

COUNTERING ANTIGYPSYISM IN EUROPE

The Greens / EFA in the European Parliament

CONTENTS

5 | FOREWORD

7 | SUMMARY

13 | THE MEANING OF ANTIGYPSYISM

15 | ANTIGYPSYISM, TOWARDS A DEFINITION

Pedro Aguilera Cortés (Open Society Foundations' Roma Initiative Office)

23 | A WORKING DEFINITION OF ANTIGYPSYISM

A reference paper by the Alliance against Antigypsyism

29 | ANTIGYPSYISM AND THE EU: ACHIEVEMENTS AND FAILURES

31 | ANTIGYPSYISM IN EUROPE: THE EUROPEAN UNION'S DUAL APPROACH

Guillermo Ruiz Torres (Sozialfabrik e.V.)

41 | THEY SAY "HARSHNESS AND HUMANITY", PEOPLE FEEL EXCLUSION AND VIOLENCE

Saimir Mile (La Voix de Roms, France)

47 | THE EXPULSION OF ROMA ASYLUM-SEEKERS TO THE SO-CALLED SAFE COUNTRIES OF ORIGIN

Pro Asyl e.V

55 | ANTIGYPSYISM AND SEGREGATION

59 | EDUCATION AND THE SOCIAL INCLUSION OF ROMA: ADVOCATING FOR SYSTEMIC CHANGE

Andrzej Mirga (Roma Education Fund)

67 | EDUCATIONAL JUSTICE FOR SINTI AND ROMA IN GERMANY

Romeo Franz (Hildegard-Lagrenne Foundation)

73 | ENERGY-POVERTY AND ROMA POLICIES: THE VITAL LINKS

Benedek Jávor, MEP

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79 | THE POLITICAL DIMENSION OF ANTIGYPSYISM

81 | ANTIGYPSYISM IN ELECTION CAMPAIGNS

Central Council of German Sinti and Roma

87 | HATE CRIME AND HATE SPEECH AGAINST ROMA IN BULGARIA, THE CZECH REPUBLIC AND HUNGARY

Atanas Zahariev (European Roma Rights Centre)

93 | THE PERSECUTION OF ROMA NGOS IN HUNGARY AND EUROPE'S RESPONSIBILITY

Gábor Daróczy, Romaversitas Foundation

99 | THE REPRESENTATION OF THE INTERESTS OF ROMA PEOPLE IN HUNGARY: A RECIPE FOR FAILURE

Benedek Jávör, MEP

109 | THE FIGHT FOR RECOGNITION

111 | RECOGNITION OF THE SINTI AND ROMA GENOCIDE IN GERMANY

Barbara Lochbihler, MEP

119 | ROMA AND SINTI IN AUSTRIA: THE POLITICAL STATUS AND INITIATIVES OF ROMA COMMUNITY ORGANISATION AND CIVIL SOCIETY

MONIKA VANA, MEP

127 | THE ROMA MOVEMENT IN SWEDEN

Bodil Valero, MEP

133 | AIN'T I A WOMAN? THE GENDER DIMENSION OF ANTIGYPSYISM

Terry Reintke, MEP

139 | AUTHORS

FOREWORD

GREEN MEMBERS OF THE EUROPEAN PARLIAMENT:
BENEDEK JÁVÖR, BARBARA LOCHBIHLER, ULRIKE LUNACEK,
TERRY REINTKE, BODIL VALERO AND MONIKA VANA

Greens have a long history of speaking out against racism and discrimination. Antigypsyism, the specific form of racism against- and discrimination of- Roma, continues to threaten Roma communities throughout Europe. With this publication we want to raise awareness about the most critical aspects of discrimination against European Roma, and to contribute to the fight against antigypsyism. The publication includes best practices on how to improve the situation.

On numerous occasions, EU institutions, including the European Parliament, have expressed concern over the rise of antigypsyism and racist violence against Roma in Europe.

Although EU institutions and Member States have taken a range of measures to improve the social inclusion of disadvantaged Roma in Europe, there has been no substantial improvement to the situation over the last decade. Many Roma in Europe continue to face poverty, social exclusion, discrimination and violent racism.

This publication, a compilation of short essays by Green MEPs, Roma activists

and researchers provides analysis of the EU policies that aim to support Roma communities, and offers “snapshots” of the situation of Roma in a number of European countries (Austria, Czech Republic, France, Germany, Hungary and Sweden).

We, a group of Green Members of the European Parliament, believe that the fight against the poverty and social exclusion faced by many Roma in Europe is inherently linked to the fight against antigypsyism.

As parliamentarians, we consider it our duty to encourage EU institutions and Member States to take additional and decisive measures to achieve real change. In our view, they include:

- ensuring that the fight against antigypsyism becomes one of the main pillars of the *European Roma Framework Strategy* (ERFS) and that it is funded, monitored and effectively evaluated
- improving anti-discrimination policies and legislation, including in the areas of education, employment, health and housing, and generally ensuring that obligations set out in the *European*

Convention on Human Rights are fulfilled

- taking effective measures to combat illegal hate speech, including where Roma are targeted
- ending the policy of a “safe country of origin” list which *de facto* facilitates the forcible return of Roma asylum seekers to the Balkans
- ensuring the right to free movement of all EU citizens, including Roma
- raising awareness of antigypsyism through campaigns at the EU, national and local levels; making meetings between Roma and non-Roma an essential part of such campaigns in order to counter prejudice and transform negative attitudes; and taking concrete and practical measures such as training civil servants, journalists, politicians and others, to prevent antigypsyism

- improving media monitoring, and adopting preventive measures in order to curb the use of negative stereotypes in the portrayal of Roma, and encouraging media bodies to self-monitor
- setting up funding schemes for measures to counter antigypsyism, and ensuring that EU funds are effectively used to overcome discrimination in Europe, in particular by fighting poverty and the social exclusion of disadvantaged Roma

We are aware that there will be a long and uphill battle before antigypsyism is eradicated but we hope that this publication, and our ongoing and dedicated work as parliamentarians will contribute to this goal.



SUMMARY

THE MEANING OF ANTIGYPSYISM

Pedro Aguilera Cortés’ opening article traces the devastating history of antigypsyism over the centuries. Although antigypsyism “reached its dark peak” in the Nazi concentration camps, Aguilera Cortés warns that it still lurks at the very heart of our societies. These days antigypsyism in Europe, as this publication exposes, is both insidious and explicit, and just as present and dangerous as it ever was.

