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Evaluating the Treatment of the Roma Population Within the EU

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Cover Page Footnote

I would like to acknowledge that I am not a member of the Roma community and the privilege I have researching and learning about this ethnicity. This work would not have been possible without the dedication and guidance of Dr. Valentina Padula. Throughout the months of research, Dr. Padula challenged me to think in new ways and was invaluable to my research. I would also like to thank Roshni Sopariwalla and my brother, Wesley Ng, for providing never ending feedback and their willingness to read this paper numerous times.

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Evaluating the Treatment of the Roma Population Within the EU

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ABSTRACT

This paper will address citizenship within the European Union with a focus on the Roma and their treatment as citizens of different member states. Using the European Union Charter of Fundamental Rights as a guideline, member states will be evaluated on their adherence to the listed rights in regards to the Roma. This paper will address different areas including education, housing, and economic opportunity within the individual member states and will identify both their successes and failures at integrating the Roma into the population. Member states. Finally, this paper will determine if Roma are treated equally in comparison to the members of the majority population and to other recognized minority populations.

KEYWORDS

Roma, gypsy, citizenship, minority rights, human rights

INTRODUCTION

“Gypsies, Tramps and Thieves” was a popular song in the 1980’s sung by musical icon Cher. It illustrates the pervasive stereotype of “Gypsies” as menaces to society that have no sense of loyalty and frolic around the country. These songs do not address the fact that the Roma are the poorest minority within the European Union (EU) and that they face housing, educational and social discrimination. More Roma live in poverty than any other ethnic minority within the EU and face the most social discrimination relative to other ethnicities (EU and Roma, n.d.). Member states blame the Roma for being poor, uneducated, and living in inhumane conditions but do not offer resources for the Roma to escape the cycle of poverty.

The EU as a supranational organization must guarantee that the rights of its citizens are met in all of its member states. According to the Doctrine of Human Rights of the European Union, all citizens of member states are guaranteed an education, adequate living conditions and the right to be full members of society. Its citizens may not be discriminated against nor may they be legally or socially persecuted based on their ethnic origins.

This paper will explain who the Roma are as an ethnicity but also who they are as defined by the European Union. Furthermore, it will evaluate if the Roma are truly citizens of the European Union based on their right to education, housing and economic equality as upheld by Member States and the impact of Roma specific legislation and conferences within the EU.

WHO ARE THE ROMA? WHO DOES THE EUROPEAN UNION CONSIDER TO BE A ROMA?

Commonly known by the misnomer “Gypsy,” the Roma are the largest ethnic minority within the EU and can be found in each of its member states (EU and Roma, n.d.). Kendrick and Taylor prove that the Roma have been in Europe for centuries and can trace Roma entering Bohemia and the Balkans in the fourteenth century (Kendrick & Taylor, 1998). Since entering Europe, the Roma have faced constant persecution and struggled to survive. From slavery in Wallachia, modern day Romania, to being forced into concentration camps during the Holocaust and Slovakia forcibly sterilizing its Roma population, the Roma have never seen an extended period of time in which they were treated as equal citizens (Achim, 1998). For hundreds of years, the Roma population has been considered outsiders and “undesirable” by the majority of EU citizens.

Continuing this discrimination, the European Union has arbitrarily chosen to include other ethnic groups and non-related people into the definition of who is Roma, thus perpetuating the stereotypical image of the Roma being a nomadic people. The following definition is used in the Council of Europe and mirrors the EU’s own definition but is more specific in listing all the ethnicities encompassed under the term “Roma”:

The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichels, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies (Roma and Travellers, n.d.).

