# The Most Persecuted Minority in Europe: An Assessment of Roma Rights in Europe

Minorities in Focus Report 2015



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### Introduction

The Roma represent the largest trans-national minority group in Europe, and yet they are the most vulnerable ethnic group in the continent. Historically, the Roma have been one of the most persecuted ethnic groups, and today they still face considerable obstacles barring their way to the full enjoyment of basic human rights, remaining far behind others in terms of political representation and the protection of socio-economic entitlements.

This report aims to provide an analysis of the main issues surrounding the social and political exclusion of the Roma population, highlighting how European States fail to protect such groups by not granting them the same protection that is generally afforded to other minorities.

This report is organised into several sections, beginning with an outline of the definition of Roma which will then be followed by an historical overview of Roma persecution in Europe, having as a starting point the first Roma migration from the Indian subcontinent. Following this, I will investigate four core issues: political discrimination, lack of political representation, statelessness and urban marginalization. Finally, I will make a series of recommendations to render institutional actors more sensitive to the Roma rights.



### **Contents**

Who are the Roma?	4
Persecution and repression of Roma communities in Europe: an historical overview	4
Roma communities in modern Europe: between racism, stereotypes and hate crimes	6
A minority without political representation	7
No citizenship, no rights	9
Urban marginalisation and forced evictions	9
Conclusion and recommendations	10
About Global Minorities Alliance	14
References	15

### About the author

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### About the editor

Claire Fuller is the Press Secretary of Global Minorities Alliance. Having gained a degree in Journalism and a Masters in Social Anthropology, Miss Fuller has previously worked as a journalist and editor for an employment law magazine/website and as a caseworker for refugee charities in Glasgow. These past experiences have given her a keen interest in human rights, which led to her working for Global Minorities Alliance.



### Who are the Roma?

The word 'Roma' was coined at the first World Romani Congress held in London in 1971 as an umbrella term to describe a wide range of ethnic communities and individuals from different cultural and national backgrounds such as Sinti, Kale, Gypsies and Travelers.<sup>1</sup>

According to an institutional definition given by the European Union (EU)<sup>ii</sup>, it is worth to distinguish between four different types of Roma groups:

- Roma communities living in disadvantaged, highly concentrated (sub)-urban districts, possibly close to other ethnic minorities and disadvantaged members of the majority
- Roma communities living in disadvantaged parts of small cities/villages in rural regions and in segregated rural settlements isolated from majority cities/villages
- mobile Roma communities with citizenship of the country or of another EU country
- mobile and sedentary Roma communities who are third-country nationals, refugees, stateless persons or asylum seekers

It is estimated that all the above mentioned groups represent jointly the largest European transnational minority group, counting almost 12 million of Roma people living in whole continent. In particular, the majority of Roma communities live in southern and eastern Europe although they can be found throughout the continent.

# Persecution and repression of Roma communities in Europe: an historical overview

It is a common belief that the persecution against Roma communities is a modern phenomenon that took place primarily through the establishment of totalitarian regimes prior to War World II. However, history shows that the Roma have been target of several forms of repression (enslavement, mass killing and forced expulsions) since their first migration from India to Europe. iii

Between the 17th and 18th century, Romani groups lived in slavery in several Eastern European countries, while in Spain thousands of Roma were deported to America and Africa as it was believed that such groups belonged to a 'bad race which is hateful to God'. Under the Austro-Hungarian rule, Roma children were taken away from their parents and the Roma language, dress and music were banned.

The persecution and the criminalisation of Roma reached its climax with World War II. In that period, the repression of Roma occurred on a scale which has never been previously witnessed.



With the Nazi-Fascist dictatorships, the persecution of Roma was generally motivated by pseudo-scientific formulations based on theories of race. According to Nazi-Fascist legislation, Roma people were considered 'racially inferior' and 'anti-social' and subsequently were deported to labour camps where Romani men and their children were subjected to forced sterilization and other cruel medical treatments. Finilarly, in 1934 Sweden launched a program of sterilization of women belonging to Romani communities while four years later Stalin banned the use of the Roma language and culture. Fin Spain, from 1939 to 1975 under the Franco regime Roma were persecuted and harassed.