To help the reader make sense of these modern-day manifestations of antigypsyism, we have chosen to republish a reference paper by the Alliance against Antigypsyism in our opening chapter. The Alliance proposes a working definition of antigypsyism and explains that it is not in fact a “minority issue”; it originates in the way majority societies view and treat those whom they perceive to be “gypsies”. Addressing the effects of discriminatory treatment – poverty, poor quality housing, substandard education or unemployment – while important, overlooks the fact that it is antigypsyism itself that is at the source of the disadvantaged faced by many Roma. One of the biggest challenges we face is the fact that antigypsyism is, to a large degree, socially acceptable. It is not just expressed in the violence and hate speech of more extreme individuals

and movements but is also widely accepted in mainstream society and state institutions.

ANTIGYPSYISM AND THE EU: ACHIEVEMENTS AND FAILURE

At the EU level, antigypsyism is perpetuated with the tacit approval, or through the inertia or simply the fumbled response of the institutions. Guillermo Ruiz Torres (ed.), argues that EU policies towards Roma have been incoherent at best. Although the EU has created laws and instruments to promote the inclusion and equal treatment of Roma, and has encouraged Member States and candidate countries to set a stronger focus on Roma in their public policies, instruments are non-mandatory and the implementation of legal frameworks is patchy. Furthermore, the EU’s neoliberal project has furthered social inequalities, in Eastern Europe in particular, leaving Roma especially vulnerable. And while EU policies have focused on tackling the social exclusion of disadvantaged Roma, they have overlooked the way that this disadvantage is intrinsically linked to the antigypsyism that is deeply rooted in European societies.

While the EU institutions may have passively allowed antigypsyism to thrive, some Member States have played a more active role in curtailing the rights

of Roma. The right of EU Roma citizens to enjoy free movement within the Union, for instance, has been denied by some governments in recent years – with almost total impunity. Samir Mile analyses the notorious case of Roma from Bulgaria and Romania expelled from France in the summer of 2010, and cites cases in other Western European countries such as Germany and Austria where legislation on the free movement of people has been tightened, and the rights of impoverished Roma to access social benefits and healthcare have in many cases been denied.

The final text in this chapter comes from Pro Asyl and analyses the way in which EU policies have failed Roma communities by providing tacit approval of the expulsion of asylum-seeking Roma fleeing the Balkans. Host countries such as Germany, Austria and Sweden have been expelling these groups with no regard for the deplorable living conditions and widespread, often violent antigypsyism they face back home. This practice, that denies Roma their right to seek asylum, was given implicit support from the EU institutions when Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia were classified “safe countries of origin” by the EU Commission, in September 2015.

ANTIGYPSYISM AND SEGREGATION

Antigypsyism is at the source of the marginalisation faced by Roma but these phenomena actually reinforce one another. Segregation is one of the sharpest forms of structural discrimination and racism that Roma now face.

Andzej Mirga demonstrates how educational segregation, with its devastating effects on life opportunities, is still a daily experience for an alarming proportion of Roma children in Central and Eastern Europe. This segregation has many faces with Roma youngsters educated in separate classes or even “special schools”, or attending substandard schools where almost all pupils are Roma.

In his contribution to this chapter, Romeo Franz makes the point that antigypsyism has shaped and continues to influence the educational experience of Sinti and Roma in Germany. Franz roundly rejects the deeply entrenched stereotypes that suggest that the dramatically low achievement levels of Sinti and Roma children stem from a lack of aspiration, and demonstrates that poor performance in education is, in fact, a long-term result of the “educational rupture” that occurred when Sinti and Roma youngsters were banned from school under the Nazi-regime. Franz goes on to identify a total lack of knowledge of Sinti and Roma among actors in education and within the system itself, and, consequently, an incapacity to provide any non-stereotypical insights into Sinti and Roma history and culture.

Benedek Jávör (MEP, Hungary) ends this section by highlighting how a lack of access to electricity reinforces the vicious circle of disadvantage by hampering one’s capacity to perform well at school or in the labour market. This situation is not uncommon in Hungary, where the relative costs of energy have skyrocketed over recent years, and where, according to the author, housing conditions in

segregated villages are similar to those found in developing countries. Jávör offers practical solutions to this challenge in the form of training schemes run by the Romaversitas foundation that help poor households install their own solar-powered domestic light systems.

THE POLITICAL DIMENSION OF ANTIGYPSYISM

Moving on to examine the more overtly political dimensions of antigypsyism, this chapter opens with an article by the Council of German Sinti and Roma, that discusses the way in which antigypsyism has taken root in contemporary political discourse. Focusing on election campaigns in Germany and with case studies from Spain, Hungary, Slovakia and Bulgaria, the Council of German Sinti and Roma shows how the antigypsyism voiced in the defamatory discourses of more extreme parties has leaked into mainstream politics and media, legitimizing it and making it socially acceptable.

Atanas Zahariev comes at this issue from a different angle. Shedding light on the reticence of authorities in Bulgaria, the Czech Republic and Hungary to tackle antigypsyist crimes and bring justice to Roma communities, Zahariev reveals the scale of institutional racism in these countries. He concludes that the role of international watchdog organisations that both flag the violations of the human rights of Europe’s most discriminated minority and advocate for justice is vital in the current climate.

Gabor Daroczi zooms in on Hungary in an article analysing Viktor Orbán’s persecu-

tion of Roma civil society organisations some of which have been forced to cease their activities altogether. Daroczi warns that Orbán’s policies are a real threat not only to Roma but to the democratic system in Hungary in general.

Leaving the spotlight on Hungary, Benedek Jávör examines how the Hungarian state has endeavoured to co-opt Roma civil society in order to protect the interests of the ruling elites. After the collapse of the so-called socialist system, a group of Roma leaders began collaborating with right-wing parties in the hope of getting benefits. This practice culminated in a long-standing alliance between Lungo Drom, the official Roma representation body in Hungary and Orbán’s Fidesz party. The National Roma Council, through which Roma interests are supposedly represented in Hungary, is dominated by the government-loyal and monopolistic Lungo Drom. Thanks to this alliance, a large portion of EU and national funding is received by largely inefficient NGOs close to the government.

