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Discrimination of the Roma minority in a multicultural Europe



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Abstract

The European Union (EU) today represents a mixture of cultures and a model of democracy. The democracy model of the EU promotes and encourages equal opportunities, the principle of equality, respect of human rights, social equity as well as tolerance and multiculturalism.

Together with the creation of the EU came the freedom of movement in the member states that has led to a multicultural and diverse European Union we witness today, as well as a great collaboration between member states, while still holding on to the cultural, historical and individual differences.

Acknowledging today's reality, the EU is confronted with the integration and social inclusion of the Roma minority. There is an urgent need for a unitary compact set of policies that can be implemented and adopted across the entire EU. In order to fully integrate the Roma minority, these policies need touch all areas of inclusion such as education, housing, employment, healthcare, culture, the political area, without neglecting the economical aspects. The results of the 25-5-2014 elections at the EU Parliament are disturbing; the fact that far right parties were elected with such high percentages is alarming.

Considering nowadays' realities, such as the financial crisis, the intolerant nationalistic attitudes of some member states of the EU, determined by the low rate of inclusion of immigrants, the Roma minority cannot find its place in the EU. There is an absolute need for a complex, unitary and compact set of policies so that the Roma can achieve a satisfactory rate of inclusion. The necessities for inclusion of the Roma communities cannot be met by adopting social policies in certain areas only, there is an urgent need for a complex and long-term project that can cover and offer the Roma people the same rights and obligations as other citizens of the EU without any form or type of discrimination.

Spain is known for the Spanish model of integration, a quite successful model of inclusion of the Roma minority. Approximately 75% of Roma people living in Spain

have an income and about 85% are literate. The culture and mentality of the Spanish people also played a big role in this success.

Not all countries in today's Europe have the same governmental agenda and the same goals, so the results of the integration, social inclusion policies and projects vary a lot due to the fact that each member state of the EU has its own particularities, political interests and economic targets.

Table of contents

Introduction	
1. History of Roma	7
1.1 Roma evolution until today	10
1.2 Roma people under communism and after the fall of communism	11
1.3 Roma in Europe today	12
2. Minorities, stereotypes and discrimination	14
2.1 Minorities	14
2.2. Stereotypes	18
2.3 Discrimination	21
3. Policies against discrimination	29
3.1 Roma under Racial Equality Directive (2000) and the Employment Equality Directive (2000)	35
3.2 EU Framework for Roma Inclusion	40
3.3 The Decade of Roma Inclusion	43
4. Employment, healthcare, housing and education	45
4.1 Employment	46
4.2 Healthcare	48
4.3 Housing	51
4.4 Education	53

4.4.1 Mainstream education and Roma education	55
4.4.2 Segregation in education	60
5. The Spanish model of social inclusion	64
5.1 Can the Spanish model be applied in the rest of the EU?	67
5. Conclusion	71

Introduction

This paper focuses on the issue of Roma inclusion in Europe, and describes the model of social inclusion applied in Spain that has proved to be quite successful.

The thesis is structured in two parts and five chapters: The first part consists of a theoretical framework, and the second consists of an applied framework.

In the first chapter I will present a short overview of the history of the Roma people; from the time they first came to Europe more than 1000 years ago, how they were welcomed at that time, what happened to this minority group in the Second World War and after, their experience. In the communist countries and how capitalism has influenced their lives.

In the second chapter I will expose the meanings and definitions of discrimination, stereotyping and minority groups, as well as the causes and effects that these produce at community level and their impact on Roma people. In the third chapter I will analyze the current legislation on non-discrimination at EU level and its shortcomings.

In the fourth chapter I will analyze the housing, employment, healthcare and educational situation that Roma people have to deal with in the EU and how this affects their day-to-day lives and the process of social inclusion; these four main areas being the starting point of inclusion.

The fifth chapter represents an analysis of the Spanish model of integration of Roma people, by highlighting the advantages and drawbacks.

After the presentation of the above-mentioned I will conclude my research on the social inclusion of Roma people in Europe.

1.

History of Roma

“Roma” was used as a term to describe a wide range of communities, clans, and groups of people in 1971 in London at the world Roma Congress, today the term is widely used and accepted by the EU.¹

The Roma consist of various groups, which are labeled with different ethnonyms – self-designations as well as external designations: Arlije, Calé, Gurbet, Kaale, Kalderaš, Lovara, Manuš, Sepečides, Sinti, Ursari, etc.; many groups also use the self-designation Roma. Usually all these groups are summarized – sometimes even together with population groups of non Indian origin – by the pejorative denomination “Gypsies”.² Roma people are also called Romany, Romanies, Roma, Roms and Gypsies. The term Gypsy is a corruption of “Egyptian” which is what the settled population perceived them to be because of their dark complexion. In reality, linguistic analysis of the Romani language proves that Romani Gypsies have come from India.³

Their history and origins are controversial due to the fact that they did not keep any written journals; what is known about Roma people today is based on linguistic theory. Roma people are originally from Northern India and migrated to East Asia and further on to Europe more than 1000 years ago. A 2012 study, published in the Journal Cell Biology, analyzed genetic data from 13 Romani communities across Europe; The researchers concluded that the Roma people left northern India about 1,500 years ago. The Roma now living in Europe migrated through the Balkans starting about 900 years ago. These data confirm written reports of Roma groups arriving in medieval Europe in the 1100s.⁴ Despite obvious links between the Romani language and Indian, some even argued that the Roma were not really a separate ethnic group, but merely an amalgam of

¹ Protecting the Rights of Roma, Council of Europe, at http://www.coe.int/AboutCoe/media/interface/publications/roms_en.pdf (consulted on 18-6-2014)

² Factsheet on Roma, Council of Europe, at <http://romafacts.uni-graz.at> (consulted on 17-3-2014)

³ Travellers Times Online FAQ Pack, Gypsies and Travellers: Their lifestyle, history and culture by Jake Bowers, page 3.

⁴ 5 intriguing facts about the Romani Gypsies, Mother Nature Network, at <http://www.mnn.com/lifestyle/arts-culture/stories/5-intriguing-facts-about-the-romani-gypsies> (consulted on 19-3-2014)

criminals and lowlifes from mainstream European society who darkened their faces with clay or berry juice to appear different.⁵

The Roma language is very similar to the language that was spoken in India around 1000 AD. This fact indicates that they lived in India at the same time that the Ghaznavids better known as the Muslim Army invaded India with the idea of increasing the Muslim religion known as Islam.⁶

According to the Romani historian David Crowe, by the 1100s, eastern European historical documents bore references of a new group of immigrants, who worked as skilled metal craftsman, musicians, and soldiers,⁷ this being the Roma people; this lasted for a short period of time; the attitude changed dramatically around the year 1500. Historians believe this might have happened because the numbers of the immigrants grew bigger, but they also were seen as spies for the Turks, and consequently hunted and killed by decree. Laws were created that obliged Roma people to become slaves and made it impossible for this minority group to marry into other groups in society. The fact that Roma people were forced to become slaves and implicitly could not and were not allowed to have the same rights as others in society, became the reason for them to become nomads.

The Roma people arrived in big groups in Western and Central Europe, scholars state that the groups could be up to 100 people and they came on horseback or on foot, claiming pilgrim status. If they were denied access to the city or town they would settle on the outskirts. The leaders of the Roma groups called themselves “counts” or “Dukes”. They were the ones with power in the group, and had jurisdiction over their

⁵ 5 intriguing facts about the Romani Gypsies, Mother Nature Network, at <http://www.mnn.com/lifestyle/arts-culture/stories/5-intriguing-facts-about-the-romani-gypsies> (consulted on 19-3-2014)

⁶ Patrick J. Kiger, “A history of the Romani people”, at <http://channel.nationalgeographic.com/channel/american-gypsies/articles/a-history-of-the-romani-people/> (consulted on 18-6-2014)

⁷ 5 intriguing facts about the Romani Gypsies, Mother Nature Network, at <http://www.mnn.com/lifestyle/arts-culture/stories/5-intriguing-facts-about-the-romani-gypsies> (consulted on 19-3-2014)

retinue; they were better dressed than the other Roma people, and were always travelling on horseback, not on foot like other Roma.⁸

The cultural differences are of great importance when discussing the discrimination that Roma communities have faced in Europe. Roman people have a very complex set of values; these include mutual responsibility and support, faith in God, honor and fate. The Roma people also have a different and at the same time very complex system of beliefs regarding what is pure and what is not pure; this extends from childbirth to death and other aspects of culture and life in general.

Roma as well as other groups were much affected by the Second World War. The Nazis at that time pronounced the desire of executing and killing all people belonging to this minority group; “when the war ended in 1945, an estimated two million Romani had perished, including 500,000 who had been sent to the Nazi death camps”.⁹ The author of National Socialism and Gypsies in Austria, Erika Thurner, stated that: “Jews and Gypsies were equally affected by the racial theories and measures of the Nazi rulers. The persecution of the two groups was carried out with the same radical intensity and cruelty”.¹⁰ In 2012, at a memorial in Berlin, the Capital of Germany, the German Chancellor, Angela Merkel recognized the death of the ca. half a million Roma people, which were killed during the Second World War.¹¹

After the Second World War the Romani people were discriminated against again, this time by the by the communist bloc. Women were sterilized in order to

⁸Arrival in Europe, at <http://romafacts.uni-graz.at/index.php/history/early-european-history-first-discrimination/arrival-in-europe> (consulted on 18-6-2014)

⁹ A History of the Romani People, National Geographic, at <http://channel.nationalgeographic.com/channel/american-gypsies/articles/a-history-of-the-romani-people/> (consulted on 30-4-2014)

¹⁰ We are the Romani people, Romanies and the holocaust: a reevaluation and an overview Ian Hancock, chapter 4, http://www.voiceofroma.com/documents/we_are_the_romani_people_chap4.pdf (consulted on 18-3-2014)

¹¹ A Monument for the Porjmos: Sinti and Roma Holocaust Victims Remembered in Berlin, 24-10-2014, at <http://www.spiegel.de/international/germany/monument-to-sinti-and-roma-murdered-in-the-holocaust-opens-in-berlin-a-863212.html> (consulted on 18-6-2014)

minimize the Roma population: in some cases Roma children were obligated to attend school for mental disabled children even if they had no mental diseases.¹²

1.1

The Roma evolution until today

In 1967 the International Gypsy Committee was created, followed by the recognition and adoption of an anthem, an international Roma day and a flag in 1971; the International Romani Union was established in 1978 in Geneva. It gained official status by the United Nations Economic and Social Council eight years later. In the 1980's and 1990's the number of cultural and political Romani organizations increased significantly in Europe. In 1994, Juan de Dios Ramírez-Heredia, the first Roma member of the European Parliament was elected. In 2000 the International Roma Parliament was created in Vienna, Austria. The establishment of the European Roma and Travellers Forum and the signature of a partnership between the Forum and the Council of Europe both realized in 2004. In 2005 the Decade of Roma Inclusion was established to improve the socio-economic situation of the Roma minority in Europe.¹³

¹²Lucero Florinda and Collum Jill, “The Roma: During and After Communism”, at <http://www.du.edu/korbel/hrhw/researchdigest/russia/roma.pdf> (consulted on 18-6-2014)

¹³ Protecting the Rights of Roma, Council of Europe, at http://www.coe.int/AboutCoe/media/interface/publications/roms_en.pdf (consulted on 18-6-2014)

1.2

Roma people under communism and after the fall of communism

Romani people were obliged to have jobs in the communist countries. It was illegal not to, therefore the employment rate among Roma people was very high in that period: but this does not mean that they were free from discrimination. People belonging to the Romani minority were not allowed to exercise their rights such as freedom of thought, freedom of expression, and children were sent to schools for mentally disabled children.¹⁴

The fall of communism had negative consequences for Roma. “The political and social upheaval that ensued after the fall of the Iron Curtain had profound effects on all members of the formerly communist states. There is no doubt that the changing politics of the region have altered the lives of its inhabitants”.¹⁵ After the fall of communism in countries such as Romania and Bulgaria the situation of Roma people became even more alarming. There was no political interest for integration of the Roma minority; social inclusion of the Roma people was not on the political agenda. “By all accounts, the change from communism to a free-market economy marked the beginning of a crisis period for the Roma, due to social and economic changes, and the loss of social programs and initiatives upon which many may have depended”.¹⁶ Romani people were forced to work in the communist period, if they did not find a job themselves, the public authorities sent them to work; this was not the case in the transitional period from communism to capitalism. The Roma people did no longer benefit from social programs that protected them or encouraged their social integration; they were left without jobs, without social aids, which made it difficult for them to survive. Many Roma people moved to other countries such as Germany, Denmark, Sweden, France, and Italy etc in hope of a better life, but instead they were again met with anger, they became victims of discrimination, marginalization and social exclusion.

¹⁴ The Roma – During and after Communism, Human rights and Human Welfare, at <http://www.du.edu/korbel/hrhw/researchdigest/russia/roma.pdf> (consulted on 26-5-2014)

¹⁵ Idem

¹⁶ Idem

1.3

Roma in Europe today

Today the number of Roma people living in Europe is somewhere between 9 and 10 million. According to Ian Hancock, “there are about 12 million people worldwide who belong to the ethnic group known as the Romani”¹⁷ and approximately 9 million live in Europe; Roma people are the largest minority in Europe.

The Romani minority is represented in some parliaments, but this does not change the fact that they are still discriminated against in the year 2014.

In a Europe that has just extended its borders to include tens of millions of new citizens and is poised to bring in more, one group remains on the margins – the Roma. With a population dispersed across much of Eastern Europe, the Roma are the Continent's poorest citizens and largest minority¹⁸. One of the big problems when addressing the issue of Roma integration is that Roma people’s voice is not heard, despite the fact that some countries have parliaments where the Roma minority is represented. The number of Romani people in the European Union is large, but the awareness of their cultural differences, the awareness of their need to be included and accepted into the society they live in is almost non-existent.