In 1942 Roma began to be deported and interned in Auschwitz. Among the inmates of the Nazi concentration camps, Roma people were those identified and labeled with a black triangle on their clothes and a 'Z' tattooed on their bodies. Viii According to research findings carried out by the Council of Europe (CoE), the total number of the Roma victims of the Nazi genocide were about 250,000, even though other studies show that the total number of victims could amount to 500,000.

Unfortunately, for the few Roma who survived the holocaust, neither justice nor other mechanisms of compensation/reparation occurred. In postwar Europe, the prosecution of Nazi crimes at Nuremberg was mainly focused on perpetrators without providing any support or participatory rights to victims. Indeed, the term 'victim' does not appear in the Nuremberg Statute. Moreover, the Roma genocide was not prosecuted during the Nuremberg trial despite the fact that the catastrophe was very much parallel to the Jewish genocide, which has been hugely recognized in the public discourse.<sup>x</sup>

Taking for granted that every genocide represents a tragedy for all mankind, there is still a strong need to diversify the prosecution of the Roma genocide from the Jewish one. The criminal prosecution of Nazi crimes against Roma would serve indubitably as a means to equalize the commemoration of all victims of the Holocaust.xi The reason behind this is that every genocidal act is directed to a specific group therefore those attempts aimed to commemorate some groups rather than others could alter the remembrance of all victims.xii

### A forgotten genocide: what has been done?

In October 2003, an <u>International Commission on the Holocaust in Romania</u> was established by former President Ion Iliescu to research and create a report on the actual history of the Holocaust in Romania and make specific recommendations for educating the public on the issue. In October 2012, The German Chancellor Angela Merkel has inaugurated in Berlin a <u>memorial site to the Sinti and Roma victims</u> of the Nazi genocide.



# Roma communities in modern Europe between racism, stereotypes and hate crimes

Today, Roma people continue to be labeled as 'criminals' or as a 'threat to public security', often becoming the target of discriminatory language and xenophobic statements. Negative perceptions of Roma people is consistent and common across Europe. According to a research conducted by the Open Society Institute in Central Europe, "non-Roma respondents consistently expressed negative views of the Roma overall, describing the Roma as dishonest, aggressive, un-hygienic, lacking work ethic, unemployed, poorly educated, and prone to criminality".xiii

Across Europe, far-right political parties with openly anti-Roma agendas are gaining popularity and xenophobic statements against Roma people are persistent in the political discourse. Anti-Roma and racial statements are delivered by politicians during talk shows, public debates and published in newspapers and on social networks.

### Xenophobic statements against the Roma

**Hungary:** Zsolt Bayer, a leading journalist and co-founder of the *FIDESZ party*, defined Roma as "animals" that "need to be eliminated (...) right now by any means" (January 2013). xiv

**Greece:** Dimitris Koukoutsis, leader and national MP of Golden Dawn, accused the Roma of "involvement in delinquency" and said Golden Dawn would not regard them as equal citizens until they gave up crime. He said delinquency was "in their DNA" (April 2013).\*\*

**Italy:** Antonio Buonanno, member of European Parliament for the *Lega Nord*, defined Roma people as "the scum of the earth" during a political talk show face to face with a Roma activist (February 2015).<sup>xvi</sup>

**France:** Manuel Valls, French Interior Minister declared: "The Roma should return to their country and be integrated over there as it is illusory to think that we can resolve the problem of the Roma population solely via insertion" (September 2013).xvii

The consequences of xenophobic statements should never be underestimated. Hate speech implicitly legitimises violence against minorities.

In Hungary, over the last 15 years, paramilitary groups have been marching and organising demonstrations in Roma villages with the intent to harass and intimidate Romani communities. These paramilitary groups patrolled the town, where they prevented the Romani residents from sleeping by shouting during the night, threatening Roma with weapons and dogs, unimpeded by local police. Xix Such attacks have culminated with the murder of six Roma people, including a five years old child. Xix



Similar cases of violence against Roma have been reported in Czech Republic where in July 2013 at the peak of the anti-Roma protests a man attempted to set fire to a house predominantly inhabited by Romani families.<sup>xxi</sup>

On 27 September 2012, about 40 armed people attacked a group of some 50 Roma who had moved to Marseille (France) threatening the Roma to set fire to their personal belongings. Mob violence occurred also in Italy where, a few years ago, Roma settlements located in a suburb of Rome were attacked in the middle of the night with Molotov-cocktails.