THE FIGHT FOR RECOGNITION

In the final chapter of this publication, three MEPs: Barbara Lochbihler (Germany), Monika Vana (Austria) and Bodil Valero (Sweden) explore the long battles waged by civil society against institutionalised antigypsyism in their respective countries, the first fruits of which have only recently been born.

Barbara Lochbihler’s contribution highlights the blatant continuity of institutionalised antigypsyism in Germany, which connected antigypsyist policies

and institutional practices before, during and after the Holocaust, and prevented the genocide of Sinti and Roma from being recognised until 1982.

In Austria, Monika Vana shows how the recent official recognition of Roma, Sinti and Lovara was also a result of Roma self-organisation and is also expressed through the commemoration of the minority groups' cultural heritage and near extermination within Austrian history. These more positive developments are, however, countered by recent violent manifestations of antigypsyism, which now also target Roma from Central and Eastern European states.

In her contribution, Bodil Valero discusses how the Swedish government – pushed by an emerging Roma civil rights movement – has perhaps shown the strongest response to demands for the recognition of Roma in the form of a government white paper which uncovered the bio-political abuses committed against Roma by public institutions in

20th century Sweden, and a Commission against Antiziganism that, in the context of this history of persecution, was appointed to try to “bridge the confidence gap” between the Roma community and wider society.

In her closing article, Terry Reintke (MEP, Germany) addresses the fight for recognition from the perspective of Roma women, many of whom face multiple discrimination. Reintke argues that this discrimination can only be eradicated when its cross-sectional nature is recognised, and all of its forms taken into account. Roma women have proven to be powerful agents for change; when they are supported, the whole community stands to benefit.

Together these 16 articles provide a pan-European perspective focusing on particularly dark patches and patterns across the continent and painting a devastating picture of the deeply entrenched antigypsyism that continues to plague societies in Europe.



A NOTE ON TERMINOLOGY

USE OF THE TERM ROMA

We use the term “Roma” to describe people who define themselves as Roma or who are perceived as such by others. The term includes, among others, groups such as Roma, Sinti, Gypsies, Travellers, Manouche, Caló, Balkan Egyptians and Ashkeli. We use the term “Roma” because Roma constitute the largest of these groups. Some contributing authors writing in a German or Austrian context also make reference to “Sinti” and “Lovara” because historically Sinti represent the largest Roma community in Germany and Lovara are a representative Roma group in Austria.

USE OF THE TERM ANTIGYPSYISM

In contrast to the EU institutions which, in line with the dominant EU nomenclature, use the term anti-Gypsyism, we use an unhyphenated English spelling of the term “antigypsyism” in order to avoid any inadvertent suggestion that something like “Gypsyism” or “Gypsies” (both of which are a social construction) actually exist.

In articles that refer to papers or bodies that use alternative forms of the term, the original has been respected (see Pedro Aguilera Cortés' reference to Valeriu Nicolae's first definition of the term “anti-Gypsyism” or Bodil Valero's reference to the “Commission against Antiziganism” in Sweden)

The editor

THE MEANING OF ANTIGYPSYISM

ANTIGYPSYISM, TOWARDS A DEFINITION

PEDRO AGUILERA CORTÉS

(OPEN SOCIETY FOUNDATIONS' ROMA INITIATIVE OFFICE)

In 1971, representatives of 23 different European countries met in Orpington, outside London, to celebrate the first World Romani Congress. One of the outcomes of the event was the adoption of two emblems of the present day Roma community: our flag and our hymn, *Gelem Gelem*, composed by Žarko Jovanović. The hymn quickly became a reference for the Roma community in Europe and is now recognised by Roma around the world. There are a couple of lines in the Romani hymn that go like this:

*I once had a great family,
The Black Legion murdered them.*

What is this “Black Legion”, referred to in *Gelem Gelem*, and what has it represented for the Roma community living in Europe over the centuries? It is my belief that the Black Legion, a force that has murdered us, enslaved us, discriminated against us, or simply sought to assimilate or acculturate us, is the very same force we now know as antigypsyism. Over the course of history, it has mani-

festated itself in diverse ways, sometimes taking on the form of ferocious dictators who were only interested in experimenting on us as part of their quest to find a “superior race”, or slave owners who thought we could be bought and sold at will. On other occasions, we have served – as mere hunting trophies – to entertain royalty and nobility or to provide cheap labour for feudal lords and clergy.

Antigypsyism is a new concept. The term itself is relatively recent and has only been used in discourse, by academics and activists for the last few years. Acts of an antigypsyist nature and against the Roma community have, however, been perpetrated since the time Roma men and women first set foot on European soil, many centuries ago.

WHAT IS ANTIGYPSYISM?

In 2005, the activist Valeriu Nicolae first proposed a definition of the term “anti-Gypsyism” in a working document for the European Roma Information Office.¹

¹ The full text can be consulted at: www.ergonetwork.org/media/userfiles/media/egro/Towards%20a%20Definition%20of%20Anti-Gypsyism.pdf

In 2006, he presented his reasoning, explaining why he believed it necessary to coin the term “anti-Gypsyism”. He argued that there was a need to combat a trend that had developed in established democracies such as the UK, Luxemburg and Italy, both within the establishment and among public opinion-makers, which promoted the unfair treatment that the Roma community had continuously experienced over the centuries across Europe. Nicolae defined “anti-Gypsyism” as:

A distinct type of racist ideology. It is, at the same time, similar, different, and intertwined with many other types of racism. Anti-Gypsyism itself is a complex social phenomenon which manifests itself through violence, hate speech, exploitation and discrimination in its most visible form. Discourses and representations from the political, academic and civil society communities, segregation, dehumanization, stigmata as well as social aggression and socio-economic exclusion are other ways through which anti-Gypsyism is spread.

