the official health cards, and therefore in getting access not only to basic health services, but also to emergency treatment or vaccination programmes.

50. Participants from Ecuador noted that access to health care remains an issue. Roma experience discrimination at clinics and, for example, new parents are often unable to obtain basic vaccines for their babies.

E. Housing

51. The Special Rapporteur received information that Roma communities continue to face challenges in accessing adequate housing. This issue was raised in a number of jurisdictions as affecting those Roma who continue to travel, causing difficulties in finding adequate sites on which to camp and leading to discrimination by the authorities and

evictions from such camps. The Special Rapporteur was told that the inability to maintain cultural patterns of travelling is having a profoundly negative impact on Roma people's social and cultural patterns and means of subsistence across the region.

52. For the large proportion of people in the Roma communities across the region who no longer travel, many of the settlements, camps and residences where Roma people live are substandard. Roma families often live in situations of extreme poverty, lacking electricity, potable water and adequate sanitation.

53. Participants indicated that many Roma in Chile continue to travel. Up to 70 per cent still spend part of the year travelling. Maintaining an itinerant culture is a challenge, however, due to the lack of suitable sites available on which to set up temporary camps. While travelling, Chilean Roma often ask permission to pitch their camp on various sites. A large number of these requests are rejected. Participants reported a recent increase in forced evictions and the dismantling of temporary camps by the police. This has forced communities to stop travelling and set up a permanent camp, often in substandard conditions that lack adequate sanitation and other amenities.

54. Roma camps in Ecuador also experience substandard conditions. Communities often have no access to running or potable water, or electricity. While some Roma continue the tradition of travelling, they are often chased away by the authorities or otherwise prevented from setting up their camps. Many have been compelled to move into social housing.

F. Political participation

55. Roma peoples throughout the region are reportedly excluded from full participation in political life. It was noted that Roma are decidedly absent from visible political positions at the national, provincial and district levels.

56. Roma are, however, taking initiatives to increase their participation, including by mobilizing through their own organizations, and working to strengthen national, regional and international Roma advocacy networks. All the participants noted the need for external support for these initiatives, and capacity building for communities to increase knowledge of their rights, including the right to political participation.

57. Participants from Argentina noted a lack of systematic and frank dialogue between INADI and Roma representatives, despite the fact that one stated priority of INADI is to develop an improved dialogue with the Roma community in order to better understand their needs and challenges. Participants also noted with regret the lack of Roma representation within INADI. They regard this as a key obstacle and believe that integrating Roma representation into the institution would be a key step towards building trust and dialogue between the State and Argentinian Roma.

58. Participants acknowledged recent policy advances for Roma in Brazil. They also expressed frustration at the slow pace of developments, however, and noted that they have been advocating such advances for many decades. Participants expressed concern that policymakers might wait until the outcome of the 2020 census before properly implementing policies and programmes for Roma. They also regretted the fact that there are no Roma staff members in the Department of Traditional Communities at SEPPIR, the key government entity responsible for designing and implementing policies and programmes for Roma people.

59. In this regard, Brazilian participants noted that the State will have to work to build trust in Government processes among Roma communities. Participants emphasized that the long-standing failure of the Government and policymakers to address the Roma's situation of disadvantage has led to a lack of faith in public authorities. They believe that this may

lead to a reluctance by Roma to disclose their identity in the upcoming census. There is a deep-rooted sentiment among individuals and communities that invisibility around their identity provides the only form of possible protection.

60. The Canadian Romani Alliance is a national Roma network made up of other, smaller civil society organizations. However, Roma are not highly mobilized or organized centrally, and many are reluctant to publicly reveal their identity for fear of discrimination or reprisals. Civil society organizations working on Roma issues face a very challenging funding environment.