The criminal justice systems of many European countries are failing to prevent, investigate and prosecute racist crimes against Roma. According to data collected by the EU Fundamental Rights Agency, one in five Roma state that they had been the victims of a racially motivated crime – including assaults, threats and serious harassment – at least once in the past 12 months. Contextually, the data shows how the large majority of Roma do not report such crimes to the police, due to a lack of trust that police would want or be able to investigate such offences. XXIV

# A minority without political representation

Roma people are deeply under-represented both in local and national assemblies and it is estimated that such a violation of the right of political representation regards almost 12 million of Roma people in whole Europe.\*\*xv

The right to political participation for minority groups is primarily codified in Article 2(2) of UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities which affirms that "Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life".xxvi At regional level, the right to political participation of minority groups is further recognised by the Framework Convention for the Protection of National Minorities which establishes that "State Parties shall create the conditions necessary for the effective participation of persons belonging to national minorities in cultural, social and economic life and in public affairs, in particular those affecting them" (Article 15).xxvii

In the last few decades, European States have made efforts to involve minorities in public life through the establishment of special mechanisms of political inclusion. Such practices generally involve reserving seats in national or local assemblies to minority groups. Alternatively, political autonomy is granted to non-dominant groups through the establishment of self-governing bodies in regional or provincial areas populated principally by minorities. Despite this, Roma groups are still politically marginalised, even in those countries where they represent a large part of the population.



The political exclusion of Roma has many roots:

- Roma people lack of the necessary identity documents for voting and consequently they are automatically excluded in civic and voter registers. This renders such communities less interesting to politicians seeking support during the election-campaign which in turn means that, post-election, politicians feel less responsibilities towards non-voters.
- According to United Nations figures, the 40% of Roma live on the edge of poverty. Consequently, "if people are hungry they do not thinking about politics," said Zeljko Jovanovic (director of the Roma Initiatives Office of the Open Society Foundations in Budapest).xxx
- Political participation and political awareness are strictly related to levels of education.
  Normally, political participation tends to come with higher educational attainment. It
  estimated that enrolment rates for Roma in secondary education average around 10% in
  central and eastern Europe while Roma enrolment in tertiary education averages less than
  1% in most European countries.xxxiThis dramatic educational gap between Roma and nonRoma is undoubtedly another obstacle to participation.
- A major barrier to political participation for the Roma "is widespread ethnocentrism and nationalism among the social majority in Central and Southeast Europe. Additionally, in some Central and Eastern European countries, parliaments have set aside a number of seats for minority representatives, including the Roma, [but] these seats are generally seen as...[having] no real chance to influence policy".xxxii

### Macedonia: a positive example of political integration

Roma are the third-largest ethnic group in Macedonia representing about the 8% of the population. Two political parties represent the Roma, and their delegates have had seats in the Macedonian parliament for the last 20 years. In the government, Roma are represented by a minister without portfolio. The Romani language is one of the country's official languages and it can be studied at the university. Macedonia has a large number of Roma youth who attend secondary schools compared to other Balkan states.

### Transnational political cooperation in the Balkan region

In May 2014, Roma parliamentary representatives from Serbia, Macedonia, Hungary, Bulgaria and Croatia signed a declaration to collaborate on the enforcement of Roma rights at a national and local level. The first official assembly of this group was organised by the Serbian Parliament where the representatives have established an inter-parliamentary group for the protection of Roma rights.



# No citizenship, no rights

Roma people often lack of personal identity documents. This is a common problem in several European countries. The non-dominant position of Roma communities coupled with the persistent discrimination of such individuals is then aggravated by their statelessness. It is well-known how the exercise of political and civil rights (e.g. right to vote) and the enjoyment of socio-economic entitlements (e.g. right to health) are strictly related to the recognition of a link between the individual and the State; that is, the right to citizenship. Logically, those Roma that do not enjoy of any nationality are more excluded both politically and socially than other minorities.