Some European governments continue to actively discriminate against the Roma. The human rights organization Amnesty International (2013) has stated that the French government is ignoring court rulings, and continues to evict people from Roma settlements with inadequate provision for other housing.¹⁹ Another example of a

¹⁷A History of the Romani people, National Geographic, at <http://channel.nationalgeographic.com/channel/american-gypsies/articles/a-history-of-the-romani-people/> (consulted on 17-3-2014)

¹⁸ Roma people in an expanding Europe, By James D. Wolfensohn and George Soros, at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTROMA/0,,contentMDK:20341647~menuPK:648308~pagePK:64168445~piPK:64168309~theSitePK:615987,00.html> (consulted 20-3-2014)

¹⁹ The Roma: A thousand years of discrimination continues in Europe, advocates say

government that is not helping the Roma minority is Romania where Roma communities are isolated from the rest of the city by walls, such as the wall that was built in 2011, in Baia Mare, Romania; they do not have electricity and clean drinking water. “In France, the calls for hatred and even for extermination increase, and Roma people still suffer from stigmatizations and even expulsions similar to the ones that took place under the former government. Some of them are forced to go back to Kosovo, as a consequence of the ongoing expulsions from Germany, Denmark or Sweden”.²⁰ In Slovenia cases of sterilization of Roma women are not unheard of. Bulgaria is known for placing Roma people in ghettos, outside of the city, so that people belonging to the Romani minority interact as little as possible with the rest of the population.

It is clear to see that even though “the European institutions and EU countries have a joint responsibility to improve the social inclusion and integration of Roma by using all the respective instruments and policies for which they are responsible”;²¹ this has failed to become a reality in many European countries.

By David Simpson, CNN, at <http://edition.cnn.com/2013/10/21/world/europe/roma-discrimination/> (consulted on 20-3-2014)

²⁰ For the Dignity of the Roma People in Europe, Kyiv Post, at <https://www.kyivpost.com/opinion/op-ed/for-the-dignity-of-roma-people-in-europe-329641.html> (consulted on 20-3-2014)

²¹ EU and Roma, European Commission, at http://ec.europa.eu/justice/discrimination/roma/index_en.htm (consulted on 20-3-2014)

2.

Minorities, stereotypes, and discrimination

Minority groups are seen as negative simply because they are different. Roma are often met with discrimination; intolerance; prejudice and are often stereotyped due to the fact that they are Roma. The impact of these unfavorable mindsets and attitudes has led to them being excluded.

The impact of stereotyping and discrimination upon minority groups and especially Roma is of great importance when addressing the issue of social inclusion; Roma have constantly been stereotyped and discriminated against in Europe, as presented in the previous chapter; this has led them to not being able to get employed, attend school and live in decent housing conditions. The discrimination and stereotyping that Roma are and have been victims of since they arrived in Europe occurs at all levels, from high levels such as the state, legislation and policies to groups or individuals. It has therefore not been possible for Roma to become integrated. As long as they are faced with discrimination and stereotypes, social inclusion of the Roma minority cannot become a reality.

The following chapter is a presentation of minorities, stereotypes, discrimination, and policies against discrimination.

2.1

Minorities

Most international scholars and international documents that are dealing with minorities do not give a clear definition to the term minority, some do not consider it necessary and others doubt the utility of such a definition. Ion Diaconu in *Minorities from non-discrimination to identity* states that “It is maintained that the best solution would be either without a definition, or with a minimum one, with a few exceptions and taking as a basis the self-identification, being evident in most of the cases that groups

are minorities, as in less clear cases, the problem would be left to practice of the international bodies, as it was the case for the concept of people”.²²

It is generally known that the absence of a definition is a conscious decision taken by states in order for them to avoid acknowledging rights to the minorities living on their territory; however the Protection of Minorities and the United Nations sub-commission on the Prevention of Discrimination forwarded in 1950 gave a definition of minorities: “The term minority includes only those non-dominant groups in a population which possess and wish to preserve ethnic, religious or linguistic stable traditions or characteristics markedly different from those of the rest of the population. Such minorities should properly include a number of persons sufficient by themselves to develop such characteristics. Members of such communities must be loyal to the state of which they are nationals”.²³

Special rapporteurs such as Francesco Capotori and Asbjørn Eide have also proposed definitions to the UN Sub-Commission on the Prevention of Discrimination. The definitions were presented to the Commission on Human Rights, but no answer was ever given and the definitions did not come through.²⁴

Yet, the term “minority” does not come in contradiction with “citizenship”, but it is a special extension to it, for a group that deliberately wants to maintain its culture, traditions and particularities. Giving them the right to practice and exercise their traditions is the equivalent right of the majority people to practice and exercise theirs. There should not be any differences, since both groups legally have the same rights and obligations, as stipulated in the Conventions. Although, though realities made positive discrimination measures necessary in order to clarify the rights of minority groups. In democracies, citizenship should by default enable sets of rights applicable to all men, with no discrimination regarding race, ethnicity, origins etc. The Roma people are characterized as a non-territorial minority, this meaning that they cannot be classified as a national minority, a minority group that belongs to a nation from which they can expect social assistance, help, encouragement. The Roma people do not have a

²² Dr. Ion Diaconu, *Minorities from non-discrimination to identity* p: 76

²³ Dr. Ion Diaconu, *Minorities from non-discrimination to identity*, p: 76.

²⁴ *Idem*

government, an army, which makes them more vulnerable than national minorities due to the fact that the destiny of Roma people is carried out in treaties. There is no “Roma” citizenship, because there is no Roma national state.

It is clear that today the international law contains treaties that protect the rights of minority groups and persons belonging to these groups. Minority groups are protected by the fundamental rights of all and also by the principles of non-discrimination and equality. A person that belongs to a certain minority group has the right to enjoy some specific rights such as the right to use their mother tongue, the right to their own culture, access to information and distribution of information in their mother tongue, the right to practice their religion etc.

The International Covenant on Civil and Political rights (ICCPR) and the Convention on the Rights of the Child (CRC) are the two main international documents that reflect on the rights of minorities:

Article 27 of ICCPR is the most widely accepted legally binding provision on minorities and provides the basis and inspiration for the UN Declaration on Minorities. Article 27 states: “In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language”.²⁵

Article 30 of CRC provides a similar standard for minority children: “In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practice his or her own religion, or to use his or her own language”.²⁶ Many States have ratified both the CRC and ICCPR, which means that

²⁵International Covenant on Civil and Political Rights, at <http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx> (consulted on 3-5-2014)

²⁶United Nations Human Rights Treaties, at <http://www.ohchr.org/EN/Issues/Minorities/IEExpert/Pages/standards.aspx> (consulted on 22-3-2014)

those states have a legally binding obligation to respect and protect minority rights.

Discrimination, stereotypes, social exclusion of the Roma minority is still an on going matter in today's Europe. Roma people remain the biggest minority group in Europe with a population between 10 and 12 million; most of them live in East and Southern Europe in very poor conditions due to the fact that they are discriminated against which has led to a very high unemployment rate within this minority group as well as a very low percentage of educated Roma people. David Simpson argues, "Today, one in three Roma in Europe are unemployed and 90% live below the poverty line, according to the FRA".²⁷ The European Commission has stated, "Many face prejudice, intolerance, discrimination and social exclusion in their daily lives. They are marginalized and live in very poor socio-economic conditions".²⁸

Intolerance should not be tolerated. Marginalization should be excluded. Exclusion is intolerable. The European Union, as an unitary political, economic and social body should encourage member states into taking action to stop the violation of minority's rights. Positive action should take its course. If necessary, positive discrimination is to be implemented.

Being a Roma person in some countries in the XXI century's Europe recalls the situation of the Afro-Americans in America, in the XX century. Being discriminated on racial grounds at a job interview quite seems a reminiscence of the times when people of dark skin were not allowed in certain areas, even if that was a public space. Segregating Roma minorities in particular neighborhoods, building-up walls between people living in the same city, country, on ethnic and cultural grounds represents a violation of the human rights. Separating children, as students, by default, denies them the right to evolution in a democratic society and steals away the right to a fair start, to equal opportunities.

²⁷The Roma: A thousand years of discrimination continues in Europe, advocates say, CNN News, at <http://edition.cnn.com/2013/10/21/world/europe/roma-discrimination/> (consulted on 23-3-2014)

²⁸EU and Roma, European Commission, at http://ec.europa.eu/justice/discrimination/roma/index_en.htm (consulted on 23-3-2014)

2.2

Stereotypes

The word stereotype derives from the Greek “stereos” that means “solid”; it refers to a mental impression and is defined by Allport as being “an exaggerated belief associated with a category. Its function is to justify (rationalize) our conduct in relation to that category”.²⁹ Stereotypes are generally seen as a superficial and negative way of observing characteristics and behaviors of people that are members of a certain group in society.

Ethnic stereotypes can be negative and positive, although they have a negative inclination most of the time. Stereotypes are prejudices culturally formed over the time, determined by some events or facts that impregnated the image or impression associated with the subject of stereotyping. Stereotypes often have negative connotations, due to facts or events that should be avoided in the future. They are also seen as negative ideal-types of what is not desirable or wanted, that has to be eliminated, avoided, marginalized. Stereotyping leads to ostracizing, exclusion.

*‘Of all the stereotypes of the Roma, the social construct of “Gypsy criminality” has had the most devastating impact upon the social status of the community*³⁰.

Since the Roma people came to Europe many stereotypes have developed concerning this group of people. These stereotypes vary a lot from for instance, Roma steal, they are different, lazy, and do not want to work, to Roma are mentally challenged. All these statements have negative connotations that have led to social exclusion. The lack of tolerance and will to integrate the Roma into society leads to negative stereotypes as well as ethnic and racial discrimination.

²⁹ Cashmore Ellis - Dictionary of race and ethnic relations, fourth edition, , page 354

³⁰ Stereotypes, Roma Community Centre, at <http://thegypsychronicles.net/gypsystereotypes/> (consulted on 22-3-2014)

“A common misconception about Gypsies is that they have romantic carefree lifestyles and are free to point the wheels of nicely decorated caravans in any direction and travel at will. But many Roma in Europe are persecuted and without rights. Many are forced to live beside the city dump or metal wastelands filled with toxins in extremely poor conditions with no running water – places where nobody else wishes to live – on the outskirts – segregated and rejected by society. In these hovels they are still considered nomadic and yet, have nowhere to go. This is not freedom and far from any imagined romantic carefree lifestyle”.³¹

Stereotyping the Roma people has raised an invisible and undividable wall between the majority of people living in a community and the Roma minority. Many exclusion cases have literally built-up walls: in some cities in Romania, such as Baia Mare, the municipality as mentioned before (p:13), encouraged by the inhabitants, have built a wall, keeping the Roma minority at the outskirts of the city. The mayor argued that the wall was built to protect the children, but in reality, it separated two blocks of flats in which Roma people used to live. The National Council for Anti-Discrimination in Romania was notified and received a fine of about 1.500 euros was charged to the municipality, but the court did not decide the wall’s demolition. Claudia Greta, a Roma activist from Cluj-Napoca, Romania stated to Amnesty International “We suffer abuses; we are discriminated against in all areas of life, at school, at work, on the streets, on the buses. EU institutions should take a stance and hold to account states that violate the rights of Roma”.³²

Based on the stereotype that Roma children are un-teachable, they are often refused admission and are sent to schools meant for mentally disabled. Jud Nirenberg: “According to studies, 65 to 75 percent of Romanies are placed in “special schools” before they reach puberty. Unless we accept that three-quarters of Romany children are born mentally challenged, this clearly shows there is a segregated school system in the

³¹ Idem

³² Bringing Home Roma Reality to the Heart of the EU, Amnesty International, at <http://livewire.amnesty.org/2013/04/11/bringing-home-roma-reality-to-the-heart-of-the-eu/> (consulted on 25-3-2014)

Czech Republic”.³³ Coming from another culture with different traditions and ways of conduct and behavior, does not mean that a child is not capable of acquiring knowledge. Usually, they are seen more like introverted persons, with difficulties in relating to others. The curious fact is there is no test upon which these children are by default institutionalized into special schools for mentally disabled. This means there is no objective upon which the “selection” is made, but it is *a priori*.

According to Amnesty International “Thousands of Romani children are placed in segregated schools and receive a substandard education; Roma people are often denied access to jobs and quality health care. They have become victims of racially motivated violence and are often left unprotected by the police and without access to justice. It is the result of widespread discrimination and racism that Roma face throughout Europe. Governments across the region are failing to protect their rights”.³⁴

Nowadays people institutionalized these types of practices in order to argue in favor of racial segregation, even though it is illegal and is not in accordance with EU’s legislation, neither does it comply with international conventions that have been ratified by member states. On the other hand, the lack of stipulations in the national laws or the inactivity of Non-Governmental Organizations (NGO) and national institutions, which should supervise these kinds of practices, encourages acts of racism and social exclusion for minorities. Basically, exclusion, segregation, marginalization and discrimination have become common practices, over which, indifference and hatred closes their eyes.

Another stereotyped view describes Roma women “as dirty, having too many usually naked children, being beaten by their husbands and exploited by their wider family who marry and have the first child at age 12. The difficult living conditions, which many Roma face, have to be taken into account. Lack of utilities such as running water, having no clothes for children, or eventual cases of domestic violence

³³ Idem

³⁴ Roma: Demanding Equality and Human Rights, Amnesty International, at <http://www.amnesty.org/en/roma> (consulted on 25-3-2014)

are indicators of poverty but not of ‘Gypsiness’”.³⁵

Intolerance, exclusion and marginalization have led over the time to deprivation from certain rights and possibilities. The exacerbation of these situations has deepened the poor social condition of the Roma minority. The simple fact of being born a Roma still represents nowadays, in the democratic EU, a stigma. Living in camps, at the outskirts of the cities, jobless and with poor living conditions, no access to health care and education, all these variables, cumulated, reinforce the stereotype that Roma people are dirty, with too many bare naked children, which steal to make a living instead of working. Therefore, poverty has been associated with these communities. The lack and inaccessibility to resources is due to discrimination and marginalization.

