



EU Crisis Simulation Issue Brief: **Status of the Roma in Europe**

The term *Roma* refers to various groups of people who describe themselves as Roma, Gypsies, Travelers, Manouches, Ashkali, Sinti, and other titles. Originating in India a millennium ago and long associated with Egypt (thus *Gypsies*), they migrating into Europe beginning in the 15th Century. They now form the biggest ethnic minority in the European Union. There is no precise data on the total population because registration by ethnicity is forbidden in many countries. It is estimated that there are about 10 million Roma across Europe, not all living in the 27 EU member countries.

The Roma are at the center of one of the most difficult social issues confronting the EU. Poorly integrated into the countries in which they live, the Roma often do not speak local languages or engage in most social institutions or associations. Living apart from the rest society, they are poorly educated, often unemployed and practice social rules no longer accepted by European societies, especially regarding children and women. The target of strong prejudice, they have not been excluded from most European society, creating a cycle of tensions with no obvious solution.

As transnational minority, Roma inclusion is not just a national responsibility, but a European one. When it comes to solidarity, social justice and equal treatment, Roma inclusion has a permanent place on the European political agenda. In the 1990s and early 2000s, before their membership, Roma inclusion was highlighted as an area candidate countries needed to improve significantly. With full membership, though, the issue slipped. More recently, Roma exclusion has regained attention. Policy options before the Council of the European Union include:

- *Devolution*, permitting policy at lower levels, either by individual states or regions. Devolution means acceptance of inconsistent, sometimes contradictory policies within the EU, ranging from legal exclusion to integration.
- *State oriented policy*, stressing EU encouragement of legal reform and assistance in particular members, facilitating accommodation and integration of Roma communities on a differentiated country-by-country basis.
- *Legally mandating integration*, EU-wide recognition of the legal equality of Roma as full members of society. This might include support for inclusion of Roma in institutions of government, schools, social services, housing and infrastructure, policing and the military.
- *Minority rights* stressing legal acknowledgement of the special status of Roma possibly including cultural self-determination. This could be for Roma communities or individuals, acknowledging possible tensions between the two approaches.

Whatever approaches they emphasize, European Union and its member state polices must consider distinct concerns:

- Balancing the power of Brussels versus the sovereignty of member states,
- Roma inclusion, freedom and protection from discrimination,
- Building European-wide human capital through education and health,
- Strengthening Roma participation in the public sphere and civil society.

Roma in Europe

Nazi Germany made the Roma a leading target of the Holocaust, along with Jews, gays and the infirm. After the Second World War, most European Roma were restricted behind the Iron Curtain, facing harsh discrimination under communist rule. The Soviet Union led with a policy of denationalization forbidding most expression of cultural identity. After the collapse of the Berlin Wall in 1989 and with the revival of democracy throughout the region, Roma began to organize civil society organizations at home and travel to other European countries. The Schengen system of border-free travel, in force since 1999 under the Amsterdam treaty, greatly facilitated Roma migration. Countries like Britain, France, Italy, Spain and Sweden became important destinations.

Freedom and familiarity did not reduce ethnic problems. Social prejudice and exclusion against Roma remains serious and may have become worse. Reports of racist incidents grew and the Roma also suffered economic marginalization and impoverishment. The end of socialist protection and exposure to economic globalization led to the disappearance of much of the unskilled labor requirements on which Roma depended. The end of state enterprises where the predominantly poorly skilled Roma tended to work left many without reliable income. This led to a massive increase in unemployment and deterioration in social circumstances. The Roma often have been unable to find a place in the market-orientated economies of otherwise revitalized Central and Eastern Europe. Some governments essentially abandoned them to solve their own problems.

Enlargement made the Roma part of the European Union. The enlargements of 2004 and 2007 brought between five and six million Roma into the EU. One in five live in Romania. Other concentrations are found in Bulgaria, Czech Republic, Hungary and Slovakia. Candidate countries—especially Turkey—also have important Roma minorities. Their legal status differs across Europe, depending on when they migrated and the recognition each country gives as an ethnic or national minority. As residents of an EU country, the Roma have the right to free movement anywhere in the EU and can stay for up to 3 months with a valid identity card or passport, or longer if they find work.