The right to have a nationality is a fundamental human right. States are already bound by several universal and regional obligations to ensure that the right concerned is fully recognised to every individual. Essentially, such obligations require states to employ all possible means to end *de facto* and *de jure* statelessness of Roma.

Regionally, the Roma must be provided with a nationality in accordance of the 1997 European convention on Nationality<sup>xxxiv</sup> and the 2006 Convention on the Avoidance of Statelessness in Relation to State Succession.<sup>xxxv</sup> Some core previsions of the above mentioned treaties includes:

- a) ensuring the principle of non discrimination in law and practice;
- b) an obligation on State to avoid statelessness, including in the context of state succession<sup>xxxvi</sup>, which can lead to the emergence of a large number of stateless persons;
- c) a special protection to be provided to children born on the territories and who do not acquire another nationality of birth.

# **Urban marginalisation and forced evictions**

A large number of Roma families and travellers live in rudimentary shelters, without the permission of local authorities, which is characterised by poor hygienic conditions due to the lack of electricity and running water. XXXVIII Even in those cases where permission is granted by local authorities, the dominant practice is to relegate the Roma to campsites far away from urban centre. This is generally the solution proposed by municipal authorities to relocate former inhabitants of illegal settlements.

It is a common belief that Roma people choose to live in rudimentary camps as this practice is in keeping by their traditional nomadic lifestyle. This is a clear misbelief; it is instead the persistent discrimination in the labour market that makes it difficult for Roma to afford a rental property, coupled with systematic exclusion from social housing schemes that condemn Roma to live at the margins of the society.



Roma families living on land without permission can be evicted by force from their homes. According to the UN Committee on Economic, Social and Cultural Rights, forced evictions can be defined as "the permanent or temporary removal against their will of individuals, families and/or communities from the homes and/or land which they occupy, without the provision, of and access to, appropriate forms of legal or other protection".xxxviii Forced evictions are not per se illegal; in particular, forced evictions would be legitimate as long as a reasonable and adequate notice is given to people concerned and an adequate alternative housing is subsequently provided.xxxix In this regard, it is worth specifying that a lawful forced eviction might involve the use of the force.xl

However, in practice, forced evictions against Roma families have been carried out without adequate notice and without providing any alternative accommodation. Additionally, the use of the force by the police has often been disproportionate and indiscriminate.

Amnesty International, working with local non-governmental organisations, has documented illegal forced evictions of Romani communities in several European countries. xli The most dramatic events were registered in Italy. In Milan in 2010, local police 'cleared' three Roma settlements, leaving more than 100 people including disabled people, pregnant women and children without any alternative accommodation. Similarly, in Rome the municipal authorities proceeded with the destruction of more than 100 Romani settlements across the city. Almost 6,000 Roma were resettled into 13 new expanded camps rather than permanent housing.

During the summer of 2010, President Sarkozy of France declared a 'war' on crime which suddenly degenerated into a campaign against Traveller communities and Roma from Bulgaria and Romania. Thousands of unauthorised settlements have been demolished and subsequently Roma were expelled to the country of origin.

In April 2009 the Serbian authorities forcibly evicted 250 Roma from a temporary settlement in New Belgrade. For many of the residents, who were originally displaced from Kosovo, this was not the first time they were torn away from their homes. The authorities offered them containers to live in but local residents tried to set the containers on fire. Similar episodes occurred in Albania, Bulgaria, United Kingdom, Greece and Turkey where witnesses reported that forced evictions have been carried illegally.

### **Conclusion and recommendations**

The large majority of Roma in Europe are still facing extreme poverty, discrimination and political exclusion while their chances for socio-economic mobility continue to be extremely low.

Over the years, many minority groups have achieved a balanced integration within European society, enjoying rights on equal footing with dominant groups. However, the Roma represent an exception to the rule as they are still far behind other minority groups in terms of access to human rights.



The increasing attention given to the marginalisation and the stigmatization of Roma in Europe has pushed some human rights experts to claim that the 'protection gap' could be filled through the adoption of a specific Charter, listing and pointing out with clarity the rights of Roma. Despite its noble goal, the adoption of a new legal instrument might be a slow process which could divert attention from existing human rights obligations that already compel states to protect and respect Roma rights. The rights of Roma people, individually as human beings and collectively as members of a minority group, are already fully protected and defined within international and regional human rights law. Therefore, on this matter, it would be highly recommended for states to adopt legislative provisions at national level aimed to recognise to Roma the same special protection already granted to other historical and linguistic minorities.