2.3

Discrimination

“The only difference between man and man all the world over is one of degree, and not of kind, even as there is between trees of the same species.

Where in is the cause for anger, envy or discrimination?”³⁶

Mahatma Gandhi

The word discrimination comes from the Latin “discriminates” and was used for the first time in 1628. It is essential to correctly define and understand discrimination as a process of social exclusion that affects certain minorities. In order to find the right answer, one should ask the right question. In this sub chapter I will try to identify the causes and effects discrimination has both at national and European level, followed by an analysis of the current EU legislation, as well as international conventions that have

³⁵ Idem

³⁶ <http://www.goodreads.com/quotes/tag/discrimination> accessed at 22-3-2014

been ratified by member states, pointing out their deficiencies, when addressing the Roma integration process.

According to The Council of Europe (CoE) “To discriminate against someone is to exclude that person from the full enjoyment of their political, civic, economic, social or cultural rights and freedoms. Discrimination contradicts a basic principle of human rights: that all people are equal in dignity and entitled to the same fundamental rights”.³⁷

Amnesty International, describes discrimination as being “ an assault on the very notion of human rights. Discrimination is the systematic denial of certain peoples' or groups' full human rights because of who they are or what they believe. It is all too easy to deny a person’s human rights if you consider them as less than human.”³⁸

When talking about discrimination, we are talking about violations of human rights. Discrimination exists in every social, political, economic, cultural area of society. There is no society free from discrimination.

Discrimination is not only an action, a process, but an attitude towards your alter. It implies rejection, deprivation, exclusion, and marginalization. In a democratic society, there is no space for these attitudes and conducts.

Actions can characterize discrimination; these characteristics can vary a lot, from social exclusion to restriction of a group or a single person. “Discrimination is an action that treats people unfairly because of their membership in a particular social group. Discriminatory behaviors take many forms, but they all involve some form of exclusion or rejection”.³⁹ Discrimination is not only when one has no right to vote, it is

³⁷Discrimination, Council of Europe, at http://www.eycb.coe.int/composito/chapter_5/pdf/3.pdf
(consulted on 21-3-2014)

³⁸Discrimination, Amnesty International, at <http://www.amnesty.org/en/discrimination> (consulted on 25-3-2014)

³⁹ Understanding discrimination, United Nations, at https://www.un.org/cyberschoolbus/discrim/id_8_ud_print.asp (consulted on 20-3-2014)

also when someone is marginalized just because he/she a different idea or opinion or appearance.

The Racial Equality Directive (RED, 2000/42/EC) conceptualizes discrimination as direct or indirect discrimination. “It regulates some specific forms, such as harassment, instruction to discriminate and victimization but does not specifically address structural discrimination (segregation and institutional discrimination) based on racial or ethnic origin. Direct discrimination shall be taken to occur, where one person is treated less favorably than another is, has been or would be treated in a comparable situation on ground of racial or ethnic origin”.⁴⁰ Discrimination can be direct and indirect; direct discrimination refers to an action that is consciously and intentionally practiced, with the intention of a unfavorable treatment on the basis of age, color, nationality, marital status, handicap, sexual orientation, non membership or membership in a trade-union, social status or ethnicity.

Indirect discrimination, on the other hand, according to RED “shall be taken to occur where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and necessary”.⁴¹

Indirect discrimination “occurs where an apparently neutral provision, criterion or practice would put persons of a racial or ethnic origin at a particular disadvantage compared with other persons, unless that provision, criterion or practice is objectively justified by a legitimate aim and the means of achieving that aim are appropriate and

⁴⁰ Segregation of Roma children in Education, at http://www.non-discrimination.net/content/media/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf (consulted on 1-4-2014)

⁴¹ Segregation of Roma children in Education, at http://www.non-discrimination.net/content/media/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf (consulted on 1-4-2014)

necessary”.⁴²

Discrimination has its set of “unwritten” set of values. People tend to discriminate according to their scale of values, culturally inherited, not because there are some obvious and clear differences.

Non-discrimination addresses all areas of inter-human relations as well as individuals that are victims of discrimination; this means that non-discrimination covers a large area from culture, economic, social and political to discrimination on the basis on nationality, race, and ethnic origins.

“Freedom from discrimination is a necessary but far from sufficient means of achieving equality. Equality is what we are born with, and the purpose of human rights laws is to ensure that we are *in practice all* able to live the lives we choose to live and participate in the community in which we live. There is, therefore, a substantive right to equality in certain spheres in human rights law. If ‘everyone’ is to really mean everyone, then laws must be fashioned to take account of difference as well as similarity and the state must intervene to prevent individuals from interfering with the rights of others”.⁴³

This is why in abolishing discrimination the rule of law is mandatory. Of course this practice and attitude lies in people’s perceptions and mentalities, but a state must guarantee the implementation of a set of norms that prevents discrimination. Having a clear and restricted framework in legislation and social policies, applying the EU’s recommendations and international conventions, helping the subjects of discrimination, could determine a change in the way people act. This is a two ways process: from top to bottom, state policies, justice; and bottom to top – so that people understand the importance in treating their alter equally and respecting his or her rights.

⁴²Recognizing and Combating Racial Discrimination, European Roma Rights Centre, at <http://www.errc.org/cms/upload/file/recognising-and-combating-racial-discrimination.pdf> (consulted on 22-3-2014)

⁴³ Equality, Dignity and Discrimination under Human Rights Law; selected cases, by Francesca Klug and Helen Wildbore, Centre for the Study of Human Rights, LSE; Page 2

According to Amnesty International: “The rationalization behind the principle is that discrimination violates international human rights principles to be deprived of one’s rights because of a characteristic that one cannot change – such as one’s race or ethnicity – or because of a characteristic that is so central to one’s being that one should not be forced to change it, such as religion”.⁴⁴ That is why one cannot judge and discriminate another for having the misfortune or chance, by case, of being born in a particular tradition, culture, and ethnic group or with certain religious beliefs. Discrimination comes in antithesis with favoring or treating someone with privilege.

As Rabinder Singh (2004) stated “in many ways the most important word in the European Convention on Human Rights is ‘everyone’. Most of the substantive articles of the Convention begin with the word ‘everyone’. The real challenge is to take that word seriously and accept that it means what it says”.⁴⁵ as long as people belong to the Romani minority are discriminated against, it is clear the word everyone is not taken into account and respected. Everyone means us; it implies “us” and “them”, “me” and “you” without any differentiation.

Until the 1990s, the notion of ‘discrimination’ was peripheral, not only in relation to the legal protection offered to Roma but also in describing their situation. A quick look at various documents regarding Roma from the CoE and the EU confirms that before the 1990s, the notion of discrimination is almost absent.⁴⁶

In the first case brought by a Roma in front of the Strasbourg judges, the Buckley case, the applicant ‘claimed to be the victim of discrimination on the grounds of her Gypsy status’. The argument then moved to a more general level, highlighting not only single discriminatory acts but also ‘the legal system’s failure to accommodate

⁴⁴ Discrimination, Amnesty International, at <http://www.amnesty.org/en/discrimination> (consulted on 25-3-2014)

⁴⁵ Equality, Dignity and Discrimination under Human Rights Law; selected cases, by Francesca Klug and Helen Wildbore, Centre for the Study of Human Rights, LSE; Page 1

⁴⁶The discrimination discourse in relation to the Roma: its limits and benefits, Emanuela Ignăţoiu-Sora Version of record first published: 02 Feb 2011.

Gypsies' traditional way of life, by treating them in the same way as the majority population, or disadvantaging them relatively to the general population' (ECtHR 1996). It was also within this case that terms such as 'systemic' and 'general laws and policies' against 'particular needs' were first employed in relation to describing the situation of Roma people.⁴⁷

Sir Trevor Phillips, Chair of the Commission for Race Equality, described racism towards Gypsy, Roma and Traveller communities (GRT Communities) as "the last respectable form of racism",⁴⁸ in that there seems to be little or no social stigma attached to expressing such racist attitudes.⁴⁹ The Roma minority is the largest minority group in the EU, at the same time they are the most discriminated group in the EU. Roma people have been discriminated against since their arrival to Europe; they have always been looked at as being different. This discrimination has led to the fact that the Roma minority is facing social exclusion, they are living in very poor conditions, many of them do not attend mainstream schooling, the unemployment rate among Roma people is very high, and their access to public healthcare is poor.

Article 1 of the International Convention on Eliminating All Forms of Racial Discrimination states "In this Convention, the term "racial discrimination" shall mean any distinction, exclusion, restriction or preference based on race, color, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life."⁵⁰

⁴⁷ Idem

⁴⁸ Racism and Discrimination, at <http://www.gypsy-traveller.org/harassment-and-discrimination/> (consulted on 19-6-2014)

⁴⁹ Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK, by Brian Foster and Peter Norton. P: 87

⁵⁰ International Convention on the Elimination of All Forms of Racial Discrimination, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> (consulted on 21-3-2014)

Racial discrimination refers to “treating a person or group differently based on their racial origins. Power is a necessary precondition, for it depends on the ability to give or withhold social benefits, facilities, services, opportunities etc., from someone who should be entitled to them, and are denied on the basis of race, color or national origin;”⁵¹ this is very often a reality that the Roma minority is facing in the EU.

It could be argued that for racial discrimination to occur then firstly there has to be an action of discrimination, this action of discrimination has to be on the basis of color, race, nationality, or the ethnic origins of the person whom is being discriminated, and secondly the discrimination act has to have the purpose of violating or restricting one or more of the fundamental human rights.

Racism is a factor that sustains inequality in society; it is often expressed through stereotypes and prejudice.

Essed, defines racism as being “the definitive attribution of inferiority to a particular racial/ethnic group and the use of this principle to propagate and justify unequal treatment of this group”.⁵²

Bonilla-Silva, describes racism as “ a social system involving ethno-racial categories and some form of hierarchy that produces disparities in life chances between ethno-racial groups”.⁵³

Racial discrimination happens on a day to day basis, it occurs in all countries, interferes with people’s well being, it prevents evolution of the people that are being discriminated against. Categorizing people by race means highlighting some differences between them such as: skin color, ethnicity, origins, facial particularities etc.

Anti gypsyism is a form of racism that is linked to an ideology that is based on racial superiority that institutionalizes racism and dehumanizes racial minorities, this being sustained by historical events that led to exploitation, violence and hate speech.

⁵¹ <http://academic.udayton.edu/race/01race/race08.htm> (consulted on 20-3-2014)

⁵² Ethnic and racial studies Vol 33, No 2, feb 2010.

⁵³ Ethnic and racial studies Vol 33, No 2, feb 2010.

Anti gypsyism is increasing due to the fact that the new economical structures after the break down of communism have led to loss of job and housing and extreme affection for nationalism that has led to xenophobia; the European economical crisis has led to countries rejecting outcomers, especially poor ones. The media transmits immediate information whether it is true or false.⁵⁴

*“Ignorance and prejudice are the handmaidens of propaganda. Our mission, therefore, is to confront ignorance with knowledge, bigotry with tolerance, and isolation with the outstretched hand of generosity. Racism can, will, and must be defeated”.*⁵⁵

Kofi Annan

⁵⁴ Nicolae Valeriu, “Towards a Definition of Anti Gypsism”, 2006, at <http://www.ergonetwork.org/media/userfiles/media/egro/Towards%20a%20Definition%20of%20Anti-Gypsyism.pdf> (consulted on 19-6-2014)

⁵⁵ <http://www.goodreads.com/quotes/tag/racism> accessed at 22-3-2014

3.

Policies against discrimination

The ECHR was drafted as a result of the Second World War and was supported and influenced by the CoE; it was intended to provide protection of fundamental rights and help establish democracies and the rule of law in Europe. The CoE promotes the human rights set forward in the ECHR and promotes collaboration and partnership between all European countries. The following chapter is a presentation of the policies regarding Roma in Europe.

Today the ECHR is an international treaty, and is divided into three sections: the first section is a catalogue of fundamental freedoms and rights; the second section refers to the ECtHR and contains rules on how the judges can be elected as well as rules of how to apply a case before the ECtHR; the third section refers to provisions. The ECHR contains five protocols and articles which the ratifying and signatory parties could not agree on, and did therefore not place them in the convention, these rights are: property, education, elections, free movement, restriction on death penalty, crime and family, discrimination, complete abolition of death penalty. Interestingly both the right to education and non-discrimination are not in the convention itself, but in the protocols.⁵⁶

Despite the fact that normative documents exist in order to prevent and stop discrimination, in reality, discrimination represents an actual, active and worrying issue in the year 2014. Roma people are discriminated against everyday in the EU; Social inclusion of Roma people is not possible as long as they are discriminated against.

Legal documents exist, that have the role of prohibiting discrimination; the existence of legal documents implies that “Governments are obliged to take essential measures to ensure the right of all to be free from discrimination. They must repeal discriminatory legislation, which facilitates human rights abuses and denies equal

⁵⁶ A convention to protect your rights and liberties, at <http://human-rights-convention.org> (consulted on 22-6-2014)

access to justice. They must provide effective protection against violence in the broader community. The laws and institutions of the state must address the root causes of discrimination, rather than replicating or fomenting it for political ends”.⁵⁷

Article 2 of the UDHR states: “Everyone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty”.⁵⁸ The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) reaffirms that “Discrimination between human beings on the grounds of race, color or ethnic origin is an obstacle to friendly and peaceful relations among nations and is capable of disturbing peace and security among peoples and the harmony of persons living side by side even within one and the same State⁵⁹”. In the case of *Paraskeva Todorova v. Bulgaria*,⁶⁰ the Bulgarian court has refused to suspend the applicants of Roma origin’s sentence simply because of her origin. The European court of Human Rights (ECtHR) found that there had been a violation of article 14 on the prohibition of discrimination and a breach of article 6 on the right to a fair trial.