A Troubled Minority

The group encompasses a diverse cultures, languages and lifestyles, making it far from homogeneous. In Western Europe many Roma communities remain itinerant. In Central and Eastern Europe the Roma usually are permanently settled. The



majority lives in poverty, but some have become middle classes, usually through business. Although many Roma still live in rural conditions, most live in towns, often in urban ghettos. This diversity is more of a problem for the rest of the population, who often do not know how to deal with it, than it is for the Roma. Even though groups often lack connections to different groups rather than with the whole (not all Roma call themselves Roma), they face similar prejudices and negative attitudes. Their diversity and geographic distribution make the Roma a special sort of minority. They do not possess traditional characteristics of many minority groups, such as territory or nationalism. This contrasts with other European minorities such as Hungarians in Slovakia or Romania.

The term Roma is developing a new meaning. Emphasizing their ethnic identity offers a collective response to the widespread discrimination. Most Roma leaders do not seek their own state, but they want to stop social inequality, as well as gain recognition of group rights. There is disagreement among Roma leaders about the status Roma should give themselves. There are two distinct trains of thought. The first is that the Roma should be seen as a national minority within existing countries. This would allow

similar rights and protection as other national minorities, also under European law. The second approach involves giving the Roma unique transnational minority status. Advocates of this group put greater faith in Europe than in national governments.

The Council of Europe (CoE), the international organization separate from the EU that promotes human rights, regards the Roma as a traditional, non-territorial minority who need special European-level protection as the victims of discrimination and human rights violations all over Europe. The Council of Europe is trying to protect the Roma, who are first and foremost European citizens, against discrimination and racism by working with governments.

Discrimination in Modern Life

Discrimination against the Roma is directly linked to their marginal social position and exclusion.

It is considerably prevalent in *education*. Some Roma communities can be ambivalent or hostile to education. They may see the education system as hostile to their culture, fueling further suspicion. This is also because education practices often give little consideration to the special situation of their children, especially their inability to speak dominant languages. Poverty is also a major factor. Many parents cannot afford to send their children to school. Girls often are married very young (onset of puberty) and are consequently unable or not allowed to finish their education. Younger Roma are more and better educated and better defend Roma interests to the local authorities and governments. But with self-assertion can come greater local resentment by majority populations.

Unemployment among the Roma is very high, generally much higher than the general rate of unemployment in the country in which they live. Lack of relevant skills as well as discrimination by employers and authorities are main causes. Many studies have shown that Roma are often barred from applying for jobs.

Housing is another area in which problems have increased since 1989. Many lost the subsidized housing they were allocated under communism. Dealing with issues like rent has been difficult for many. Many who lost their homes turned to squatters' camps and other improvised shelter without being registered, usually with their families. The consequences include local overpopulation and even ghetto-ization. Living somewhere illegally can result in the loss of other rights, and the often intolerable living conditions tend to generate negative reactions from the rest of the population. It also makes them vulnerable to attacks by racists.



Roma communities can have serious social ills of their own, including refusal to

educate women, domestic violence and abuse, pre-mature marriage and pregnancy, and forcing girls and women into prostitution. Addressing these problems through rule of law and social policy is a major issue for the EU and member states.

An International Cause

Laws and conventions to combat discrimination and to ensure equal treatment have been adopted at international, national, and regional levels. Discrimination on the grounds of race or ethnic origin violates the fundamental principles of international law. Equal treatment and non-discrimination relate not only to civil liberties but also to cultural, economic, and social rights. European countries have become more willing to consider Roma issues, but the prevailing tendency remains solving problems in someone else's country, not one's own, or sending Roma elsewhere.

Most—but not all—European countries have signed the Council of Europe's *Framework Convention for the Protection of National Minorities*. It states that signatories must guarantee those belonging to national minorities (including Roma) the legal equality and equal protection. Since 1996, the Council of Europe has a specialist group on Roma. The Organisation for Security and Cooperation in Europe (OSCE) also works on the plight of the Roma. All OSCE member states have signed international treaties and conventions banning discrimination. However, many OSCE members fail to fulfill their obligation to the Roma. According to the relevant international agreements, states must not only refrain from discrimination, but must also take *positive action* to guarantee the rights of the individual. An important step was the 2003 OSCE *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, which all new EU member states have signed. It joins the cornerstones of the international efforts to promote Roma inclusion.