61. In Colombia, some important legislative and policy steps have been taken to recognize the Roma as a distinct minority group. Decree 2957 of 2010 puts in place a legal framework for the protection of the rights of Roma, and recognizes the collective rights of Roma people. In the same year, the National Commission for Dialogue with Roma People (Comisión Nacional de Diálogo para el Pueblo Rom) was created to coordinate activities between governmental entities and local communities. Law 1381 on native languages, also adopted in 2010, contains provisions on the recognition, protection and preservation of the languages spoken by the different ethnic groups in Colombia, including Roma languages, and recognition of Roma linguistic rights. Decree 4634 of 2011 contains measures that provide for assistance, reparations and the restitution of land to the victims of the internal armed conflict, including the Roma people.

62. Furthermore, in January 2015 the Government of Colombia organized consultations with Roma communities on the drafting of the national development plan for the period 2014–2018. The Government is committed, among other things, to implementing strategies to increase the visibility of Roma, improve their quality of life and provide better access to their social, economic, cultural and political rights.¹⁶

63. The participants from Colombia noted that while these initiatives are welcome, they have been hard won by Roma activists. They also noted that much work still needs to be done to build trust and confidence within the Roma community before members will start to engage with the authorities and advocate for their rights.

64. Colombian participants also noted the need to empower Roma youth, and to widen the spaces for dialogue between Roma individuals and communities and the State to ensure that Roma can represent themselves and participate in all the decisions that affect their lives.

65. Participants noted that there is currently only one small, nascent human rights association working on Roma issues in Peru. It was noted that it is important to strengthen the work of this organization, and to connect it with other Roma organizations in the region so that it can learn from their experiences. The workshop outlined to the Peruvian participants the similar situations facing other Roma in the region and the all-important need to strengthen the network.

¹⁶ Departamento Nacional de Planeación, Se fija ruta de consultas previas con grupos étnicos para Plan Nacional de Desarrollo 2014–2018, <https://www.dnp.gov.co/Paginas/Se-fija-ruta-de-consultas-previas-con-grupos-étnicos-para-Plan--Nacional-de-Desarrollo-2014-2018.aspx>; Ministerio del Interior, 4,858 Gitanos colombianos celebran hoy su Día Mundial, <http://www.mininterior.gov.co/sala-de-prensa/noticias/4858-gitanos-colombianos-celebran-hoy-su-dia-mundial>.

IV Conclusions and recommendations

66. In the light of the information received from the workshop, the Special Rapporteur respectfully submits a number of overarching conclusions and recommendations. She understands that many of the concerns raised in the workshop may already be being addressed by the Governments concerned, and that there have been a number of positive developments in the region that are not fully addressed in this report.

67. These recommendations should be read in conjunction with those already published in her “Comprehensive study of the human rights situation of Roma worldwide, with a particular focus on the phenomenon of anti- Gypsyism”.¹⁷

A. Conclusions

68. While some governments in the region are beginning to take steps to recognize Roma as a specific population with particular needs and rights, much remains to be done to establish the status of Roma in the Americas as a distinct minority group, so they can fully and meaningfully enjoy all of their human rights.

69. It is in the interests of all the governments of the Americas to step up their efforts to establish the necessary policies and platforms to ensure that all Roma in the region are considered and treated equally, and can live in security and have their rights protected and promoted in accordance with the Declaration on the Rights of Minorities.

B. Recommendations

1. Recognition of the Roma as a distinct minority

70. In order to foster a sense of understanding and respect, and to protect and promote their distinct identity, concerted efforts are needed by all governments in the region to acknowledge and raise awareness of the existence of Roma and their rights as distinct minorities within their respective countries.

71. The collection of disaggregated data on Roma populations in the region is of the outmost importance as it will help policymakers to learn about the number of Roma people and their socio-economic situation, and to design effective legal and policy responses. Data collection should be based on self-identification and take place in a sensitive manner, respecting privacy in accordance with international standards on data protection. Roma civil society, individuals and communities should be involved throughout the process, from designing data collection methods to the collection and analysis of the data.

72. States should consider recognizing and celebrating International Roma Day. Efforts must be made to ensure that Roma history is taught and understood in schools, and that all discriminatory or stereotypical references to Roma in educational materials are removed.

¹⁷ See A/HRC/29/24, paras 88–109.