Article 5 of the UDHR, article 4 of the Charter of Fundamental Rights of the European Union (2000) and article 3 of the European Convention on Human Rights are referring to inhuman or degrading treatment, no state or authority has the right to treat a person in a way that suppresses their dignity; though not respected in some cases when

⁵⁷Discrimination, Amnesty International, at <http://www.amnesty.org/en/discrimination> (consulted on 25-3-2014)

⁵⁸Universal Declaration of Human Rights, at <http://www.un.org/en/documents/udhr/> (consulted on 21-3-2014)

⁵⁹ International Convention on the Elimination of All Forms of Racial Discrimination, at <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CERD.aspx> (consulted on 21-3-2014)

⁶⁰ *Paraskeva Todorova v. Bulgaria*, 25 March 2009, at <http://www.equalrightstrust.org/ertdocumentbank/case%20summary%20Paraskeva%20Todorova%20vs%20Bulgaria.pdf> (consulted on 18-6-2014)

addressing Roma people, an example of this is the sterilization of Roma women. The ECtHR argued in the case *IG & Ors vs. Slovakia*⁶¹ in 2012 that sterilization of Roma women is both inhuman and degrading.

Another similar case is the case of *V.C v. Slovakia*,⁶² where the applicant was a Roma woman that claimed that she was sterilized, after giving birth to her second child, in a public hospital in Slovakia without being given the proper information, without understanding the irreversibility of this action and without her full consent. The applicant signed the consent form while still in labor, after being told that if she would have a third child she or the newborn might die. After this incident she became ostracized by the Roma community that she before was a part of, and divorced from her husband due to her infertility. The European Court of Human Rights found that the applicant had experienced fear and felt inferior as a result of the sterilization that she had undergone. The court also found that she had experienced psychological and physical pain and discomfort due to the sterilization, the divorce of her husband and the outcast from the Roma community. The court therefore found that there had been a violation of article 3 on ill and degrading treatment with regard to her sterilization as well as a violation of article 8 on the right to family and private life.⁶³

Article 13 of the UDHR refers to the freedom of movement; all people have the right to move and return to his “home” country; this again is not respected when addressing Roma people; In September 2013, the French Minister of Interior stated, “Those people (Roma migrants) have lifestyles that are extremely different from ours. For this reason, they should return to Romania or Bulgaria,”⁶⁴ this statement clearly shows a breach of article 13, as it is clear that the Roma are not welcome in France. In

⁶¹ *IG & Ors vs. Slovakia*, 29 April 2013, at [http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-114514#{"itemid":\["001-114514"\]}](http://hudoc.echr.coe.int/sites/fra/pages/search.aspx?i=001-114514#{) (consulted on 18-6-2014)

⁶² *V.C v. Slovakia*, 8 February 2012, at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#{"itemid":\["001-107364"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#{) (consulted on 18-6-2-14)

⁶³ *V.C v. Slovakia*, 8 February 2012, at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#{"itemid":\["001-107364"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-107364#{) (consulted on 18-6-2-14)

⁶⁴ Amnesty International, “They would have killed us if we stayed”, at <http://www.amnesty.org/en/news/france-they-said-they-would-have-killed-us-if-we-stayed-2014-04-08> (Consulted on 18-6-2014)

2013, France forcibly evicted 19.830 Roma people.⁶⁵ The Roma people were living in the outskirts and mostly without access to sewerage and clean water. This led to claims made by the French population towards the municipalities.

Under international law, states have the responsibility to ensure that no one is homeless, made homeless, or suffering from human rights violations as a result of an eviction. The people that are not capable of supporting themselves should be offered a different or second housing. This was not the case of the Roma people that were evicted from France in 2013; they simply were send back to their “home” countries.

Article 23 of the UDHR and article 15 of the Charter of Fundamental Rights of the EU states, that everybody has the right to work and that everybody has the right to equal payment for equal work, everyone has the right to freely choose their employment without any form or type of discrimination. Every employed person has the right to an adequate salary for the work done, in order to provide himself or his family a dignified life; this has yet to become a reality for the Roma minority; The unemployment rate among Roma people is very high, one of the factors leading to this is that they are discriminated against and therefore do not have the same employment opportunities as non Roma citizens. In a survey made by FRA (2007)when Roma people were asked, “In the past 5 years (or since you have been in the country) have you ever been discriminated against when looking for paid work” the results were alarming: an average of 26%⁶⁶ had experienced discrimination when applying for paid work. This is an example of the lack of respect of current legislation and of the EU directives regarding discrimination or employment. Viera Samkova is a Slovakian citizen of Roma origin with a university degree; she has been searching for a job for four years and noticing that jobs are given to non-Roma citizens that are less qualified for the job. In an interview given to the Financial Times, Viera stated that she wanted to be an example for other Roma people living in her community by attending high education and getting a good job, but the current situation she is facing is another; even though

⁶⁵ Agency France-Press, “France forcibly evicted 19.000 Roma migrants in 2013”, Global Post, 14 January, 2014, at <http://www.globalpost.com/dispatch/news/afp/140114/france-evicted-record-number-roma-migrants-2013> (consulted on 18-6-2014)

⁶⁶ <http://fra.europa.eu/DVS/DVT/roma.php> accessed at 2-5-2014

she is well educated she still feels discriminated against for being Roma. The reality for her is that she is not an example for other Roma, she is just another example of the fact that it does not pay off to attend school because Roma will be discriminated against no matter what.⁶⁷

Article 26 of the UDHR and article 14 of the Charter of Fundamental Rights cover the right to education. Article 26 of the UDHR states, “ it shall promote understanding tolerance and friendship among all nations, racial or religious groups...”⁶⁸ No one should be rejected from the schooling system; all states have the obligation to respect the religion and other convictions that a family might have without any form of discrimination. This is not the case of Roma people. School segregation and discrimination in the mainstream educational system is still an ongoing matter in Europe today. According to Amnesty International “thousands of Romani children are placed in segregated schools and receive a substandard education”.⁶⁹ In a survey made by FRA when Roma people were asked “In the past 5 years have you ever been discriminated against by people working in a school or in training”, The highest percentages of discriminatory acts appeared in France, Check Republic and Italy; France 39%, Check Republic 37% and Italy 31%.⁷⁰

Nevertheless some EU member states have made progress in inclusion with regard to education; Romania has a quota system in which Romani children and students have the right to apply on special positions dedicated to this minority group. Other nationalities or ethnic groups cannot occupy these seats. This represents a step forward in achieving educational and social integration of the Roma students. Quota systems are seen in other European countries all well, however school segregation is

⁶⁷ Nicholson Tom “Social affairs: Roma face a rough ride in jobs market”, 29 November 2010, at <http://www.ft.com/intl/cms/s/0/5df83a92-fb50-11df-b576-00144feab49a.html> (consulted on 18-6-2014)

⁶⁸ Article 26 of the Universal Declaration of Human Rights, at <http://www.un.org/en/documents/udhr/> (consulted on 16-6-2014)

⁶⁹ Roma: Demanding Equality and Human Rights, Amnesty International, at <http://www.amnesty.org/en/roma> (consulted on 2-5-2014)

⁷⁰ FRA survey, at <http://fra.europa.eu/DVS/DVT/roma.php> (consulted on 18-06-2014)

evident.⁷¹

The case of D.H and Others v. the Czech Republic⁷² is an example of placement of Roma pupils into special schools for mentally disabled children. The Czech legislation at the time of the complaint in 2007 was not welcoming, fair or focused on social inclusion of the Roma minority group, it was on the contrary discriminatory and hindering their integration. ECtHR found that there had been a violation of article 14 on the prohibition of discrimination, of the European Convention on Human Rights as well as a violation of article 2 of Protocol No. 1 on the right to education. A similar case is Horvath and Kiss v. Hungary⁷³, where two men complained of being placed in a school for mentally disabled children as a result of discrimination. The court found that there had been a violation of article 2 on the right to education and article 14 on the prohibition of discrimination of the ECHR. Cases of school segregation are still seen in the EU, a lot of progress has been made, but there is still an urgent need for improvement.

Theoretically Roma people have the right to enjoy all of the rights set out in the UN Charter, UDHR, CRC, ECHR, and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), but this minority group is still discriminated on a daily basis.

All documents that concern non-discrimination also concern the rights of minorities and Roma people; the norms created by ratifying global or regional treaties and documents regarding non-discrimination also apply to the elimination of all forms of racial discrimination and therefore at the same time apply to eliminating the discrimination of minority groups and respecting their rights.

⁷¹ Segregation in education, at http://www.non-discrimination.net/content/media/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf (consulted on 18-6-2014)

⁷² D.H and Others v. the Czech Republic, 23-11-2007, at <http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-83256> (consulted on 19-6-2014)

⁷³ Horvath and Kiss v. Hungary, 29-april-2013, at [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116124#{"itemid":\["001-116124"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-116124#{) (consulted on 18-6-2014)

Other legally binding documents such as the European Convention on Human Rights, the Charter of Fundamental Rights of the European Union, the Convention on the Rights of the Child, and the International Convention on the Elimination of All Forms of Racial Discrimination and declarations such as the Universal Declaration on Human Rights, the European Commission against racism and Intolerance (ECRI) general policy recommendations are contributing and providing member states guidelines on how to make national policies and strategies. 13 of these policy recommendations directly address the Roma minority; the recommendations reach a variety of fields, from combating racism and xenophobia, to combating racism through education, to abolish anti gypsism and discrimination against Roma, to reducing racism and racial discrimination in employment. All of the above mentioned general policy recommendations have a connection to Roma people, because they can benefit from these recommendations, if they are respected and are implemented in a correct way. The general recommendations contribute with guideline that policy makers are free and encouraged to use when making national strategies and policies.

3.1

Roma under the Racial Equality Directive (2000) and the Employment Equality Directive (2000)

European Directives are of great importance when addressing the Roma issue. The directives are given by the European Union to Member States; they put down goals that must be achieved by member states. It is up to the member states to decide how to change or adapt national legislation in order to achieve these goals.

Two directives are of great importance with reference to the integration of the Roma minority in Europe, the first is the Racial Equality Directive (2000) and the second is the Employment Equality Directive (2000). The first mentioned directive calls for member states to constrain and prevent direct as well as indirect discrimination; discrimination on the basis of racial and ethnic origins. The Racial Equality Directive

“covers employment, self-employment and occupation, as well as vocational training, social protection including social security and healthcare, social advantages, education and access to and supply of goods and services available to the public, including housing”.⁷⁴ The Employment Equality Directive (2000) “limits the protection granted to the field of employment and occupation as well as vocational training, and prohibits direct and indirect discrimination as well as harassment and instruction to discriminate, on the grounds of religion or belief, age, sexual orientation and disability”.⁷⁵

The two above-mentioned directives are very similar; they both contain definitions, minimum requirements, positive actions and burden of proof, as well as a dialogue with NGO’s and social partners that are very much alike. The Racial Equality Directive (2000) and the Employment Equality Directive (2000) address not only citizens of the European union, but everyone in the European Union, this includes people that are stateless and Romani people without personal documents such as birth certificates.

The Directive 2000/43/EC on the implementation of the principle of equal treatment between persons irrespective of racial or ethnic origin (Racial Equality Directive) and the Council Directive 2000/78/EC of 27 November 2000 establish a general framework for equal treatment in employment and occupation, and have been a way forward towards a greater protection against discrimination, racial discrimination, and racism, however none of the two directives give a definition of discrimination. “The Directives specifically allow but do not oblige the Member States to maintain or adopt specific measures to prevent or compensate for disadvantages linked to any of the grounds covered by the Directives. Positive actions by definition have to be beneficial to the target groups. Almost all Member States have taken some form of positive action within the scope of the two Directives, for example in favor of persons with disabilities

⁷⁴ Developing anti-discrimination law in Europe, European Commission, Law Review, 2011 p: 8, at http://ec.europa.eu/justice/discrimination/files/antidiscrimination_law_review_12_en.pdf

⁷⁵Idem

or the Roma”⁷⁶.

The Commission has played a big role in helping member states implement the directives, it has held training seminars for legal practitioners in order to apply the directives in the correct way as well as increase the awareness of the European legislation regarding equal treatment. The two directives do not impose sanctions; it is up to the European member states to establish sanctions. Member States of the European Union are required to set up a body or bodies whose task includes to provide independent assistance to victims of discrimination and conducting independent reporting and surveys, this is a requirement for all Member States.

The character of these two directives is neither mandatory nor immediate, considering the agendas of national governments and the main issues they are facing. They have the liberty of respecting and implementing or not the mentioned recommendations and directives. Although monitoring bodies and anti discrimination national institutions exists in all the EU member states, the directivity degree varies from one country to another. Even though the integration of the Roma minority is of high importance at European level, it still remains up to the national governments when it shall be on their priority list.