This report has highlighted how Roma people have been the most persecuted ethnic group in the continent. Since their first migration in the 12th century, Roma people have faced abuse, slavery and generalised discrimination. The persecution reached a climax during World War II where Roma people were systematically slaughtered under Nazi rule. In this regard, it is recommended that states should establish Truth and Reconciliation Commissions to fully recognise the mass atrocities faced by Roma during War World II. The recognition of this 'forgotten genocide' might be a way to restore trust between Roma people and European society.

This report has shown how easily Roma people can become the target of discriminatory language and xenophobic statements in political discourse. This is dangerous as anti-gypsy statements made by politicians are often accompanied by dramatic episodes of mob violence against Roma people. Member states are failing to apply the following EU laws to prevent and punish discrimination against Roma individuals and communities:

- The adoption of the Racial Equality Directive 2000/43/EC gave victims of discrimination the right of redress, and it is mandated that member states designate a special independent institution (an equality body) to promote equal treatment and provide independent assistance to victims of discrimination in pursuing complaints. However, in practice equality bodies lack the effective powers and functions to assist victims to redress discriminatory conduct. According to the EU Fundamental Rights Agency: "The equality bodies are not yet viewed as being entirely appropriate vehicles to use in articulating complaints about racial or ethnic discrimination in employment and in securing satisfactory outcomes. The social partner organisations interviewed voiced concerns about their lack of independence and powers." On this matter, it is strongly recommended for States to a) expand powers and functions of such bodies in accordance with their mandate and b) ensure the impartiality of such bodies.
- The Framework Decision (2008/913/JHA) was adopted with the aim of countering racism and xenophobia within domestic criminal law. Particularly, Article 4 of the Framework Decision requires member states to ensure "that racist and xenophobic motivation is considered an aggravating circumstance, or, alternatively that such motivation may be taken into consideration by the courts in the determination of the penalties." According to Amnesty International "the transposition of this article in domestic legislations has not always resulted



in the thorough investigation of alleged hate motivated crime".xliii It is therefore highly recommended for states to condemn hate crimes when they occur and make it clear that crimes targeting people for discriminatory reasons will not be tolerated. It is also desirable that the European Commission reviews the Framework Decision 2008/913/JHA to ensure that any revised instrument prohibits all crimes perpetrated with any discriminatory motive. Such a revised instrument should require States to investigate any alleged discriminatory motive associated with a crime.xliv

In another section of this report, it emerged that Roma people are deeply under-represented both in local and national assemblies. It is estimated that this violation of the right to political representation affects almost 12 million of Roma people across Europe. The idea of reserving seats for Roma in national and local assemblies to fill the democratic gap cannot be considered as a model universally applicable to all European countries. The success of such proposal depends on several factors including demographic aspects, the relationship between dominant and minority groups, the cultural background of each group and the history of the nation and its population as a whole. In several Balkan states the practice of reserving parliamentary seats for Roma people has led to positive results. Alternatively, another good way to fill the democratic gap could be the establishment of consultative bodies for Roma affairs. A similar practice has been successfully applied in those countries where Roma population is numerically small (Finland and Poland). More generally, it is highly recommended that states a) ensure that all Roma are entitled to vote within their electoral systems and are regularly registered in voter list and b) provide Roma people with as much information as possible about electoral systems, even in Roma language when necessary.

Another section of this report dealt with the issue of statelessness. This problem must be addressed by European states with determination as it is not acceptable that people are deprived of their fundamental human right to nationality. Therefore, it is strongly recommended for states to meet their obligations under international and regional human rights law to put an end to the stateless of Roma communities, especially in those cases of state succession, by providing a secure legal status to children. At this regard it is worth specifying that:

- a) Children 'shall be registered immediately after birth and shall have the right from birth to a name and the right to acquire a nationality'.xlv
- b) 'States shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.'xlvi

Additionally, there are no precise statistics on the numbers of stateless Roma. Therefore, it is recommended for states to gather relevant statistics in order to conduct a census of those people affected by the issues concerned. This would facilitate the access of stateless Roma to medical care and other social security benefits.