There are three key elements to this first definition. The first concerns violence towards Roma people - whether physical, verbal or intimidation. A second key element relates to the “handling of antigypsyist discourse”; political leaders and opinion formers often promote antigypsyism for electoral or populist purposes or to draw attention away from other issues that have an impact on society and which they are unwilling or unable to address. We must mention the deportation of Roma in

France during Sarkozy’s presidency; the antigypsyist rhetoric of Germany’s electoral campaigns, where the elderly were warned about Roma stealing their pensions; the criminalisation of the Roma immigrant community that occurred in Badalona’s (Spain) electoral campaign in 2010, and the public speeches made by the mayor of Treviso (Italy) who rallied the population to “get rid of” Roma children. The third important element that I would like to draw attention to is the idea of a “racist ideology”. This ideology, so often born out of total and utter unawareness and ignorance, is the most dangerous element that we face because it draws mediocre individuals from the lower middle classes, who lack any kind of social or academic skills, and turns them into genuine “soldiers” against the Roma community. These people regurgitate the slogans and phrases coined by the elites and the capital to generate conflict, hate and aggression towards the community, based, for the most part, on false or distorted information. “Alienating the middle and working classes” to spread attitudes that discriminate against a minority group or community is the most dangerous strategy ever to have been implemented by the elites, and has brought about the greatest catastrophes for the peaceful coexistence of different peoples within Europe.

In 2009, the European Commission against Racism and Intolerance (ECRI) created a working group to prepare a general policy recommendation on antigypsyism for the 47 Member States of the Council of Europe. ECRI confirmed that all reports evaluating the state of

human rights, discrimination and racism found that the Roma community was discriminated against in a manner that was constant and consistent over time and in areas as diverse as education, health, access to housing and access to the labour market. Cases even occurred within the public administration itself. In 2011, ECRI’s general assembly approved general policy recommendation No. 13 on *Combating anti-Gypsyism and discrimination against Roma*. It is a valuable text for Roma activists because it establishes a definition of antigypsyism that can be used in a legal sense to denounce antigypsyist acts, activities and behaviour. ECRI took inspiration from the first definition developed by Nicolae and established “anti-Gypsyism” as:

A specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed through, for example, violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination. (...) It is an especially persistent, violent, recurrent and commonplace form of racism.²

Based on this definition, ECRI established a series of recommendations for Member States to combat antigypsyism in the field of education, employment, access to housing, crimes and violence against Roma, mass media etc., and pro-

posed specific training measures and awareness-raising campaigns for public sector employees. Unfortunately, the recommendations made by ECRI were not binding for Member States.

Recently, a coalition of organisations involved in the fight against racism and antigypsyism formed the Alliance against Antigypsyism³, which developed a working definition of the term to promote a common understanding. A short version of this paper is re-printed in the following article of this publication but I would like to draw out some key points here. The Alliance defined antigypsyism in the following way:

Antigypsyism is the specific racism towards Roma, Sinti, Travellers and others who are stigmatized as ‘gypsies’ in the public imagination [...] Antigypsyism is often used in a narrow sense to indicate anti-Roma attitudes or the expression of negative stereotypes in the public sphere or hate speech. However, antigypsyism gives rise to a much wider spectrum of discriminatory expressions and practices, including many implicit or hidden manifestations. Antigypsyism is not only about what is being said, but also about what is being done and what is not being done. To recognize its full impact, a more precise understanding is crucial.

The Alliance sets out key aspects of antigypsyism and its background. The fol-

² The full and final text can be consulted at: https://www.coe.int/t/dghl/monitoring/ecri/activities/GPR/EN/Recommendation_N13/e-RPG%2013%20-%20A4.pdf

³ Webpage of the Alliance against Antigypsyism: <http://antigypsyism.eu/>

lowing points stand out⁴:

- Antigypsyism is historically rooted in majority societies.
- An essentialist ideology presumes fundamental differences between ‘them’ and ‘us’ informing group construction processes and the designation of identities of those outside the group.
- A hierarchy not only sets Roma and other groups apart, but also introduces a hierarchy of rights holders. Roma are not just different, they are even considered inferior and as such unworthy of equal treatment. The dehumanisation of Roma acts as a moral and political justification for systematically denying their fundamental human and civil rights.

ANTIGYPSYIST PRACTICES IN EUROPE

My intention is not to produce a victim’s account of the ongoing and systematic antigypsyist policies implemented in Europe over the last 1,000 years, but I am compelled to remind the reader of some of the most significant antigypsyist policies developed over the years in Europe by administrations or those holding power at the time.

Let us begin our journey through the history of antigypsyism in the principal-

ity of Wallachia in Romania where Roma were “simply slaves to be bought and sold”. Roma were owned by the three most important states of the realm at the time. At the beginning of the 19th century, the civil code of Wallachia stated that, “Gypsies will be born slaves; anyone born of a slave mother will also be a slave”. Roma were owned by the prince as “slaves of the state” (“*tigania domneasca*”) and also by monasteries and private individuals. Buying, selling and giving away whole families of slaves was common practice among owners who had unlimited rights over their slaves.

It was not until 11 June 1848 that the Roma’s slave status was abolished in the region. The declaration made that day reads:

*The Romanian people cease the inhuman and dishonourable practice of slavery and proclaim the freedom of Gypsies owned by private individuals. Those who suffer the shame of having slaves are pardoned by the Romanian people. The motherland will provide compensation from its treasury for any losses suffered as a result of this Christian act.*⁵

The next stage of this brief tour of antigypsyism takes us to the Iberian Peninsula. Today, Spain is considered an

example of good practice as far as the integration of the Roma community is concerned (although a number of voices reject this idea and several articles have been written on the issue). But it has not always been the case. There are a number of antigypsyist laws that were passed by the monarchs of their day, the so-called ‘pragmatic’ laws (*pragmáticas*) that began in 1499 with the Medina del Campo act whereby Roma were obliged by law to become sedentary, give up their trades and their way of dress, stop using their language and so on. In short, we were forced to stop being Roma.

But these laws were not the most painful acts committed against Roma. On 30 July 1749, the imprisonment of all Roma men and women was ordered across Spain. This episode would go down in history as the ‘Great Round-up’ and entailed the imprisonment of more than 10,000 Roma men and women. After their arrest, they were divided into two groups: male prisoners were sent to forced labour on naval arsenals; and women and children were sent to factories and prisons. The imprisonment of the Roma community and attempts to exterminate them persisted until 1765. There is no mention, however, of this macabre episode in the history books studied in Spanish schools.