This paper agrees with parts (a) and (c) which enumerates the names of Roma who evolved based on the different geographical regions they travelled to and settled within. For example, Sinti/Manush Roma are Roma found in Germany and have been there since the fifteenth century. (Kendrick & Taylor, 1998)

However, the issues begin with part (b) which includes Ashkali and other minorities originating from Egypt. Roma are from India, not Egypt. Famed Roma scholar, Ian Hancock, proves that against the common belief, “Gypsies” can linguistically trace their heritage to the Punjab area of India (Hancock, 2013). The term “Gypsy” is actually based on the assumption that the foreigners with a darker complexion obviously must be from Egypt; “Gypsy” is merely slang for Egyptian (Hancock, 2013). Furthermore, Ashkali are an Albanian speaking, distinct ethnic minority found almost exclusively in Kosovo, Serbia, a country not even within the EU. While the Albanian government recognizes the Roma, Ashkali, and Egyptians as three separate ethnicities, the majority of its citizens refers to all three as “Gypsies” (Lichnofsky, 2013).

The issues continue with denoting all “Gens du voyage” with the Roma (Roma and Travellers, n.d.). Roma are commonly viewed as nomadic people without any set destination or home. Few people recognize that the majority of Roma are and have been sedentary since the rise of Communism made a nomadic lifestyle illegal (Marushiakova & Popov, (n.d.). The administrations bemoaning Roma for being nomadic are usually the ones who forcibly settled them. Travellers itself is its own ethnic group, especially when referencing Irish Travellers, who have experienced similar issues of persecution and racism but are still not Roma (“Irish Travellers”, 2017).

The issues culminate with including all “persons who identify themselves as Gypsies” (Roma and Travellers, n.d.). One cannot choose to be or choose not to be an ethnicity, they are born into it. Similarly, Roma are an ethnic group. They are not a nationality. They are not an arbitrary label that people can choose to become. They are a diverse group of people born into an ethnic group filled with its own culture, language and history. To be a Roma, one must be born a Roma. People choosing to be a “Gypsy” is similar to choosing to be a “nigger” or a “jap.” All are derogatory words for ethnicities that have faced discrimination based on the color of their skin. The EU’s use of a derogatory word only further perpetuates the social exclusion of the Roma population.

ARE ROMA EQUAL TO ALL OTHER CITIZENS?

The Commission has acknowledged the special plight of the Roma for having the majority of its members experiencing persecution, economic discrimination, social exclusion and poor health care (“EUR-Lex”, n.d.). For those that are even citizens of the country in which they reside, the pervasive stigma they face from the other citizens only further isolates them from joining the larger population.

Legally, the Roma population in all member states is considered to be like any other citizen within each of the member states and entitled to the same rights. While there are special directives and work done to improve their lives, they do not receive different privileges or rights. However, when racial discrimination does occur, the Racial Equality Directive and the EU Charter on Fundamental Rights are the usual means to protect themselves (Farkas, 2014, p. 7). Furthermore, member states must follow the directives of the European Convention on Human Rights and Fundamental Freedoms, the Convention

on the Rights of the Child (CRC) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) (Farkas, 2014, p. 7). The ICERD is noted for banning segregation in all sectors of society while the CRC more explicitly bans educational discrimination (Farkas, 2014, p. 7). Notice, that for all of these legislations, none directly address the rights of a Roma or their special status within the EU.

The EU regularly uses surveys to get a better understanding of citizens' experiences within member states and as a whole. The European Union Minorities and Discrimination Survey was the "first primary survey data collected from selected ethnic minority and immigrant persons resident in the EU Member States" ("European Union Agency", 2016). 23,500 immigrant and ethnic minority people residing in all 27 Member States were interviewed in 2008 in face-to-face interviews, and of those people, 3,510 were members of the Roma Community from seven EU Member States ("European Union Agency", 2016). 11% indicated having been discriminated against within the previous twelve months with 71% choosing not to report the incident because they believed that nothing would be done and 41% not knowing how to report it ("European Union Agency", 2016). Even more alarming was the 26% that feared consequences if they did report it and the 16% that had a fear of intimidation from the perpetrators ("European Union Agency", 2016). The Roma population does not trust the government to uphold their rights nor the society they live within to treat them equally. Almost three quarters of the Roma who are discriminated against further believe that the perpetrators will not be charged or face any consequences. This lack of faith in the justice system could be caused by previous experiences of perpetrators facing little to no repercussions.