The fact that legislation cannot and will not ever be enough in ending the social exclusion that the Roma minority face in the EU is a known fact to the Commission. It is therefor recognized that there is an urgent need for financial actions as well as social policies in ending the social exclusion and segregation of Romani people in Europe. The European Commission has recommended the Council Roma Recommendation that was adopted by the Council on December 9, 2013. The purpose of the Council Roma Recommendation is to promote the four major areas that range from health, housing, and education to employment concerning the Romani minority in Europe while also establishing adequate enforcement and application of the existing directives so that social exclusion and segregation become history in the EU. “A key element of the drive to tackle discrimination of the Roma at EU level was the adoption of an EU Framework

⁷⁶ idem

for National Roma Integration Strategies up to 2020. This has been followed by the Commission's annual monitoring of the national strategies developed by Member States. The Directives cover all the four key areas of the national Roma strategies, education, employment, healthcare and housing. Achieving full equality in practice may in certain circumstances warrant Roma-specific positive action, in particular in the above-mentioned four key areas".⁷⁷

According to the Communication on economic and social integration of the Roma in Europe (17.1.2014) "... a significant part of the 10-12 million Roma in Europe live in extreme marginalization in both rural and urban areas and in very poor socio-economic conditions. The discrimination, social exclusion and segregation, which Roma face, are mutually reinforcing. They face limited access to high quality education, difficulties in integration into the labor market, correspondingly low-income levels, and poor health, which in turn results in higher mortality rates and lower life expectancy compared with non-Roma. Roma exclusion entails not only significant human suffering but also significant direct costs for public budgets as well as indirect costs through losses in productivity".⁷⁸

In 2011 the Council of Europe adopted a strategy that would combat the social exclusion of the Romani minority, and promote social inclusion through the Strasbourg declaration⁷⁹; The European Union also adopted the EU Framework for National Roma Integration Strategies up to 2020, the framework is setting evident and certain targets for the European member states as well as civil society and other stakeholders with

⁷⁷ Report from the commission to the European parliament and the council; Joint Report on the application of Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin ('Racial Equality Directive') and of Council Directive 2000/78/EC of 27 November 2000 establishing a general framework for equal treatment in employment and occupation ('Employment Equality Directive'), Brussels, 17.1.2014, at http://ec.europa.eu/justice/discrimination/files/com_2014_2_en.pdf (consulted on 18-6-2014)

⁷⁸ Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions The social and economic integration of the Roma in Europe, at <http://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:52010DC0133> (consulted on 7-4-2014)

⁷⁹ European Parliament Resolution of the 9 March 2011 on the EU strategy strategy on Roma Inclusion, at <http://www.europarl.europa.eu/sides/getDoc.do?type=TA&reference=P7-TA-2011-0092&language=EN> (consulted on 18-6-2014)

regard to social exclusion of Roma people.⁸⁰

Europe 2020 represents a ten year European Union program that began in 2010, the program is not only regarding the economic crisis that the entire European Union is facing at the moment, but also the lack of inclusive growth. There are five major headline targets in this program that should be achieved by 2020; the targets vary from climate and energy to research and development, to employment, to education as well as poverty reduction and social inclusion.

One of the seven flagships under the Europe 2020 is the European Platform against Poverty and Social Exclusion. The platform contains five large areas of action, these areas of action vary from “Delivering actions across the whole policy spectrum such as the labor market, minimum income support, healthcare, education, housing and access to basic banking accounts”,⁸¹ to governments working together with civil society in order to implement the social policy reforms in a more effective manner; transparency when it comes to social policies so that there is room for improvement; using the EU funds that are available and allocated to social inclusion in a better way.

José Manuel Barroso, President of the European Commission stated “Europe 2020 is the EU's growth strategy for the coming decade. In a changing world, we want the EU to become a smart, sustainable and inclusive economy. These three mutually reinforcing priorities should help the EU and the Member States deliver high levels of employment, productivity and social cohesion. Concretely, the Union has set five ambitious objectives - on employment, innovation, education, social inclusion and climate/energy - to be reached by 2020”.⁸² Each one of these five objectives also concerns the largest minority group that exists in the EU– The Roma minority. By reaching these goals, the social, economic and political situation of the Romani people would improve.

⁸⁰EU Framework for National Roma Integration Strategies up to 2020, at http://ec.europa.eu/justice/discrimination/roma/index_en.htm (consulted on 18-6-2014)

⁸¹ European platform against poverty and social exclusion, at <http://ec.europa.eu/social/main.jsp?catId=961> (consulted on 18-6-2014)

⁸²Country specific recommendations, Europe 2020, European Commission, at http://ec.europa.eu/europe2020/index_en.htm (consulted on 2-5-2014)

3.2

EU Framework for Roma Inclusion

The social exclusion and marginalization of the Roma minority in Europe is of great importance to the Europe 2020 strategies, raising the employments level, fighting for social inclusion and the fight against poverty as well as the target of increasing the percentage of primary school attendance; these three areas are directly linked to the EU Framework for Roma inclusion. “Addressing the situation in terms of employment, poverty and education will contribute to progress towards Europe 2020 employment, social inclusion and education targets”.⁸³ The achievement of education, healthcare, housing and employment is crucial and of great help for member states in achieving the goals and targets that are set by Europe 2020.

The National Roma Integration (2012) goals cover the four main areas of Roma inclusion: education, healthcare, housing and employment. The achievements corresponds to the National Roma Integration goals, and are a contribution to the achievement of the goals set by Europe 2020. “The Framework is the most comprehensive policy document so far produced by the European Commission to improve the social inclusion of the 10-12 million Europeans of Roma origin. It aims to define and coordinate the obligations and responsibilities of the EU member-states and candidate countries towards their Roma populations”.⁸⁴

The EU Framework for National Roma Integration Strategies (2012) concerns the four main areas regarding the Romani minority in Europe that ranges from education and housing to health and employment. The goals for these four areas are to raise the number of children that attend primary school; to ensure that all people

⁸³ Communication from the commission to the European parliament, the council, the European Economic and Social committee and the committee of the regions, An EU framework for National Roma Integration Strategies up to 2020. P: 4

⁸⁴ Policy Assessment, EU Policies for Roma Inclusion, July 2011 p 1, at <http://www.opensocietyfoundations.org/sites/default/files/2011-07%2520EU%2520Roma%2520Inclusion%2520Policies%2520final.pdf> (consulted on 3-5-2014)

belonging to the Romani minority have access to housing, as well as access to public utilities such as clean water and electricity, to ensure access to public healthcare without discrimination and to reduce child mortality, and to ensure that Romani people have equal access to employment without any form or type of discrimination. “These minimum standards should be based on common, comparable and reliable indicators. The achievement of these goals is important to help Member States reaching the overall targets of the Europe 2020 strategy”.⁸⁵

Even though member states of the European Union have improved legislation and social policies with regard to social integration of the Romani minority there is still room for improvements. There is an urgent need for member states to improve the national strategies concerning the EU Framework for National Roma Integration Strategies. According to Vice-President Viviane Reding, the EU’s Justice Commissioner “If Member States are serious about their national strategies, they need to move up a gear on Roma integration. The EU Framework for National Roma Integration has been in place for over two years. It's time that strategies are followed by concrete actions. Although some progress has been made, it remains only limited. That's why we are now giving specific guidance to help Member States strengthen and accelerate their efforts: action to help Roma needs to go local, different countries need to work together, and urgent intervention is needed to address the situation of young Roma”.⁸⁶ Taking positive actions by all member states concerning integration of the Roma would confirm the EU framework Strategies for National Roma Integration, which all member states agreed upon in 2011.

In order to achieve the targets and goals of the Europe 2020 and integrate Romani people into the society they are living in “Member States have the primary responsibility and the competences to change the situation of marginalized populations, so action to support Roma lies first and foremost in their hands. To support them in addressing this situation, the EU has made available a wide range of legal, policy and

⁸⁵ http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf (consulted on 7-4-2014)

⁸⁶ Europa Press Release, Roma: Commission calls on Member States to step up efforts on integration, at http://europa.eu/rapid/press-release_IP-13-607_en.htm (consulted on 9-4-2013)

financial instruments”⁸⁷.

The proposed Recommendation suggests Member States allocate sufficient funding to their national and local strategies and action plans for Roma inclusion from any available sources. Allocating an adequate share of EU cohesion policy resources to investment into people through the European Social Fund, and allocating at least 20% of this amount in each Member State on social inclusion should facilitate this.⁸⁸ The proposed Recommendation also suggests that Roma integration is included in the Partnership Agreements of the Member States concerned. In order to ensure effective implementation, the capacities of local authorities and civil society organizations should be strengthened.

The Roma Commission Task Force (2010) is the institution that covers and assures that all areas regarding Roma people are taken into account while facilitating the various EU funds; the possibility of combining different EU funds in the work of the four main areas regarding Romani people is given by the Common provision regulations for all European Structural and Investment Funds. The most relevant funds used in the work of Roma integration are The European Regional Development Fund (ERDF), the European Social Fund (ESF), as well as the European Agricultural Funds for Rural Development (EARFD).

343 billion euros have been designated to European member states for the years 2014-2020 “At least €80 billion of this will be allocated to investment in human capital, employment and social inclusion through the European Social Fund (ESF). It was decided that in each country, at least 20% (compared to the current share of around 17%) of the ESF must be earmarked to fight social exclusion and poverty i.e. about €16 billion”.⁸⁹ The Roma minority can benefit from the investment priorities of ESF. ESF

⁸⁷ COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS National Roma Integration Strategies: a first step in the implementation of the EU Framework, {SWD(2012) 133 final}, p: 1.

⁸⁸ Roma: Commission calls on Member States to step up efforts on integration, at http://europa.eu/rapid/press-release_IP-13-607_en.htm (consulted on 19-6-2014)

⁸⁹ Idem p: 10.

works towards a high percentage of children attending school, access to employment for all.

3.3

The Decade of Roma inclusion

The decade of Roma inclusion (2005) is a political commitment that began in 2005 and ends in 2015, the Roma inclusion decade is a way through which European government hopes and strives to eliminate the discrimination factors that Roma people are witnessing in Europe, and also finally close the gaps between the Roma minority and the rest of European society in all areas.⁹⁰ “The Decade focuses on the priority areas of education, employment, health, and housing, and commits governments to take into account the other core issues of poverty, discrimination, and gender mainstreaming”.⁹¹ The twelve countries that are taking part in the Roma inclusion decade are Bosnia and Herzegovina, Bulgaria, Albania, Hungary, Czech Republic, Croatia, Montenegro, Romania, Serbia, Macedonia, Spain, Slovakia and the United States and Slovenia that have observer status. The Decade of Roma inclusion has as a main target the improvement of the socio economic and social inclusion situation in Europe.⁹²

Through the Decade, the Romani civil societies voice is heard, and collaboration between Europe’s largest minority and European governments as well as national and international non-governmental organizations has been established. “The Decade is an international initiative, which brings together Governments, intergovernmental and non-governmental organizations, as well as Romani civil society to (i) launch initiatives to strengthen Roma inclusion as a high priority on the regional and European political agendas; (ii) learn and exchange experiences; (iii) involve Roma meaningfully in all policy making on matters concerning them; (iv) bring in international experience and

⁹⁰ Decade of Roma inclusion, at <http://www.romadecade.org> (consulted on 19-6-2014)

⁹¹ Decade in brief, Roma Decade for Social Inclusion, at <http://www.romadecade.org/about-the-decade-decade-in-brief> (consulted on 9-4-2014)

⁹² Idem

expertise to help make progress on challenging issues; and (v) raise public awareness of the situation of Roma through active communications”.⁹³ The main intergovernmental and governmental organization that are an active part of the Roma Inclusion Decade are Open Society Institute, The Council of Europe Development Bank, The United National Development Program, The World Bank, The Council of Europe, the European Roma Information Office, the European Roma Information Office, European Roma and Travelers Forum, European Roma Rights Centre, and the Roma Education Fund and as well as the European Roma and Travelers Forum.

The Decade consists of a set of Terms of reference, which are guidelines. The operational elements of the Roma inclusion Decade vary from revision and demonstration of progress, policy coordination, implementation of national action plans and provision of information and expert support to active participation of Roma people. The Decade is the first European multinational project that actively reaches the lives and realities of people belonging to the Romani minority.

The EU Framework for Roma integration, the Europe 2020, the Decade of Roma inclusion all have one common fact, they all refer to education, housing, health care and employment when addressing the issue of social inclusion of the Romani minority.

⁹³ Roma Decade – Terms of Reference, at http://www.romadecade.org/cms/upload/file/9292_file1_terms-of-reference.pdf (consulted on 9-4-2014)

4.

Employment, healthcare, housing and education

The employment, healthcare, housing and educational situation that the Romani people in Europe are facing in 2014 is unacceptable, as mentioned in the previous chapter this minority group is still constantly discriminated against in the European Union; the following chapter discusses of the four main areas when addressing the social integration of the Roma minority in Europe with a special emphasis on education. “The Roma community suffers massive discrimination throughout Europe. Denied their rights to housing, employment, healthcare and education, Roma are often victims of forced evictions, racist attacks and police ill-treatment”.⁹⁴ Discrimination, stereotyping, intolerance, marginalization, social exclusion and a general dislike and lack of empathy are the main reasons for the very disturbing situation that Roma people are confronted with regarding housing, employment, healthcare and education.

The Roma minority faces discrimination when applying for a job, this is one of the main reason for their very high percentage of unemployment; they often live in very poor housing conditions in the outskirts, without access to clean water or proper sanitary facilities – this is also one of the reasons not attending school, because they often do not have access to public transportation from their homes to the schools. Roma people are victims of house evictions, which has led them to move a lot and therefore, the children are not able to attend school regularly. The mistrust that Roma people have towards public authorities and the discrimination they have often been met with when in need of healthcare. It is a known fact that many ambulances for example, all over the EU refuse to drive into the Roma communities; Roma people do simply not get the same medical care as non-Roma citizens due to discrimination factors and attitudes. This has led them to not registering their children; many Roma children do not have a birth certificate, this has led them to not being vaccinated and therefore having difficulties in the school enrolment.

⁹⁴Roma Community still facing massive discrimination, Amnesty International, at <http://www.amnesty.org/en/news-and-updates/feature-stories/europes-roma-community-still-facing-massive-discrimination-20090408> (consulted on 3-5-2014)

As mentioned in the previous chapter the Roma minority is protected under international law, EU law, and should be protected under national law of EU member states; EU directives, social policies and the Decade of Roma Inclusion should prevent and abolish the discrimination that Roma people are facing in the EU. This chapter is an attempt to examine the existence of discrimination and stereotyping in the area of employment, healthcare, housing and education and to what extent the discrimination factor influences the lives of Roma people.