The Second World War saw the mass killing (*Samudaripen*) of the Roma population. Much has been written of Hitler’s genocide of the Roma in Europe and I will not go into it here. It is important to bear in mind, however, that half a million Roma men and women were murdered

in the concentration camps and the subsequent reparation policies largely forgot us. The culminating point of the Nazi genocide of the Roma people was the mass murder of 2,900 Roma men, women, elderly people and children in the gas chambers of Auschwitz on 2 August 1944.

But the Black Legion with which I started this article has never been stopped. It was thought that the atrocity of the concentration camps could never be repeated but that was not to be the case. Antigypsyist policies have persisted in contemporary Europe. Indeed the non-consensual sterilisation of Roma women in Slovakia is a case in point. The *European Court of Human Rights* in Strasbourg ruled that forced sterilisation was a violation of the European Convention on Human Rights (in particular Article 3 which prohibits torture and inhuman or degrading treatment and Article 8 which protects the right to private and family life). The much-awaited ruling on the *V.C. vs. Slovakia* case was a step forwards in the attempt to bring justice to the Roma women – potentially in their thousands – who were sterilised without consent in Central and Eastern Europe. It was not until the publication of the 2003 report, *Body and Soul: Forced Sterilisation and Other Assaults on the Reproductive Freedom of Roma Women in Slovakia*, that the full extent of the abuse was exposed.

In the field of education, the Czech Republic was condemned in the now famous Ostrava sentence. The Czech education system had segregated Roma children in so-called “special schools” alleging that they were acting on anthro-

⁴ The full text can be found at: http://antigypsyism.eu/wp-content/uploads/2016/07/Alliance-against-Antigypsyism_Antigypsyism-a-reference-paper-f.pdf

⁵ To find out more about the slavery of the Roma people, I recommend following the Roma Facts published by the Council of Europe at: <http://romafacts.uni-graz.at/index.php/history/general-introduction/general-introduction>. It is available in various languages.

pological and cultural recommendations. The ruling on the *D.H. and Others vs. the Czech Republic* case revealed that more than half of Roma children were educated in “special schools” in 1999. Randomly selected Roma children were up to 27 times more likely than their non-Roma counterparts to be studying in a “special school”.⁶

The most recent case of antigypsyist policy dates from 2010 when immigrant Roma in France were denied the right to freedom of movement and circulation. In the summer of 2010, France ordered the expulsion of hundreds of Roma – EU citizens – who were living in the country by demolishing numerous Roma settlements. When an internal circular surfaced in which the administration ordered the dismantling of illegal settlements and Roma camps in particular, the underlying antigypsyist nature of the policy was exposed.

As I have demonstrated, antigypsyism has historical roots. Although it reached its dark peak in the Holocaust in Nazi concentration camps, it continues to be found, however – and here is the most dangerous point – in the very heart of our society. It is not just in the criminal and racist attacks witnessed in recent years in Bulgaria, the Czech Republic or Hungary, or in the antigypsyist slogans of football clubs across Europe that antigypsyism finds its expression; but also in the expulsion from Germany, Austria or the Netherlands of asylum-seeking Roma fleeing the Balkans. Antigypsyism is also expressed in political discourses on Eastern European Roma who are stigmatised as poverty migrants, making “Roma” synonymous with “poor”, “beggar” and “abuser of social benefits”. This modern expression of antigypsyism is no less dangerous than its violent form, and the European political classes must take decisive action to eradicate it.



⁶ More information on the Ostrava case can be found at:
<https://www.opensocietyfoundations.org/litigation/dh-and-others-v-czech-republic>

A WORKING DEFINITION OF ANTIGYPSYISM

A REFERENCE PAPER

BY THE ALLIANCE AGAINST ANTIGYPSYISM



PhirenAmenca, a network of Roma and non-Roma volunteers, and ERGO, the European Roma Grassroots Organisations Network, prepare a creative intervention to protest the physical and mental walls that segregate Roma from non-Roma in Europe. The intervention was part of a European Youth Event organised by the European Parliament in Strasbourg, May 2014.

(Photo credit: PhirenAmenca)

The Alliance against Antigypsyism is an occasional coalition of approximately 100 organisations.⁷ Its aim is to advance a better understanding of antigypsyism as specific racism towards Roma, Sinti, Travellers and other groups that are routinely stigmatised as ‘gypsies’ in Europe. Recognition of antigypsyism is a momentous step in the struggle for equal rights for all in Europe.

The Alliance has developed the document *Antigypsyism – a reference paper* which proposes a working definition of antigypsyism that reflects a broad, systematic understanding of this phenomenon. The paper explores the characteristics and background of antigypsyism, as well as the dimensions of its manifestation. The rationale behind this paper is that the current lack of a common understanding of the scope, depth and implications of antigypsyism hinders the formulation of effective answers to tackle it. The reference paper in no way intends to conclude the debate about the nature and implications of antigypsyism, but aims to raise awareness of

its characteristics and scope among a wider circle of policy and decision makers and hopes to encourage them to put into action a coherent (but diverse) set of measures to combat antigypsyism.

ANTIGYPSYISM – SPECIFIC RACISM THAT IMPACTS ROMA

Antigypsyism is the specific racism towards Roma, Sinti, Travellers and others who are stigmatised as ‘gypsies’ in the public imagination. Although the term is finding increasing institutional recognition, there is as yet no common understanding of its nature and implications. Accordingly, there is as yet no commonly accepted definition of antigypsyism that finds wide acceptance among civil society, public institutions and academia. The term is often used in a narrow sense to indicate anti-Roma attitudes or the expression of negative stereotypes in the public sphere or hate speech. However, the phenomenon of antigypsyism gives rise to a much wider spectrum of discriminatory expressions and practices, including many that function by implication

⁷ List of members can be found at: http://antigypsyism.eu/?page_id=55

or indirectly. Antigypsyism is not only about what is being said, but also about what is being done and what is not being done. To recognize its full impact, a more precise understanding is crucial.

“Much like the resolution on antigypsyism that I managed to get passed in 2015 in the European Parliament, this reference paper marks a watershed moment. A rallying cry from European Roma, Sinti and Traveller civil society, united behind a common viewpoint, letting us politicians know that the Roma issues will haunt us if we do not act.”

Soraya Post, Member of the European Parliament

“This paper continues the decades-long attempt to describe the centuries-long problem of antigypsyism. It emphasizes the institutional neglect of responsibility to fight it. A next step would be to explore how institutions enforce and grow antigypsyism. Now, when the xenophobic populists threatening the EU are clearly using antigypsyism for electoral gains, the rest of the European politicians cannot afford to keep ignoring it. They must confront it once and for all.”