EDUCATIONALLY EQUAL:

Article 14 of the Charter of Fundamental Rights of the European Union (2000) states: "Everyone has the right to education and to have access to vocational and continuing training." Given that the Roma are citizens of the country they live in, they deserve an equal education on par with any other citizen within the EU. Defying directives established in the CRC and ICERD, Bulgaria, the Czech Republic and France are notable for their poor treatment of the Roma in their educational system.

Bulgaria violates many of its citizens' rights, most notably the rights to education and housing. Approximately 5% to 10% of the Bulgarian population is Roma, making them the largest or second largest ethnic minority within Bulgaria depending on the data (Strandel, 2012, p. 189). Estimation of Roma populations is particularly difficult because many Roma refuse to report their ethnic heritage on census and many ghettos are excluded from census reports (Strandel, 2012, p.190).

Bulgaria's Parliament passed the Protection Against Discrimination Act, which directly contrasts with the EU's own laws and prerogatives, only considers segregation as a forced action, which implies that Roma and other minorities can choose to be segregated from the rest (Farkas, 2014, p. 16). Bulgaria is also noted for developing ghettos, which are different from slums because of their ethnic connotations (Feffer, 2013). Roma ghettos are common throughout Bulgaria, but the largest is in Stolipinovo, Bulgaria (Feffer, 2013). In 2002, about 6% of the Bulgarian population lived below the poverty line compared to 62% of the Roma people (Vistin, Green, Bakalova, & Zografova, 2016). Compounded with the fact that 59% to 80% of the non-Roma population has negative feelings toward the Roma

population, many Roma live together and form their own communities on the outskirts of cities (Silverman, 2014, p. 12). In 2003, the Council of Europe found that “these districts have no access to basic public services, whether health care, public transport, waste collection or sanitation” (Third Report on Bulgaria, 2013). Roma-only schools are created in the ghettos in which the Roma people reside.

In these ethnic ghettos, Roma are forced to go to subpar schools that are specially designed for them if they do not end up at delinquent schools. Out of the Roma population, only 0.3% have a college education and only 6.9% have a secondary education (Nolan, 2014, p. 157). Furthermore, “children were at the highest risk of poverty or social exclusion if their parents had the lowest educational attainment in [...] Bulgaria (89.2%)” (“Europe 2020”, n.d.) Bulgaria is condemning its Roma population to remain indefinitely impoverished because of their lack of access to education and ways to escape poverty. Over 90% of the Roma population does not have a secondary education, and of that percentage, 90% of children are at risk of being in poverty or socially excluded (“Europe 2020”, n.d.).

At a state level, the Roma make up about 50% of students in schools for the mentally disabled and about two thirds in boarding schools for “delinquent behavior,” colloquially known as the “delinquent schools” (General Overview, n.d.). Both schools are noted for a lack of adequate resources and the “delinquent schools” for human rights violations, including physical abuse of its pupils (Kanev, 2001). Furthermore, while there is no official educational segregation according to the Bulgarian government, the public distrust of Roma have created a low percentage of Roma children in predominantly non-Roma schools and created unofficially Roma only schools (General Overview, n.d.)

Educational inequality is not limited to Bulgaria but can also be seen in the Czech Republic:

As the Commissioner for Human Rights of the Council of Europe notes, in this country segregation persists despite the 2007 ruling of the Strasbourg Court in the matter of *D.H. and Others v. the Czech Republic*, and the enactment of a new Schools Act in 2004 which restructured the provision of special needs education. An estimated 30% of Roma children are still educated in schools designed for pupils with mild mental disabilities, compared to 2% of their non-Roma counterparts. (Farkas, 2014 p. 18)

Given that Roma are a minority, it is statistically improbable for them to be fifteen times more likely to be born with mental disabilities. At the surface level, the Czech Republic has all of the legal means to reform their educational system and eliminate segregation, yet it continues to persist (Farkas, 2014, p.18). Roma students are still kept in “special schools” that are segregated from predominantly non-Roma schools. Without an adequate education, “people with the lowest educational attainment were over [...] six times (6.4 times in the Czech Republic) more likely to be at risk of poverty or social exclusion than those with the highest educational attainment” (“Europe 2020”, n.d.) The current Czech educational system is designed to keep the Roma impoverished and at the margins of society. Education is a vital aspect for improving one’s living condition, and without a proper education, the Roma will be unable to advance in society.