4.1

Employment

The EU has stated many times that there is an urgent need to close the gap regarding employment between non-Roma and Roma. The EU Framework on Roma Integration states that member states should ensure that the people belonging to the Roma minority should enjoy the same access and opportunity when approaching the labor market as non-Roma, moreover, member states were encouraged to help the Roma minority enter the labor market through personalized guidance and meditation.⁹⁵ The decision of employment must be made on the person's capacity to perform and live up to the expectations wanted for the job, this is a key aspect when addressing the issue of non-discrimination and work equality.

Many member states of the EU have made an effort in this area that has led to great initiatives, but the impact that was expected has not yet been reached. There are noticeable improvements in the area of education, but this factor has "failed to translate into improving employment prospects among Roma. In some cases, the employment situation of Roma has even further deteriorated, although this is partly due to the general increase of unemployment in several EU Member States over the past few

⁹⁵ Approaching the Educational and Housing situation of Roma Migrants in Europe. Theoretical Insights and Policy Benchmarks, at <http://www.redhnet.eu/www/wp-content/uploads/2013/11/Report-1.pdf> (consulted on 19-6-2014)

years”.⁹⁶ In some countries, the situation of employment regarding Roma people has deteriorated, this is not only due to the discrimination factor that they are often subjected to, but also due to the economical crisis that the European Union is undergoing at the moment, which has especially affected the Roma people due to the fact that they often do not have professional education or skills.

The Report on the implementation of the EU Framework for National Roma Integration Strategies COM (2014) 209 final- 2.4.2014 states, “Despite the success of some measures, no tangible widespread impact has yet been achieved on the ground. To close the employment gap between Roma and non-Roma, Member States will need to target simultaneously the supply and demand sides of the labor market. On the supply side, the low skill levels of Roma job seekers must be addressed with vocational training and counseling, combining targeted measures and effective access to mainstream employment services”.⁹⁷

In a survey done by the FRA in 2011, when Roma people living in EU were asked “Are you currently unemployed or have you ever been without regular paid work in the past 5 years (or since you have been in the country) even though you wanted to work and were looking for a job?”⁹⁸ a average of 64% answered “yes”. The countries with the highest percentage were Bulgaria, Poland and Romania. When asked, “What do you think, is there a law in your country that forbids discrimination against ethnic minority people when applying for a job?”⁹⁹ Poland, Italy and Hungary had the highest percentage of Roma people that did think that anti discrimination law existed in their country when applying for a job, while the countries with the lowest percentage were

⁹⁶ http://ec.europa.eu/justice/discrimination/files/roma_implement_strategies2014_en.pdf accessed at 4-5-2014

⁹⁷ Report on the Implementation of the EU Framework for National Roma Integration Strategies, 2014 ,at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCgQFjAA&url=http%3A%2F%2Fwww.cdep.ro%2Fafaceri_europene%2FCE%2F2014%2FCOM_2014_209_EN_ACTE_f.doc&ei=OdRnU4mEGcH30gX3soD4Bw&usg=AFQjCNE7ieKROQWbV6mODg4K3pK7zDiYdA&sig2=gf2QmzWleb6GqkZ34wdDoQ&bvm=bv.65788261,d.d2k (consulted on 5-5-2014)

⁹⁸ <http://fra.europa.eu/DVS/DVT/roma.php> accessed at 3-5-2014

⁹⁹ Report on the Implementation of the EU Framework for National Roma Integration Strategies, 2014 ,at http://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&ved=0CCgQFjAA&url=http%3A%2F%2Fwww.cdep.ro%2Fafaceri_europene%2FCE%2F2014%2FCOM_2014_209_EN_ACTE_f.doc&ei=OdRnU4mEGcH30gX3soD4Bw&usg=AFQjCNE7ieKROQWbV6mODg4K3pK7zDiYdA&sig2=gf2QmzWleb6GqkZ34wdDoQ&bvm=bv.65788261,d.d2k, (consulted on 5-5-2014)

Bulgaria, Greece and Romania. These survey results show that the awareness for anti discrimination law in the EU is lowest in countries such as Greece, Romania and Bulgaria and highest in Poland, Italy and Hungary. The employment rate among people belonging to the Roma minority is low. The fact that the unemployment rate among Roma people is so low can be closely linked to the fact that few people belonging to this minority group attend mainstream education and when applying for a job they are discriminated against.

The problem that Roma people face regarding unemployment is vicious; discrimination and the will to marginalize this minority group and its impact on long term unemployment often lead to loss of professional skills, which makes it even more difficult to find work. The high unemployment rate among Romani people is both due to the discriminatory practices that they are victims of and the poor and low educational opportunities. The EU directive mentioned in chapter 1 regarding employment has not shown great improvements in the area. Even though the legislative part is in order, Roma people are still facing great difficulties when applying for a job, and they certainly do not have the same rights as non-Roma; this is partly due to the stereotypes that Roma people have to fight, stereotypes such as: “Roma people are lazy; Roma people steal; Roma people do not want to work; Roma people are under qualified”; the stereotypes are one of the main reasons for them not getting a job, because they do not get the chance to prove that the stereotypes are not true.

4.2

Healthcare

There is a big gap between non-Roma and Roma people in the area of healthcare; the European Union encourages member states to implement and maintain a high level of quality in healthcare with a special emphasis on women and children, the Report on the implementation of the EU Framework for National Roma Integration Strategies COM (2014) 209 final- 2.4.2014 argues that all citizens should benefit from preventive care as

well as social services “at a similar level and under the same conditions as the rest of the population”.¹⁰⁰

The fact that the Romani people live in poor social and environmental conditions and many of them live in extreme poverty are some of the main factors that are linked to the poor health of this minority group. Some of the justifications for this are “poor accessibility of health services in terms of distance, lack of access due to financial difficulties, lack of registration with local authorities, lack of awareness especially about preventive services, cultural differences and discrimination. No health coverage often also means no vaccination for children, which in turn can prevent them from being accepted by schools and kindergartens”.¹⁰¹

The Commission in 2014 showed an interest in launching an action for developing training packages for professionals in the area of healthcare with a special emphasis on minorities, including the Roma minority group through the Regulation (EU) No 282/2014 of the European Parliament and of the Council of 11 March 2014. In order to prevent long-term health problems for minority groups that at the moment do not have social security and health care coverage, it is important for member states to invest in preventive health care measures, especially for children, as they are the future generation.

People belonging to the Roma minority are facing serious barriers when addressing the issue of healthcare; they often do not have personal documents, which means that they do not have access to medical insurance and therefore cannot benefit from the public healthcare system. The fact that they are often geographically isolated from the rest of the population is another barrier. They do not have access to public transportation close to their settlements and there have been cases of ambulances refusing to enter the Roma settlements when needed. The fact that many Roma only speak their own language and not the language of the country they live in is yet another

¹⁰⁰ Idem.

¹⁰¹ Idem.

barrier because they cannot communicate with the public authorities when in need of medical care. The discriminating and degrading treatment that they have been met with when in contact with the public health care system has led to a mistrust of public authorities, and therefore a very low percentage of Roma that benefit and use the public healthcare system and a very high percentage of home births among this minority group.

In 2011 the first case of discrimination in public hospitals was brought to the National Council for Combating Discrimination in Romania (CNCD), by the Euro regional Center for Public Initiatives (ECPI) and the non-governmental organization Romani Criss; the hospital “Marie Curie” was accused of placing children belonging to the Romani minority in separate rooms. ECPI and Romani Criss demanded sanctions for the acts of discrimination. A social worker at Romani Criss stated: “ this case regards the segregation of Romani children in public hospitals by placing them in separate rooms; this is the first time we could make a complaint about such behavior, because it is the first time we had evidence of such practices”.¹⁰² A lawyer at ECIP added: “Although the law expressly prohibits and penalizes Romanian ethnic discrimination, law enforcement is delayed when it comes to healthcare. Therefore we believe it is appropriate that the Ministry of Health and the local authorities that coordinate hospitals verify the internal regulations and provisions that prohibit ethnic segregation, and check up on whether these provisions are respected in practice”.¹⁰³

Segregation in hospitals cannot be an ongoing matter in the EU. The current legislation is not enough, the reality is that Roma people are met with discrimination, negativity, stereotyping when addressing the public healthcare systems. Special programs to help Roma people acknowledge the importance of having a birth certificate, helping them regain their trust to medical and public authorities should be a must for all member states of the EU; positive discrimination acts need to be made in order to stop the discrimination of Roma people with regard to the public health care

¹⁰²Discriminare etnică la spitalul Marie Curie. Copii romi, ținuți în saloane separate, at, <http://www.mediafax.ro/social/discriminare-etnica-la-spitalul-marie-curie-copii-romi-tinuti-in-saloane-separate-9081720> (consulted on 27-5-2014)

¹⁰³ Idem

system. The fact that ambulances refuse to drive into Roma settlements in 2014 is both disturbing and alarming; the fact that people belonging to the Roma minority are often refused medical assistance, or get bad treatment in hospitals, as well as sterilization of Romani women without their full consent should not be an ongoing matter in today's EU. In order for the new Romani generation to have a fair chance at an equal life with the same opportunities as non-Roma, there is an urgent need for them to get a birth certificate, get vaccinations, so that they are able to enroll in school.

4.3

Housing

The EU Framework for National Roma Integration Strategies sees the area of housing as an area where there are big gaps between Roma and non-Roma people, and “calls on Member States to promote non-discriminatory access to housing, including social housing and public utilities (such as water, electricity and gas). Furthermore, the EU Framework underlined the need to address housing as part of an integrated approach to social inclusion and desegregation”.¹⁰⁴

Home evictions are still an ongoing matter in Europe; Amnesty International reports show Roma people are still evicted from their homes, for example “Over 10,000 Roma have been evicted in France in the first six months of 2013, leaving many homeless. In most cases, evictions do not comply with international human rights standards”.¹⁰⁵ Elisa De Pieri (2013), researcher at Amnesty International argues "...this is plainly discriminatory, because the Roma are being prevented from getting out of segregation. We are not saying there should be preferential treatment for the Roma families but we think they should be treated the same as other residents and allowed to

¹⁰⁴ ¹⁰⁴ Report on the implementation of the EU Framework for National Roma Integration Strategies COM(2014) 209 final - 2.4.2014 p: 8.

¹⁰⁵ EU must hold France accountable for failure to integrate Roma people, Amnesty International, at <http://www.fightdiscrimination.eu/news-and-events/eu-must-hold-france-accountable-failure-integrate-roma> (consulted on 3-5-2014)

apply for housing”¹⁰⁶.

Many cases of housing evictions have occurred in the EU in the last few years: In France, in the whole year 2013 about 18000 Roma people were evicted, and sent back to their home countries, 8000 more people were send home in the second half of 2013; In Italy about 1800 Roma people were evicted from their homes in Roma in 2011; in 2010 about 300 people of Roma origins were forcibly evicted from their homes that were located close to the center of the city Cluj, in Romania and moved to the outskirts of the city, in Pata-Rat, close to a waste dump. A young man tells about his experience after being moved to Pata-Rat: “It is very difficult to find a job even when you live in Cluj, not to mention here. And the bus.... how else could I go to the city if I don’t have a car of my own? First, you have to get past the dogs. There are three packs on the way to the bus stop. After that, you have to wait, at minus 20 degrees, in the winter, for about 45 minutes. You end up repeatedly being late to work...If they see that you live in Pata- Rât, they don’t even talk to you, regardless of the way you speak, the vocabulary you use, the way you dress...”.¹⁰⁷Fechete Petru Alexandru, 29, Mechanic.

The overall housing and living situation of Roma people in the EU is horrifying; In a survey done by FRA when Roma people were asked, “Does your accommodation have kitchen inside” 83% responded “yes” and 17% “no”. When asked, “Does your accommodation have toilet inside” 58% responded “yes” and 42% responded “no”. When asked, “ Could you please tell me the main reason why you moved to your current neighborhood?” 30% answered Evection or relocation, 13% answered economic reasons, 21% to find better housing, 17% said due to family reasons, and 18% for other reasons. The data above were collected in surveys done in 2011: it is clear that the housing situation of Roma is unacceptable and disturbing. Their living conditions are really bad; many of them live in extreme poverty.

¹⁰⁶International focus: Roma people denied social housing in Italy, at <http://www.theguardian.com/housing-network/2013/mar/19/international-focus-roma-denied-social-housing-italy> (consulted on 3-5-2014)

¹⁰⁷ Three Years On, Roma Evicted from Cluj-Napoca Call for Justice, 17 December 2013 at, <http://www.errc.org/article/three-years-on-roma-evicted-from-cluj-napoca-call-for-justice/4237> (consulted on 19-6-2014)

Even though EU law clearly states that housing evictions are illegal, states continue to evict people belonging to the Roma minority. Directives, social policies, national legislation may be in place, but the reality is not in conformity with the legislation. It is a known fact that the majority of Roma people live in poor housing conditions, they are victims of evictions and therefore constantly forced to move which has a very negative impact on their children's regular attendance at school because children often have to change schools when the family is forced to move. Roma people are marginalized; they are put as far away from the city as possible, and put into dumps. They are treated unfairly, without any respect. House evictions, as the case mentioned in Pata-Rat in Romania shows the indicative of the tendency to make Roma people invisible, from the rest of the society. Without eliminating discrimination, social exclusion and marginalization, the housing situation of Romani people can and will not improve. Their housing situation is another indicator of discriminatory practices against the Roma population.