Zeljko Jovanovic, director of the Roma Initiatives Office of Open Society Foundations

A number of key aspects of antigypsyism deserve emphasis from the outset.

Firstly, it is essential to see that antigypsyism is not a ‘minority issue’. This is a phenomenon originating in how the social majority views and treats those whom they imagine to be ‘gypsies’. To combat antigypsyism, our attention needs to shift to the larger mainstream societies while simultaneously raising the usually silenced voices of those dramatically affected by it.

Secondly, antigypsyism is not a result of the poor living conditions many Roma have to live in, nor is it the result of ‘how different they are’. The idea that promoting the integration of Romani individuals can be the main path toward countering antigypsyism is a fallacy that misconstrues the origins and essence of antigypsyism by inverting cause and effect. It is antigypsyism that drives societies to exclude whoever is imagined to be the ‘gypsy’, not some essential trait common to actually-existing Romani people.

This means that, thirdly, addressing just the effects of discriminatory treatment – poverty, poor quality housing, substandard education, to name a few – while necessary, does nothing to eradicate the ultimate source of the disadvantaged position of many Romani citizens. For them, antigypsyism is like a continuous headwind they must grapple with. ‘Roma inclusion’ will remain illusory as long as we do not confront the headwind itself.

Finally, what sets antigypsyism apart is its high level of social acceptance. The moral stigma attached to other forms of racism is largely absent for antigypsyism. Not only is it widespread, it is also deeply entrenched in culture, in

institutional practices and in social attitudes. It motivates violence and hate speech by extreme individuals and movements but is also widely accepted in mainstream society and state institutions. This makes the challenge of tackling it both more urgent and more difficult.

WORKING DEFINITION

Antigypsyism is a historically constructed, persistent complex of customary racism against social groups identified under the stigma ‘gypsy’ or other related terms, and incorporates:

- a homogenizing and essentialising perception and description of these groups;
- the attribution of specific characteristics to them;
- discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages.

This working definition underlines the imaginary character of the object of antigypsyist thought and clarifies that it is not concerned with any actual groups or real individuals exhibiting particular attributes, but operates purely on the basis of a projection. Antigypsyism involves imagining the existence of certain shared traits that supposedly diverge from common norms and then projecting those traits onto imagined ‘others’. It should be clearly understood that actual Romani people are not the ‘cause’ of this ideology.

“The term antigypsyism is increasingly used, but there is no common understanding of its scope, depth and implications. This hinders the formulation of effective answers to tackle antigypsyism.”

Gabriela Hrabanova, ERGO Network, one of the initiators of the Alliance against Antigypsyism.

AN ESSENTIALIST IDEOLOGY

Today’s antigypsyism has deep historical roots in our societies. The effects of historical discrimination and persecution do not end with these acts themselves, but continue to negatively affect the people who have been and still are persecuted as ‘gypsies’ in their economic, social and psychological lives.

“A compelling contribution to the debate; international organizations, including the UN and the European Union will have to take note of this call to shift their perspective on Roma inclusion.”

Rita Izsák-Ndiaye, Special Rapporteur on minority issues of the UN Human Rights Council

The basis of antigypsyist ideology is the presumption of fundamental differences between ‘them’ and ‘us’. This presumption informs group construction processes and designates the identities of those outside this or that group.



*A flashmob organised by PhirenAmenca and ERGO during a European Youth Event in front of the European Parliament in May 2014.
(Photo credit: PhirenAmenca)*

Today's antigypsyism may not explicitly employ the notion or rhetoric of 'race', but it conveys that same ideological concept by postulating a distinct 'culture' shared by and defining all members of the thus-constructed group. Antigypsyist ideology notably always incorporates attributions that imply that those imagined to be 'gypsies' are not 'civilised' enough. Accordingly, the significance projected onto 'the gypsies' is always that they are those who do not accept, internalise or share the norms and values of the dominant ('civilised') society (or who haven't 'yet' done so). In

other words, 'gypsyess' has no relation to the actual people being stigmatized as 'gypsies', but merely reflects our societies' dominant norms: The concept of the 'gypsy' defines how members of society should not behave and thus is used to discipline and police society as a whole.

SYSTEMIC NATURE

The structural, systemic nature of anti-gypsyism must be acknowledged. This process of 'othering' does more than just set particular groups apart and does more than treat them differently - it considers them inferior, not worthy of equal treatment. Because of this, Roma in the real world can be subjected to collective acts of discrimination such as hate speech, as well as institutional discrimination that reproduces existing patterns of disadvantage. These patterns are deeply rooted in the cultural concepts, institutions and power structures of European societies and all too often result in the accumulation of multiple layers of disadvantage over an individual's lifetime.

The full reference paper is available at www.antigypsyism.eu



ANTIGYPSYISM AND THE EU: ACHIEVEMENTS AND FAILURES



PhirenAmenca, a network of Roma and non-Roma volunteers, and ERGO, the European Roma Grassroots Organisations Network protest in front of the European Parliament, during a European Youth Event organised by the EP in Strasbourg, May 2014. (photo credit: Phiren Amenca)

ANTIGYPSYISM IN EUROPE: THE EUROPEAN UNION'S DUAL APPROACH

GUILLERMO RUIZ TORRES (SOZIALFABRIK E.V.)

In addressing the situation of Roma communities, which has been on the EU agenda since the 2004 enlargement, the EU institutions have adopted an incoherent policy approach. While “soft” instruments have been developed to promote the social inclusion and equal treatment of disadvantaged Roma, the mechanisms that would require Member States to actually implement these measures were never created. The EU institutions have chosen to focus their policies on social inclusion trusting that the EU laws and instruments that exist to safeguard the equal treatment of citizens living in the EU would be sufficient to protect Roma from discrimination and (violent) racism. While these policies certainly represent a positive development, Roma urgently need more effective protection against discrimination and racist violence. In this article I turn a critical eye on the EU’s approach and point to potential improvements that would help ensure the adequate protection of Roma.