France is often heralded as a place of democracy and equality for all of its citizens

with their educational system gaining international praise. The French believe that there are no minorities in France and that everyone is just French with equal rights and privileges (Farkas, 2014, p. 19). However, Roma children and other migrant children are forced into specific schools where there are fewer resources and have a lower than average performance (Farkas, 2014, p. 19). Current laws make education from the ages of six until sixteen compulsory, but “about 67% of Roma children do not regularly attend” (Bourmont, 2017). Lack of stable housing and other bureaucratic obstacles are created to prevent the Roma from settling down in one area and keep them in a cycle of poverty and marginalization (Bourmont, 2017).

HOUSING EQUALITY

The EU-MIDIS Data found that discrimination relating to housing was experienced less frequently when compared to educational or social discrimination (“Housing Discrimination”, 2009). However, this could also be explained by how infrequently Roma attempt to buy or rent property.

One of the most pressing housing discrimination is occurring in Bulgaria where Roma are constantly worried about evictions while being targets of not only hate speech but also hate crimes (Zahariev, 2016). The government has systematically demolished Roma neighborhoods near major cities that have large communities of Roma people (Zahariev, 2016). In 2015, two Roma settlements near Sofia, the capital, were demolished under the basis that they were illegal constructions (Thorpe, 2015). While the conditions of those buildings may not be up to current safety codes, the solution was not to displace all of the Roma living there without offering adequate rehousing as they were doing (Naydenova, 2015). Many Bulgarian Roma are below the poverty line and as such cannot go into the city to rent or buy property. Furthermore, Roma are unsafe in the major cities given the frequency of anti-Roma protest. In 2011, thousand of protesters in at least 20 cities demonstrated against Roma with one hundred and sixty eight people arrested for violation of public order, “the majority – for possession of small bombs, knives, bats, pipes from vacuum cleaners, kitchen meat hammers, or other similar things” driving many Roma out of the cities in fear for their lives (Adams, 2011).

ECONOMICALLY EQUAL

The Roma are the largest minority within the EU but also the poorest. Approximately “90% of the Roma surveyed live in households with an equivalised income below national poverty lines” (Farkas, 2014, p. 5) Furthermore, “on average, around 40 % of Roma live in households where somebody had to go to bed hungry at least once in the last month since they could not afford to buy food” (Farkas, 2014, p. 5) An article on the Europe 2020 Strategies reveals that almost one in four EU citizens were at risk of poverty or social exclusion, of which the impact on the Roma is unknown (“Europe 2020”, n.d.).

The same study also found that 63.8% of children of parents with pre-primary and lower secondary education were at risk of being in poverty or socially excluded (“Europe 2020”, n.d.). “People with low educational attainment are three times more likely to be at risk compared to those with the highest degrees” (“Europe 2020”, n.d.). Unemployed people had the highest risk, 66.7% being affected versus the working EU population’s risk of 9.5% (“Europe 2020”, n.d.). If Bulgaria is used as a model for the constant cycle of Roma

impoverishment, only 6.9% in the ghettos had a secondary education exponentially increasing their chance of remaining in poverty (Nolan, 2014). Due to the Roma's inadequate education, they are forced into menial labor or other unskilled jobs to survive with little chance of advancement.

The major cause of poverty and social exclusion for the Roma is inadequate employment opportunities. In the United Nations Development Programme (UNDP) reports, ethnic affiliation was ranked as the number one most important cause of unemployment (Kirova, 2007). Racial discrimination against the Roma, prevents them from obtaining jobs and becoming marketable in the EU's extremely competitive labor market (Kirova, 2007). There is no training or classes they could take that could overcome the negative bias of their ethnicity. Furthermore, many Roma are underprepared to compete with citizens who not only have a better education but also lack the ethnic bias (Kirova, 2007). Roma are stuck in a continuous cycle of discrimination and lack of education that only further exacerbates their current issues of poor living conditions, poverty, racial bias and lack of employment opportunities. "Discrimination becomes both a consequence of and a primary cause for exclusion" (Kirova, 2007).