4.4

Education

Nelson Mandela said, "Education is the most powerful weapon which you can use to change the world".¹⁰⁸

Education is today perceived, as a key instrument for promoting social cohesion, which is one of the main objectives of the 2000 Lisbon strategy aiming at making the EU and its economy based on knowledge and competitiveness. Education is one of the main factors that contributes to developing the necessary knowledge and skills to prepare the new generation for the economic and social challenges of their times. As the European Commission has stressed, "efficiency and equity are mutually reinforcing".¹⁰⁹

¹⁰⁸ <http://www.goodreads.com/quotes/tag/education> (consulted on 30-3-2014)

¹⁰⁹ http://fra.europa.eu/sites/default/files/fra_uploads/179-roma_report.pdf (consulted on 30-3-2014)

In the EU Framework for National Roma Integration Strategies (2011), the Commissions point of view on states responsibility is that member states of the EU have to at least assure that Roma children finish primary school, as well as ensure that they are not put in a situation where they are discriminated against or become victims of segregation in school, as these factors can lead to less Romani children participating in the educational system. Member states are therefore supported in tacking positive actions to encourage young Roma children to participate in primary school as well as secondary and tertiary education. At the same time the EU states, “The most serious challenges previously identified by the EU Framework remain relevant and require further sustained efforts. In order to achieve significant progress, mainstream education systems should become more inclusive and more tailored to the needs of Roma pupils”.¹¹⁰ Segregation of Roma children in the educational systems in Europe is still a great challenge; “Desegregation requires political commitment, time, careful preparation and implementation plans, which take local circumstances into account”.¹¹¹ The early enrolment of children in the educational system is accepted and understood, legislative measures have been implemented in different member states of the European Union, in some cases positive results have been seen, but “much more needs to be done to reduce the educational disadvantage of Roma. For Member States with a significant Roma population priority should be given to combating segregation fighting early school leaving and making mainstream education systems more inclusive. Enabling Roma youngsters to obtain marketable skills and qualifications, at least at secondary level and ensuring life-long learning for Roma adults should be a clear objective of both mainstream and targeted measures. Moreover, positive actions aimed at increasing the educational attainment of Roma should be sustained and scaled up to enable young Roma to get professional qualifications”.¹¹²

¹¹⁰Implementation Strategies, at http://ec.europa.eu/justice/discrimination/files/roma_implement_strategies2014_en.pdf (consulted on 12-4-2014)

¹¹¹ Report on the implementation of the EU Framework for National Roma Integration Strategies COM(2014) 209 final - 2.4.2014, p: 3

¹¹² Idem. p: 5

Many Roma children never attend school because their parents do not register them at birth, due to various reasons. One of them is that Roma people often get married before the legal age of marriage (18 years old), so they often have children at a very early age. Many Roma parents are not registered themselves this is due to a mistrust in state institutions among Roma people, they are often afraid of being discriminated against. Unregistered children may be denied access to school under the pretext that they do not have the necessary documents and vaccinations: “Roma children face all the barriers that prevent other disadvantaged children from gaining a good education, and often to a greater extent. They typically live in deprived communities, with poverty rates four times higher than the national average. Lack of the appropriate clothing or equipment may deter Roma parents from sending their children to school”.¹¹³ The UN Committee on the Elimination of All Forms of Racial Discrimination described “the place of the Roma communities among those most disadvantaged and most subject to discrimination in the contemporary world”.¹¹⁴

4.4.1

Mainstream education and Romani education

Great differences exist between mainstream education and Roma education. Mainstream education equals westernized education, a system in which children’s education is structured; they work in a competitive environment. In the mainstream education model the teachers have expectation of parents to be involved in the school’s activities. Parents are expected to support the school and its function. Parents also have an education, so they understand the importance of school activities. Parents are expected to understand the importance of giving their children the time for homework, and help them if necessary.

¹¹³Roma Children Education, UNICEF, at http://www.unicef.org/romania/children_1604.html (consulted on 30-3-2014)

¹¹⁴ Segregation of Roma Children in Education, at http://www.non-discrimination.net/content/media/Segregation%20of%20Roma%20Children%20in%20Education%20_en.pdf (consulted on 1-4-2014)

It is often assumed the parents have the financial means to provide children with books, uniforms if necessary and whatever is needed for their school activities. Many of these conditions do not exist for Roma children. Many Roma parents do not see education as necessary, essential or practical for their children, many of them have not themselves attended what we today call the Mainstream schooling system, and cannot therefore see the need for their children to attend. Mostly in the past, although it still happens today, Roma children were seen as being less intelligent than other pupils, they were therefore sent to special schools for children with mental or physical problems and disabilities. This was at that time grounded on the fact that Romani children did not integrate well in the mainstream schooling process or simply because they lived in poor neighborhoods.

Also, not being educated or schooled at the right time is due to a conservative perspective over the role of education in a Roma's life. They keep traditions and often their traditions are culturally different than the mainstream culture. A custom becomes a tradition after years and generations of practice, entering the community's collective mentality.

Statistics regarding people belonging to the Roma minority in the "Federal Republic of Germany show that 50 % of Roma children were in special schools. In France, during the same period, 80 % of Roma children were in "socially handicapped" classes; In some countries in Eastern Europe a single Roma child cannot be found who has attended a normal school throughout his or her entire school career"¹¹⁵ in that period. Some Roma children were denied access to the educational system, simply due to racism, this has a great impact on their independence, dedication to school, courage and wish to integrate into the society that they are a part of.

Racism, poverty and the placing of Roma children into schools for the mentally handicapped or disabled are amongst the many reasons why Roma parents are reluctant to send their children to school today; many parents feel indifferent or even hostile towards mainstream education and the school system in general. "Many adult Romanies and Travellers remember school as a place where they were frequently placed at the

¹¹⁵ Recognizing difference: the Romani "gypsy" child socialization and education process, p 13

lower end of the class, often in fights and “always in trouble”. Romani parents who suffered similar kinds of verbal and physical abuse as their children during their own childhood will often refuse to force their children to attend school despite considerable pressure from educational authorities for the children to do so”.¹¹⁶

Racism, poverty and the fact that Roma people do not have access to the fundamental and necessary services in order to live up to the expectations of providing the financial help their children need in school as well as the cultural gap between mainstream education and Roma education has resulted in a low percentage of Roma children attending school. “A Romani child spends most of its day in the family camp, at the home of a family member, or accompanying a member of the family on a job, where he or she may or may not interact with non-Gypsy people and their environments”.¹¹⁷ In the mainstream school environment children are expected to be disciplined, to follow a certain routine, to be quiet and not disturb the other children, this can be very difficult for Roma children, since they are not used to this way of learning and living.

A young Roma girl explains the differences regarding the home environment for children: *“They live well. Everyone has his or her own room. Everything is clean. They have simply everything... They sleep really well. They got to school, but when they come back from school they do their homework. There’s no noise. When they need peace and quiet they go into their own rooms to write. Nobody makes noise or disturbs them. ...When I get in from school, I have lots to do. I have to help with the housework, tidying up, minding my little brother, going to the supermarket to do the shopping”*.¹¹⁸

In most Roma communities the independence of the child begins at a very early age, they are supported and inspired to prepare their own food, put themselves to sleep

¹¹⁶ Recognizing difference: the Romani “gypsy” child socialization and education process p: 14

¹¹⁷ Fényes Csaba, McDonald Christina, Mészáros Anita, The Roma education resource book, 1999, p: 111

¹¹⁸ Idem p: 113

and dress themselves without any adult supervision, “this prepares them for the social and economic responsibilities of adolescence when they will be expected to marry, work full-time, and raise a family of their own”.¹¹⁹

The conflict that is a reality between mainstream education and traditional Roma Gypsy education is due to the opposing values, structures, cultural norms and interests that are used to support and maintain social cohesion in two very different societies. The Roma minorities do not believe in replacing their culture and traditions with the ones taught in mainstream schooling, they “strongly believe that they have the right to determine the course and direction of their children's education, and that educational decisions should not be imposed upon them by an outside authority”.¹²⁰ The greatest difference between mainstream schooling and traditional Romani education is the subject, substance and texts that are taught in school. At school children learn about mainstream history, culture, religion and politics; meanwhile in the traditional Roma education children learn their own culture, history, religion and ideology by taking part in the daily activities in their own community. In schools children often do not learn much about the Roma people, this is a matter of great irritation, frustration and discouragement for the Roma people. “Our children have never learned anything about their own history, culture and customs. Instead, every reference to Gypsies is bad. They hear only negative stereotypes everywhere they turn. I believe many Gypsies have learned to look at themselves in that same way. Our children should learn instead to feel pride in the rich heritage of the Gypsy people”.¹²¹

Roma people consider that their children's education from their own communities is of great benefit, the children take an active part in adult life at a early stage of their life and thus they learn non verbal and body language communication as well as verbal communication. “Verbal and non-verbal communication skills are important features of the Romani education system. These skills, plus associated social

¹¹⁹ Recognizing difference: the Romani “gypsy” child socialization and education process, at http://www.opensocietyfoundations.org/sites/default/files/romaed1_1999.pdf (consulted on 22-6-2014)

P: 8

¹²⁰ Idem, p: 7

¹²¹ Idem p: 12

skills, enable Gypsy children gradually to familiarize themselves with the adult world. This makes the transition for a Romani childhood to adolescence to adulthood relatively easy”.¹²² “Romani communities, like many other traditional non-western communities, are being placed under increasing pressure to conform to mainstream social norms in areas such as education. In an unfamiliar environment such as the classroom, children are no longer taught by community members, their time is structured and their success and growth is judged according to a predetermined psychological, academic and developmental criteria which extends from early childhood through to late adolescence and beyond”.¹²³ Television, radio, Internet and social media have had a great impact in all groups of society, and therefore also in the Roma minority. Behavioral patterns and role models have changed in time. Years ago the number of Roma children getting married and becoming adults with great responsibilities at a very early age was very high, in present time this number is getting lower and lower.

Brian Foster and Peter Norton (2012) stated that there are numerous reasons for Roma children to fail in the mainstream schooling system, the grounds of this can vary a lot from lack of role models, to social and economic reasons, to cultural issues as well as health issues, to being exposed to racism and discrimination, the demands and expectations of the children’s duties in the home. “These factors are not unique to Gypsy, Roma, and Traveller families, but most families experience a number of them, often interacting with each other to undermine the families ability to reach their full potential”.¹²⁴

¹²² Idem p: 10

¹²³ Idem p: 9

¹²⁴ Educational Equality for Gypsy, Roma and Traveller Children and Young People in the UK, by Brian Foster and Peter Norton, p: 93

4.4.2

Segregation in education

“You’d hope educating children in special schools simply because of their ethnicity would be unthinkable in Europe in 2013”.

*Fotis Filippou, Amnesty International’s
Regional Campaign Coordinator for
Europe and Central Asia.*

The fact that we still need to make a case of Roma children’s discrimination at school should be unthinkable in today’s world.

“Across Central and Eastern Europe, discrimination and non-inclusive school systems systematically deprive children from Roma communities of their right to education. In most countries, only about 20% of Roma children ever complete primary school, compared with more than 90 percent of their non-Roma peers. Those that do enroll are likely to drop out before the end of basic schooling because of racism in schools and the ill preparation of schools to meet their needs; in South-eastern Europe only 18% of Roma children ever enroll in secondary school and less than one per cent attend university”.¹²⁵

Segregation in education typically falls into to two types: the first one is physical, where Roma children are put in different schools or classes than the non-Roma children; the second is manifested trough a lower quality of education.

Segregation has both formal and informal forms and practices, direct and indirect forms of segregation that teachers use in schools even today “within a classroom by sitting Roma pupils in a different part of the room. Arrangements have also been made to instruct them in separate classrooms within the same school”.¹²⁶ Pupils can be segregated on the basis of their learning difficulties, behavior or ethnicity.

¹²⁵ <http://www.unicef.org/ceecis/UNICEFROMAb.pdf> accessed at 2-4-2014

¹²⁶ http://fra.europa.eu/sites/default/files/fra_uploads/179-roma_report.pdf accessed at 1-4-2014

In article 2 of the Convention on the Rights of the Child (1989), it is clearly stated that differentiation and discrimination on the basis of race, language, ethnic or national origins shall not exist in any of the states that have ratified this convention “...the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members”;¹²⁷ people belonging to the Roma minority are discriminated against on a daily basis all over the world. School segregation is still a reality, the teacher’s lack of will to cooperate with people belonging to the Roma minority is still an on going matter today, and the lack of respect to the Roma culture is still a reality.

Article 29 of the Convention on the Rights of the Child refers to the children’s right to development of the personality and abilities, the right to develop their own cultural identity and values. It is a known fact that many Romani children are discriminated against when entering the educational system due to their cultural differences, and the fact that they are entering mainstream schooling systems where there is often no space for them to develop their own culture and identity; Roma people are taught the norms and values of the majority when they enter the mainstream education and they are obligated to follow these mainstream norms and set apart their own culture; this is one of the main reasons for the very low rate of school attendance among Roma children.¹²⁸

Another attempt to end segregation in education was through The Convention Against Discrimination in Education that was adopted by the UNESCO General Conference in 14 December 1960, in Paris, France and was put into force in 1962. The convention includes 19 articles, it is a multilateral treaty ratified by 101 states. The target of the convention is to combat the different forms and types of discrimination as well as to put a stop to segregation in all forms of education.