THE EU INSTRUMENTS TO COMBAT DISCRIMINATION AND RACISM

In its 2005 resolution, the European Parliament was the first EU institution to

use the concept of antigypsyism to describe the specific form of racism faced by Roma. In 2015, the Parliament reaffirmed its call to fight antigypsyism in Europe. These declarations send out a strong symbolic message but unfortunately they are not legally binding.

The current legal framework for the equal treatment of Roma is set out in the EU *Charter of Fundamental Rights*, which prohibits all forms of discrimination on the grounds of “race”, colour, ethnic and social origin. The strongest instrument to protect EU citizens, including Roma, from discrimination is *Council Directive 2000/43* of 29 June 2000 on the application of the principle of equal treatment between persons irrespective of racial or ethnic origin. *Directive 2000/43* in principle prohibits any unjustified disadvantage faced on the grounds of ethnic origin, gender, religion or belief, disability, age or sexual identity. On the basis of this directive, Member States were required to set up national anti-discrimination authorities to safeguard the principle of equal treatment and were free to adopt positive discrimination measures to counter existing discriminatory structures. Twelve years after the adoption

of the *Anti-Discrimination Directive*, rather modest progress has been made in tackling the discrimination faced by Roma. Most Roma who are victims of discrimination are unaware of the anti-discrimination legislation or do not have the means to file a complaint with the appropriate authorities.⁸ National anti-discrimination authorities have in most cases proved ineffective in combating discrimination against Roma, whether for want of resources or political will.

In November 2014, the EU Commission submitted a report to the EU Parliament and the EU Council on the application of the *Anti-Discrimination Directive*. The report made clear that Roma required special protection:

*The Commission recognises that legislation alone is not enough to resolve the deep-rooted social exclusion of the Roma and the prejudice they still face. Legislation needs to be combined with policy and financial measures. (...) Achieving full equality in practice may in certain circumstances warrant Roma-specific positive action.*⁹

In explicitly identifying Roma as a group that needs special protection, the EC re-

port provides a basis for advocacy work on positive action for Roma and, in the case of Germany for instance, on representative legal action by associations in cases of discrimination against Sinti and Roma communities and their individual members.

The *Council Framework Decision 2008/913/JHA* of 28 November 2008 on combating certain forms and expressions of racism and xenophobia is an additional instrument for tackling antigypsyism. It streamlines EU Member States' laws and regulations on offences involving certain manifestations of racism and xenophobia, and ensures that certain serious manifestations of racism and xenophobia constitute an offence in all EU countries and are punishable by effective, proportionate and dissuasive penalties. However, this Framework Decision is full of flaws and has not been adequately transposed by all Member States. For instance, the denial of racially motivated genocides such as the Holocaust or the Nazi genocide of Roma, is not prosecuted in all EU Member States, as the framework decision foresees. Indeed the European Network Against Racism calls for the scope of the Framework Decision to be extended and fully implemented at national level in order to pro-

vide effective protection against racially motivated crimes¹⁰. Several studies have shown that when Roma are victims of a racially motivated crime, a high proportion do not report for fear of reprisals or because they do not trust the police or judiciary. The high number of racist, antigypsyist crimes against Roma, and the fact that a large proportion of them are not classified as such, show that measures for effective prosecution have yet to be created.

When an EU Member State violates EU law, or fails to adequately transpose an EU directive or framework decision into national law, the EU Commission can initiate an infringement procedure. The Commission has launched such procedures when actions against Roma communities have violated EU law. The following two cases represent milestones in the EU's policies on Roma. The first concerned the brutal campaign of public defamation and persecution of Roma, particularly from Romania, that occurred in several Italian cities at the end of 2007. In settlements where a high proportion of the population was Roma, Roma were registered according to their ethnic background, and identification cards, carrying their fingerprints were distributed. There were mass deportations of Roma to Romania, and in some cities pogrom-like attacks on Roma took place. The European Commission asked the Italian government to refrain from mass deportation because it violated European law, and threatened to initi-

ate an infringement procedure. The second event took place in France in 2010, when Roma settlements in several cities were destroyed by government authorities and mass deportations took place. This triggered a wave of public indignation involving some EU politicians and authorities. The EU Commission saw in this practice a violation of the right of EU citizens to free movement. In both of these cases, the Commission suspended procedures, satisfied that its conditions had been met (see article by Saimir Mile in this publication).

By tolerating Italy and France's continuing and massive violation of the right to freedom of movement, the EU Commission has laid the foundations for the systematic violation of EU law on the free movement of Roma citizens from Bulgaria and Romania in additional Western European countries. Germany, Austria and France have tightened EU legislation on the free movement of people, in particular with regard to impoverished Roma, who are denied their legal right to social benefits and health-care. In Germany, for example, it was observed that:

Offices distributing childcare vouchers and parental allowances, as well as health insurance providers are increasingly refusing services on the grounds that applicants are not entitled to free movement. It should be noted that the substantive right to free movement exists until the com-

⁸ Fundamental Rights Agency – FRA (2009) *Data in Focus Report: The Roma*, p. 7 http://fra.europa.eu/sites/default/files/fra_uploads/413-EU-MIDIS_ROMA_EN.pdf

⁹ European Commission (2014) 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')

¹⁰ European Network against Racism – ENAR (2014) *European Commission's Reports on EU legislation against racism and discrimination fall short addressing victims' need for justice*

petent foreigners authority withdraws this right.¹¹

The EU must ask the Member States to formulate their rules and instruct administrative authorities in such a way as to allow all EU citizens, including Roma, to exercise their right to free movement.

The EU Commission launched further infringement proceedings against the Czech Republic in 2014, Slovakia in 2015 and Hungary in 2016 because a disproportionate number of Roma children attend so-called “special schools” in these countries. According to the EU Commission, this violated the right of Roma children to equal treatment, thus violating the EU Equal Treatment Directives (see the article by Andrzej Mirga in this publication). Although the Commission’s actions represent a step along the very long path to combatting school segregation, one should not expect too much from these infringement proceedings. Even if the segregating character of the school system in these countries were eradicated, it would not guarantee an end to the unequal treatment of Roma children. Roma children are segregated at school, albeit to a lesser extent, in the prosperous countries of Western Europe too.