Free movement versus national policy

The freedoms of movement of goods, services, capital and people are founding principles of the European Union. The rules on the free movement of EU citizens inside the European Union must be respected when it comes to the Roma too, but managing that task is a member state responsibility. And feelings within states vary.

The rules on the free movement of EU citizens inside the European Union – extensively developed under EU law – are currently set out in Council Directive 2004/38/EC of April 29, 2004, the *Free Movement Directive*. In addition, member states should respect Article 4 of Protocol 4 of the ECHR banning collective expulsions.

European Union member states, despite these provisions, have also discriminated against Roma EU residents exercising their freedom of movement. The movement of Roma who are EU residents within the EU was addressed by a November 2009 report of the EU Fundamental Rights Agency. The report summarizes:

The research identified a disturbingly negative Roma-specific dynamic. First, responses to the arrival of Roma EU citizens are often negative. Second, specific anti-Roma policy responses have also been identified. Third, existing policy and

practice can impact negatively on Roma exercising freedom of movement, even when this is unintended.

In the summer of 2010, eviction and expulsion of Roma from *France* back to Bulgaria and Romania caused serious controversy with the European Union, raising the issue of compatibility with the *Free Movement Directive* and the *EU Charter of Fundamental Rights*. Expulsions of Roma to their country of immediate origin had taken place in France for several years. An aggressive public campaign by the French Government on security and immigration in 2010 saw French leaders calling for more aggressive action. Their calls were accompanied by public declarations overtly targeting the Roma as a group and stigmatizing them as criminals. French authorities announced in November 2010 that in the first ten months of that year 13,241 Bulgarian and Romanian Roma had been expelled.

The European Commission began to initiate infringement proceedings against France. In response, the French government provided assurances it would implement the Free Movement Directive in new immigration legislation. On 17 July 2011 the new immigration law (Law No. 2011-672 also known as *The Besson Law*) entered into force. However, according to Human Rights Watch, French law and practice continue to violate France's obligation under both EU law and international human rights law, with provisions that directly infringe upon the Directive and "appear to be conceived to facilitate the expulsion of Roma who are in France".

In *Italy*, rapidly increasing numbers of Roma from Romania have been targeted by official discrimination, policies at variance with human rights standards. Italian policy lumps all Roma and Sinti together in a way that "might infringe fundamental rights" according to the EU Fundamental Rights Agency. In November 2007, the Italian Government passed an emergency decree facilitating expulsion of migrant Roma who were Romanian citizens. In December 2007 the decree was replaced with "[u]rgent measures in matters of expulsions and removal for terrorism and for imperative reasons of public safety". In June 2010, the European Committee of Social Rights held that the expulsion of Roma and Sinti constitutes a violation of the *Revised European Social Charter*, which protects the right of migrant workers and their families not to be arbitrarily expelled.

In *Denmark*, 23 EU citizens of Roma origin were arrested in Copenhagen in July 2010 and expelled to Romania. They were also banned from re-entering Denmark for two years. EU migration policies also impact the freedom of movement of Roma from EU candidate countries. For example, since *Serbia* and the *Former Yugoslav Republic of Macedonia* (FYROM) became part of the Schengen visa-free travel regime in 2009 – and after the EU Commission called on these countries to closely monitor the system so it does not lead to abuse – controls over the movement of Roma have reportedly increased. The Serbian Government even called on Roma not to seek asylum in EU countries as it could damage Serbia's image.

Recent Developments

The last couple of years have seen two major developments. The first is the *Decade of Roma Inclusion*, an intergovernmental initiative to which, among others, all of the new

EU member states with sizeable Roma minorities have signed. This signals a clear commitment from national governments to address the issue of Roma exclusion. The results thus far are mixed. In *Hungary*, generally acknowledged to be one of the frontrunners in the Decade of Roma Inclusion, initiatives have been taken by the government with encouraging results.

In other countries much more remains to be done. That is connected to the second important development: a more active role of the European Union. The European Parliament adopted a resolution in April 2005 calling on the European Commission to produce concrete proposals for better coordination of policies at different levels to address exclusion of Roma in Europe. Although the European Commission did develop initiatives, its activities have been less than what was requested by the European Parliament.

Pressure is growing. In December 2007, for the first time, the European Council, gathering all European government leaders, made a reference to Roma in its conclusions, clearly recognizing that the European Union itself has a role to play to combat the exclusion of Roma.

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