¹²⁷ Idem

¹²⁸ Convention on the Rights of the Child, at <http://www.ohchr.org/en/professionalinterest/pages/crc.aspx> (consulted on 19-6-2014)

The Convention Against Discrimination in Education and the Convention on the Rights of the Child have many similarities, both conventions stipulate that discrimination on the basis of race, ethnicity, color, religion and social and economic origin shall not be tolerated; deprivation of a persons right to education will not be accepted; both conventions state that education is important for the development of a child's personality and identity, therefore every citizen should have access to education. In addition to these legally binding treaties "The Committee on the Rights of the Child has identified four rights that must also be understood as general principles to be applied in the realization of all other rights: non-discrimination, the best interests of the child, the optimum development of the child and the right of the child to be heard and taken seriously in accordance with age and maturity".¹²⁹

Each one of the articles presented above have a direct connection to education and the right of the child in education without discrimination, with the right to a nationality, freedom of thought and religion as well as freedom of expression, the right to education and equal opportunity regardless of nationality, race, ethnic background, the right to develop their personality and talents, the right to enjoy a different culture without being subjected to degrading treatment. Yet, the reality is shocking: In a survey done by FRA in 2011 when asked. "Why did you stop going to school? (If never been in school, the question was: Why didn't you ever go to school?)"¹³⁰ The countries with the highest percentage of Roma people answering that they had restricted access to school due to either disability, lack of documents to enroll in school, dismissal, failure or the fact that they were met with hostility by the public authorities were Check Republic with 29%, Greece with 19%, and France with 17%.

The fact that "Education, in most societies is a path to advancement, is often the opposite where Roma are concerned, perpetuating the cycle of poverty. Roma children are sent to separate schools for the disabled even when there is no evidence they have

¹²⁹ The Right of Rom Children to Education, position paper, UNICEF p: 25, at <http://www.unicef.org/ceecis/UNICEFROMAb.pdf> (consulted on 19-6-2014)

¹³⁰ <http://fra.europa.eu/DVS/DVT/roma.php> (consulted on 4-5-2014)

any handicap.¹³¹ The results of school segregation is often very high dropout rates as well as very poor achievements in school, this does not result in the children growing up and being able to integrate into society, this type of education is just another way of excluding the Roma minority.

There is an obvious and clear need for education for people belonging to the Romani minority; by providing this group with education there would be a higher possibility for them to contribute and get involved in the decision making processes in their respective countries, and through that get their voices heard. This way there is a higher likelihood for them to contribute to the economy of the country that they live in through a higher percentage of employment.

For vulnerable groups such as the Roma minority in Europe education is the key factor that has also an impact on housing, health care and employment. The relationship between education and health care, housing and employment is based on the key elements mentioned in this chapter: accessibility, non-discrimination, and financial possibilities.

¹³¹ Roma People in an expanding Europe, at <http://web.worldbank.org/WBSITE/EXTERNAL/COUNTRIES/ECAEXT/EXTROMA/0,,contentMDK:20341647~menuPK:648308~pagePK:64168445~piPK:64168309~theSitePK:615987,00.html> (consulted on 28-3-2013)

5.

The Spanish model of social inclusion

During the Franco regime in Spain, the people belonging to the Roma minority were in constant fear of police persecutions and discriminated against on a daily basis. They did not have access to the Spanish public health care system; they were discriminated when applying for paid work as well as in their social life.

The issue of integration of the Roma minority into the Spanish society became a reality on the political agenda in Spain in the year 1985, though the adoption of the Roma Development Action Plan. This action plan was the first attempt of a national plan for integration of Roma people in Europe. The program for Roma development in Spain came as a result of the fact that the Motion of the Congress of Deputies in 1985 recognized and supported the implementation of a plan that would help in fostering the social development of the people belonging to the Romani minority and living in Spain. Through the Roma development Plan the Spanish government was able to improve the living conditions of the Roma minority and recognize them as a minority group with a different culture.

Through the creation of the Roma State Council in Spain, The Roma Development Action Plan was seen as a new governance method in Europe that increased the participation of Roma people in the Spanish society and improved their integration process into society.

The Roma Development Action Plan was implemented from 1989 until 1999. This action plan showed a new way of governance in Europe, a strategic way of increasing the participation of people belonging to the Roma minority. In 2005 the Roma State Council was founded as an inter-ministerial organ, under the authority of the Ministry of Health and Social Policy with advisory power; the Roma State Councils collaboration with the Roma NGOs has been of great help in the development of social policies regarding housing, health care, employment and education concerning this minority group.

Jose Manuel Fresno is the creator of the term ‘Spanish model’; according to him five factors differentiate Spain from other countries in Europe that have had success stories regarding the integration of the Roma minority. The first essential feature is Spain’s effective democracy, the second factor is the economic growth that came as a result of the new democracy, though this growth the state was able to help improve the unemployment rate among Roma People as well as their living conditions; thirdly the welfare state in Spain helped many Roma people in the area of education and general social protection; the fourth factor that distinguishes the Spanish model from other European ways of integration of the Roma minority is the targeted approach that was founded on the basis of special methods of integration. The fifth and last factor is the engagement of the Spanish civic movement that was in favor of the Roma people. The integration of the Roma minority became a reality at all levels in Spain “regional and local governments have implemented programs and measures explicitly aimed at redressing the disadvantages of Roma”.¹³²

The Spanish civil society has also had a key role in the integration of Roma people in Spain, “The engagement of civic movements, initially promoted by the Catholic Church, has played a crucial role in creating mutual understanding between Roma and non-Roma, promoting Roma rights, supporting community leaders, and raising awareness of public institutions as well as citizens about the needs of the Roma. Fundación Secretariado Gitano has played an active role in this process from the beginning”.¹³³

Spain has implemented many programs that connect to Fresno’s five key factors when addressing the integration of the Roma minority in Spain. An example of this is the National Roma Development Program that addressed both housing and employment of Roma people; it had a multi-area approach and ensured that local and regional actions helped in the process of social inclusion of Roma people.

¹³² Fresno Jose Manuel, “The Roma in Europe, No social justice possible without Roma inclusion”, at <http://bernardvanleer.org/cms/files/53%20Roma%20article.pdf> (consulted on 7-5-2014)

¹³³ Idem

Another program that the Spanish government finances is the Fundación Secretariado Gitano (FSG) that has existed since the year 2000. Acceder is a program under the FSG that is known for being one of the best ways towards integration and social inclusion in Europe; “Thanks to the program, young, unemployed Roma earn the equivalent of a high-school degree, acquire technical skills, and obtain jobs through agreements with private companies”.¹³⁴

The Spanish model mixes and combines a mainstream approach that consists of social services, which are available for all Spanish citizens, with a set of Roma targeted social inclusion programs; by combining the two, Spain seems to have found a middle ground for the social inclusion of the Roma minority that has shown great results. An example of this mixture is that Roma people in Spain have the right to access public housing facilities as well as financial help, if their children get the proper medical healthcare they need in order to enroll in school; once it can be proven that the child is enrolled in school, Roma people can benefit from the financial help and public healthcare system.

The result of the new type of governance and the social policies regarding Romani people are incredible: “Of the 10-12 million Roma living in Europe, Spain has the second biggest community, estimated at 970,000, or about 2% of the total population. And the country spends almost €36 million annually bringing them into the fold. In Spain, only 5% of gypsies live in makeshift camps, and about half of Roma are homeowners. Just about all Gypsies in Spain have access to health care, and while no recent figures exist, at least 75% are believed to have some sort of steady income”.¹³⁵ The Spanish model for social integration has been very effective; the numbers above clearly prove that Roma people living in Spain live in better conditions than in any other country of the EU. The employment rate among Roma in Spain is high compared to other countries, which is a clear example of the non-discrimination and social

¹³⁴Spain’s tolerance for Gypsies: A model for Europe?, 16-9-2010, at <http://content.time.com/time/world/article/0,8599,2019316,00.html> (consulted on 5-5-2014)

¹³⁵Idem

recognition of Roma. The fact that almost all Roma people living in Spain have access to the public healthcare system is of great importance in their educational path. The Roma gain a lot of rights simply by having access to the public healthcare system; they can give birth in public hospitals, their children get birth certificates and vaccinations and are able to enroll in school, which is of great importance for their future.

5.1

Can the Spanish model of social integration be applied in the rest of the EU?

It would be very difficult for other EU countries to follow the Spanish model for social integration of the Romani minority group due to various reasons. When addressing social integration one has to keep in mind that the process of integration tackles many areas such as economy, culture, mentality, willingness, etc.

After Franco's dictatorship, Spain has focused on integrating the Roma minority; the new constitution embraced and welcomed cultural diversity, multiculturalism and Roma by giving them the same rights as non-Roma. The Spanish government has the largest budget for social integration and social inclusion programs for the Roma minority.

The Spanish model has focused a lot on the practical issues concerning Roma people, such as housing and employment, while the other EU countries have focused more on the discrimination that this minority group is facing and their political rights; the Spanish model is very different to other attempts in the EU of integration because it focuses on improving the living standards of the Roma people.

In this context, the new Spanish democracy insured social inclusion for all, following the principle of equal opportunities. In the 1980' though the EU accession and economic growth, a welfare state of great power was created that enabled and encouraged social inclusion programs for Roma people. A very large percentage of EU funds as well as a large percentage of the national budget were allocated to education, healthcare, housing and employment, which helped the Roma people in the integration process. The solidarity and principles of left wing policies regarding social inclusion

represented values through which human rights and equal opportunities for all were respected.

The Spanish integration of Roma people could be a model for countries like Bulgaria and Romania, because these two countries have the biggest Roma population in the European Union, but the likelihood of success of the model in Romania or Bulgaria is very little; these countries simply do not have the economic capacity to administrate and sustain the programs for social integration.

One has to keep in mind when analyzing the Spanish model and its success that after Franco's fall in Spain a new democracy rose, followed by great economic growth and a well functioning welfare state that was able and had the willingness to embrace and help the Roma minority in areas such as employment, housing, education and healthcare. The economic growth that Spain achieved after the dictatorship of Franco was a great advantage because the Spanish government had the economic power to support and sustain social integration plans, framework, programs and policies. Even though this economic growth was followed by an economic crisis, the framework and policies are now in place and are to the advantage of Roma. The Spanish civil society also had a great impact on the integration process of the Roma minority, with a bottom-up approach that included local associations and organizations.

In today's Europe we are witnessing a top-bottom approach to social inclusion; States are ensuring civil, political, economic, social and cultural rights, drawing up framework, guidelines, and policies in order to achieve social inclusion; civil societies involvement is close to non-existent. In the Spanish model civil society was a part of the inclusion process, the approach was not only top-bottom, but also bottom-up.

The Spanish model cannot be replicated in other EU countries, mostly because of the five key factors mentioned by Jose Manuel Fresno that led to the success of the Spanish model cannot be adopted by all EU countries. Regarding the first key element, effective democracy it should be noted that not all EU countries have the same history,

they cannot all start the democratization process at the same time; Some countries in the EU like Romania and Bulgaria were communist countries until 1989, this gap cannot be covered easily, it would take long and substantial efforts in order to succeed in including Roma at all spheres of the public life. Regarding the second key factor, which is economic growth, not all EU countries are equally developed. Each country allocates different percentages to different social inclusion programs for the Roma communities. The economical crisis that all countries in the EU are facing at the moment has not helped in the inclusion process of the Roma minority; on the contrary it has deepened the gap between Roma and non-Roma by stressing their differences.

The welfare state, which was created as a result of the effective democracy and economic growth, is dependent on both; the economic crisis in the EU has not ensured development and sustainability of welfare states, it has on the contrary reduced the standards. An evidence of this involution is the result of the extreme right political parties that gained a high percentage of votes at the EU Parliamentary elections on 25 May 2014. The German neo-Nazi (NPD) have been campaigning for stopping immigration, the political party had slogans like "Money for granny instead of Sinti and Roma" and "the boat is full", they gave interviews where they insisted that Europe is "a continent of white people".¹³⁶ The Danish politician Pia Kjærsgaard, which is the president of the Danish Peoples Party, has stated, "If they want to turn Stockholm, Gothenburg or Malmö into a Scandinavian Beirut, with clan wars, honor killings and gang rapes, let them do it. We can always put a barrier on the Øresund Bridge".¹³⁷ Nigel Farage has stated that freedom of movement should not be a reality in the EU as long as poor countries such as Romania and Bulgaria are member states because freedom of movement implies free access to education, healthcare and other social benefits.

The above-mentioned statements imply that immigrants and the socially disadvantaged people that come to developed countries are parasites and destroy the welfare state of the respective country because they benefit and take advantage of the

¹³⁶ European Elections: 9 scariest far right parties now in the Parliament, at http://www.huffingtonpost.co.uk/2014/05/26/far-right-europe-election_n_5391873.html (consulted on 28-5-2014)

¹³⁷ Idem

medical and educational systems without paying taxes like the working class of the country.

6.

Conclusion

Considering nowadays' EU reality a lot has to be done for a smooth inclusion of the Roma people in every state they live in. Discrimination and marginalization are still alive and well in the EU. The social inclusion of Roma is worsened by the financial crisis and lately by the nationalistic and anti migration political attitudes of the extreme right wave arising and concurring the public sphere in the EU. Traditions and cultures are not the fundamental criteria that differentiate Roma from non-Roma people; these are only pretexts for hiding racist and xenophobic attitudes towards minority groups.

The Roma people face a vicious circle: without tolerance there will be no space for equal opportunities, as well as no access to the labor market, to the public healthcare system, to education, to housing, and therefore to social inclusion. Without achieving or accessing the spheres of public life the majority will show no tolerance for minorities, but instead try to segregate them by discriminating them.

The Spanish model for social inclusion cannot be easily applied in other European countries because the history, mentality, financial possibilities differ from one country to another. Each European country has a different political agenda, and allocates different amounts of money to social inclusion programs. Due to the financial crisis the welfare states in EU do not have adequate funds to allocate to social inclusion programs.

The latest results of the elections at the EU parliament have shown that intolerance and racism in some European countries represents people's will and there is a general discriminatory attitude towards minority groups such as the Roma. We are facing a serious problem at EU level: even though treaties, conventions and policies on non-discrimination exist, the Roma are constantly discriminated against. The fact that far right parties were elected in the European Parliament in May 2014 is alarming and yet another sign of diminished will of social inclusion.

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