The last section of this report has shown that a large number of Roma families live in rudimentary shelters without any permission of local authorities. Demolitions and forced evictions are often



carried out by local authorities illegally and the use of force by the police was disproportionate in some cases. On this matter, states are strongly advised to:

- a) Ensure that reasonable and adequate notice is given to people concerned and adequate alternative housing is subsequently provided.
- b) Ensure that the police refrain from using force unnecessarily or disproportionately during operations in informal settlements.
- c) Ensure that local and regional authorities undertake to take steps to develop appropriate programmes for social and urban inclusion of Roma people.

Overall, the process of political and social inclusion of Roma within European society may be slow and may clash with resistance at the local level due to rooted and widespread intolerance. More academic debate and more Roma rights activism would render European states more sensitive to the cause, thus facilitating the process of inclusion of such groups. Roma can often struggle to advocate for their own rights due to various barriers, therefore the role of NGOs is absolutely crucial.

In the last few years, European states have realised that they have a joint responsibility to integrate Roma people within their societies. Despite efforts made by European institutions in launching a common strategy/framework for the integration of Roma<sup>xlvii</sup>, there is still a strong lack of political intention to address adequately the integration of Roma at domestic level.

In light of this, the integration of Roma represents a challenge principally for European institutions and states as main players, but European civil society must also do its part. A joint common effort would be break down discrimination against Roma as there will not be integration without firstly putting an end to prejudice.

A joint common effort is necessary; Roma integration is not a unilateral process concerning these marginalised groups exclusively but is instead a collective process which involves every single European citizen.



### **About Global Minorities Alliance**

Global Minorities Alliance (GMA) is a non-profit, non-governmental human rights organisation. We believe that all human beings, regardless of race, colour, religion or belief, faith or no faith, gender, or membership of another particular social group, should be treated as equals. GMA works for global peace, interfaith harmony, equality in law and society, empowerment of women, access to education and justice for all.

This is achieved through working with likeminded partner agencies, policy makers, NGOs, community/faith groups the world over to affect change for better. GMA endeavors to achieve this through advocacy for groups or individuals, practical help in humanitarian crises, small business projects, education projects and awareness raising campaigns.

"Our vision is of a world free from persecution; a world where no-one will be disadvantaged because they belong to a certain group," says GMA's Chairperson, Manassi Bernard. "We believe that there is more that unites us than divides us, and that every human has inalienable rights that should not be curtailed because of who they are. We strive for justice, peace and equality."

There have been significant improvements in relation to the treatment of minorities in some parts of the world in the last 3-4 decades, but minorities in many other parts of the world continue to receive rough treatment. They continue to suffer abuse of their human rights at the hands of state and non-state actors who inflict atrocities on them with impunity.

Growing injustice, inequality, discrimination, persecution, oppression, physical and domestic abuse of women and children, rising incidents of rape of women, torture, killings, extrajudicial killings, false imprisonment, denying the right of free assembly, freedom of speech and expression, curbs on the fundamental right to profess, propagate, worship and preach their religion, the abduction and subsequent forcible marriages of minority women – these are some of the issues facing minority communities around the world, and are some of the issues which GMA strives to tackle.

The absence of fairness, transparency, meritocracy and the rule of law in general in some countries leave minorities more vulnerable to abuse as the mighty and influential take it as their birth right to mistreat minorities as they choose. In some parts of the world the integration of minorities into mainstream society is restricted by design due to the subjugation forced upon them.

We call for an end to the institutional and systematic discrimination and persecution of minorities in any shape or form and urge the governments of such countries to push through reforms aimed at providing equal rights to the poor and the disadvantaged sections of their societies.

Global Minorities Alliance is committed to achieve global peace, equality and justice through our aims and objectives:

- Poverty alleviation
- Interfaith harmony
- Education
- The empowerment of women
- Reform of discriminatory laws
- Peaceful co-existence



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More information available at <a href="http://ec.europa.eu/justice/discrimination/roma/index\_en.htm">http://ec.europa.eu/justice/discrimination/roma/index\_en.htm</a>