2. Legal and institutional framework

73. States should ensure that specific laws and programmes are designed to address the above-mentioned areas of concern. Anti-discrimination laws, affirmative action measures, and consultative and outreach initiatives should be launched to close the gaps in educational attainment, health care, housing provision, employment opportunities, poverty reduction, access to justice, and so on, between Roma and majority communities. Steps should be taken to ensure Roma participation in the design, delivery and monitoring of all programmes to assist their communities, based on their own priorities.

74. When implementing the 2030 Agenda for Sustainable Development, States should ensure that proper attention is paid to the situation of Roma communities, and that the Sustainable Development Goals address the economic and social exclusion of marginalized Roma populations and fulfil the commitment to “leave no one behind”.

75. Specific institutions should be created that specifically address the situation of Roma. Without dedicated attention, disadvantaged groups can easily be ignored or excluded from government efforts.

76. NHRIs should recruit and retain Roma staff, and put in place specific mechanisms to address issues of relevance to Roma communities. These institutions are encouraged to develop outreach programmes that increase Roma participation in political, economic, social and cultural life. They should ensure that Roma are both involved in and can gain access to their programmes, including complaint mechanisms, and that materials are available in the Romani language where necessary.

77. States should constructively engage with Roma communities to allow them to build trust in the authorities, and be able to effectively communicate their concerns. States should ensure that any solutions developed and any decisions made that affect Roma communities are made on the basis of participation and dialogue.

3. Discrimination and justice

78. The right to freedom from discrimination requires States to adopt comprehensive strategies that will eradicate discriminatory practices against Roma individuals and communities, and to ensure that they have proper access to health care, social services, employment and education.

79. States should take all necessary measures to prevent and punish discrimination against Roma communities, and efforts should be made to ensure that appropriate mechanisms are in place to guarantee access to justice for Roma victims of any such discrimination. This may necessitate the provision of training for Roma on their rights and the mechanisms that they can use to make a complaint, as well as training for law enforcement officials and others on the rights of Roma as a minority.

80. States must ensure that the authorities effectively and promptly investigate any crimes against Roma individuals and communities, including investigating any allegation of a discriminatory motive. Police officers should minimize the use of force during police operations, including in informal settlements, and all allegations of harassment or unlawful use of force by the police should be thoroughly investigated.

81. States should facilitate participation by Roma in governance and decision-making institutions at both the national and the local level.

4. Capacity building for Roma

82. States and other stakeholders should collaborate with and support Roma civil society organizations in the region, including by providing adequate financial support to empower them to take an active role in advocating their communities' rights and needs.

83. In line with the Declaration on the Rights of Minorities, assistance should also be provided to Roma communities and organizations to strengthen their communication and cooperation with other Roma rights organizations in other countries in the region and beyond, in order to enhance cooperation and synergies.

84. In this context, efforts should be made to strengthen SKOKRA, and steps taken to connect Roma communities in the Americas with Roma civil society organizations working in Europe, which may have valuable experience to share.

85. Capacity building should also be undertaken to ensure that Roma communities in the region are aware of and have the capacity to utilize human rights protection mechanisms: at the national level (NHRIs, Ombudspersons); at the regional level (Organization of American States (OAS) mechanisms); and at the international level (Special Procedures Mandate Holders, reviews of States by Treaty Bodies and Universal Periodic Review).

5. To national and regional human rights bodies and United Nations agencies

86. The organs and specialized agencies of the United Nations system should help to facilitate constructive and effective dialogue between governments and Roma communities in the Americas region, and should also provide financial and technical assistance to Roma communities for the development and implementation of initiatives aimed at securing the realization of their rights.

87. United Nations agencies should jointly develop, in cooperation with Roma communities, focused and targeted programmes at the country level to address the particular needs of Roma communities in their countries, including the particular needs of Roma women and children.

88. The OAS should consider establishing a working group with a mandate to address the situation of Roma in the region.

89. United Nations Country teams in States where Roma communities reside could play a key role in strengthening the network of Roma in the Americas by facilitating and funding meetings and workshops.