EU EFFORTS TO MAKE ROMA EQUAL CITIZENS

Contemporary efforts in Europe to make Roma equal citizens began in 2005 with the Decade of Roma Inclusion. In 2005, twelve countries pledged to improve the socio-economic standing of the Roma and promote social inclusion by focusing on "priority areas of education, employment, health and housing" while taking into account "poverty, discrimination and gender mainstreaming" (Decade in Brief, n.d.) Of those twelve countries, eight of them are current members of the EU. The governments committed to improving the living conditions of the Roma and ending the cycle of poverty (Kirova, 2007).

However, little results can be seen of this Decade of Roma Inclusion partially due to lack of funding spent on improving Roma lives. In the Czech Republic in 2014 the total Czech expenditure on the Roma initiative was 0.0054% of the total state budget expenditure (Progress Report 2014, 2014, p. 5). Financial resources were spent on improving education, culture, general employment, housing or crime prevention (Progress Report 2014, 2014, p.5). However, it is virtually impossible to "estimate the percentage used directly for the benefit of the Roma minority" (Progress Report 2014, 2014, p. 6). More often than not, Roma are helped indirectly, as a side effect of a nation program or non-specific initiative that inadvertently affects the Roma.

An EU specific initiative for the betterment of the Roma minority is an annual European Roma Platform. The main goal is to "present a high level forum bringing various stakeholders from grassroots, local and national, and European level to the discussion table" (Zahariev, 2012). However, the tenth and most recent platform was riddled with problems. The topic was on the "Accountability of all stakeholders" focusing on the responsibilities and role of all groups to improve the Roma condition (Zahariev, 2012). These stakeholders though were only given a few days to prepare for the event and thus only 40 organizations were able to attend and represent all 28 member states (Zahariev, 2012). The Roma situation is unique within different countries and as such there must be ample representation for both the problems and improvements being made in different sectors.

One of the main discussions of that platform were the results of the EU MIDIS II

Survey on Roma Inclusion. The Survey results showed that

80 % of Roma continue to live below the at-risk-of-poverty threshold of their country; that every third Roma lives in housing without tap water; one in 10 in housing without electricity; and that every fourth Roma (27%) and every third Roma child (30%) live in a household that faced hunger at least once in the previous month. (“European Union Agency”, 2016)

These results suggest that attempts at improving the Roma’s living conditions are ineffective and need to be improved (“European Union Agency”, 2016). There has been little change between the EU-MIDIS, 2008, and EU-MIDIS II on Roma, 2016, even though they are separated by almost a decade. The survey further proves that the Decade of Roma Inclusion had little tangible improvements as a whole and that Roma remain at the same level of impoverishment as before.

CONCLUSION

The concept of an EU citizenship can only work if all of its citizens are treated equally regardless of which member state they hold citizenship from. While the member states do not have to present fully identical criteria for citizenship, the basic rights of their citizens must be met. The main problems of discrimination that the Roma experience can be traced back to the differing policies of member states. For example, France’s policy of denying the existence of any and all minorities fails to recognize that many of its citizens recognize and discriminate based on ethnicity. The Roma are stuck in a cycle of poverty that needs government intervention to better their condition and quality of life. Depending on which country a Roma is lives in, their treatment and rights as a citizen will change. If the EU can assure that the basic rights of its citizens are met in all member states than there can be an EU citizenship.

Further research should be done with actual interviews from the Roma population in the aforementioned member states. Many of the news reports and research was composed with little to any interaction with the Roma population.

AUTHOR'S NOTES

I would like to acknowledge that I am not a member of the Roma community and the privilege I have researching and learning about this ethnicity. This work would not have been possible without the dedication and guidance of Dr. Valentina Padula. Throughout the months of research, Dr. Padula challenged me to think in new ways and was invaluable to my research. I would also like to thank Roshni Sopariwalla and my brother, Wesley Ng, for providing never ending feedback and their willingness to read this paper numerous times.

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