THE POLITICAL LEVEL: EU AND THE NATIONAL FRAMEWORK STRATEGIES

The recent waves of Roma persecution in Italy and France added momentum to the EU institutions’ debate on Roma policies. In 2011, the EU Council adopted the *EU Framework Strategy on Roma Inclusion*, which would become the main EU instrument for the social inclusion of disadvantaged Roma communities¹². The *EU Framework Strategy* focuses on combatting poverty and social exclusion – no specific measures are taken to combat racism and discrimination against Roma. The Commission calls on Member States to design and implement their own national strategies, effectively leaving them with the bulk of responsibility for the social inclusion of Roma. There are no binding standards or indicators to measure effectiveness and hold individual Member States to account, so when Member States fail to take appropriate or adequate action, they might face criticism, but there are no concrete repercussions.

The Member States had until May 2012 to deliver their strategies, and have since reported annually on implementation. In most cases, the strategies compile

¹¹ Leibnitz, Mirja, Anna Schmitt, Guillermo Ruiz Torres, Diana Botescu (2016) *Förderprognose: negativ. Eine Bestandsaufnahme zur Diskriminierung von Bulgar_innen und Rumän_innen mit zugeschriebenem oder tatsächlichem Roma-Hintergrund in Deutschland*, p. 2.

¹² European Commission (2011) 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. Brussels, 05.04.2011 http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf

the measures that Member States were already implementing to target Roma, and no significant extra funds have been made available. The EU Commission has published four evaluations of the national strategies so far. According to these rather critical reports, Member States need to significantly improve and strengthen the instruments and mechanisms used to combat social exclusion and discrimination against Roma.¹³

The strongest financial instruments to support Roma inclusion in the EU are the Structural Funds. They fund EU Regional Policy, which aims to reduce disparities in development across regions and Member States. There are two specific Structural Funds of relevance to Roma: the *European Regional Development Fund* (ERD), which finances regional policy aid, and the integrated development of disadvantaged areas, and the *European Social Fund* (ESF) to integrate disadvantaged groups into the labour market. In general, however, they do not fund projects to combat antigypsyism and discrimination against Roma. Broad-based EU investment in combating antigypsyism is lacking.

In addition to the Structural Funds, various European Commission directorates, above all DG Justice, have set up programmes to finance projects that contribute to the social inclusion and equal

treatment of disadvantaged groups, including Roma. Such projects are usually carried out by non-governmental organisations. They are often short-term and short-range. There is no guarantee that their results are sustainable, and monitoring and evaluation mechanisms are poorly developed. Thus they do not make a significant contribution to the social inclusion and equal treatment of Roma.

EU ENLARGEMENT AND THE FAILURE OF THE EU TO TACKLE ANTIGYPSYISM

The failure of the EU institutions to take a strong stand against antigypsyism was also evident during the enlargement process. According to the Copenhagen criteria adopted by the European Council in 1993, protection of minorities was a prerequisite for EU accession. Candidate countries were required to adhere to a set of guidelines in order to join the EU. These included the safeguarding of human rights and compliance with social standards. The countries with a large Roma population had to create instruments (institutions, programmes, laws) that would improve the situation of these communities. However, these institutions and instruments did not produce the expected results and the situation of the Roma deteriorated steadily. The EU accession of the above countries went ahead all the same, although no

¹³ European Commission (2016) Assessing the implementation of the EU Framework for National Roma Integration Strategies and the Council Recommendation on effective Roma integration measures in the Member States 2016. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions.

mechanisms or instruments had been created to monitor or evaluate actions taken to promote the social inclusion of Roma or their equality.

The EU Commission is repeating this error in its handling of candidate and potential candidate countries now, as the example of Kosovo illustrates. Progress reports on Kosovo since 2005 point to a deterioration in the living standards of Roma. Since 2010, however, reporting on their situation has been less detailed than it was in previous years. This change coincides with Member States like Germany, Denmark and Austria deporting Roma to Kosovo. Human rights organisations have criticised the deportation of Roma asylum seekers or those with a subsidiary protection status because of the dramatic situation facing this minority in Kosovo. Roma deported to Kosovo are subject to extreme poverty, discrimination and racist violence. Most Roma arrive in Kosovo without money or accommodation and they cannot find work. The children and young people that are deported do not even speak Albanian. Roma face widespread hostility from the majority population, which sees them as Serbia's allies.

To this day, the RAE (comment from the author: Roma, Ashkali and Balkan Egyptians) is collectively labelled as collaborators with the Serb regime, and this label is used as a justification for their unequal treat-

ment. Not a single person has been prosecuted for the evictions and the anti-Roma violence that took place in 1999. Minorities such as the RAE report on prevailing feelings of insecurity that are fed by a large number of unresolved crimes committed against them both in the past as well as more recently. The justice system is considered inadequate and weak, as well as being biased against the RAE. As a result, many cases of intimidation and anti-Roma violence go unreported and many Roma live in a constant state of insecurity and intimidation.¹⁴

Roma also experience widespread discrimination and racism in other Balkan countries. For this reason, many Roma have been applying for asylum in Western Europe. Nevertheless, the EU still gives these countries the status of (potential) accession candidates. This policy was further developed when Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia were classified as safe countries of origin by the EU Commission in September 2015 and the European Parliament in July 2017, in spite of the widespread, often violent and even pogrom-like racism faced by Roma in these countries. Roma from these countries are, then, de facto denied the right to asylum in EU Member States. By behaving in this way, the EU institutions promote the exclusion and denial of the rights of Roma living in the Balkan countries.

¹⁴ Wenke, Christoph; Baković Jadžić, Tamara; Jeremic, Vladan (2016) *Why Can't Kosovo Be Considered Safe for Roma?* In: Rosa Luxemburg Stiftung Southeast Europe, *Not Safe at all. The Safe Countries of Origin Legislation and the Consequences for Roma Migrants*, p. 31.

AN EFFECTIVE EU POLICY IS NEEDED

As outlined at the beginning of this article, EU policy on Roma communities has been incoherent. On the one hand, the EU has created laws and instruments to ensure Roma inclusion and equal treatment, and has made EU Member States and candidate countries set a stronger focus on Roma in their public policies. In most European countries, antigypsyism is so deeply entrenched and widespread among politicians of all colours and in the media, that it would have been impossible for the state to take such steps at its own initiative.

On the other hand, the EU's neoliberal project has furthered social inequalities in Europe, and in particular in Eastern Europe, leaving Roma particularly disadvantaged. The instruments that the EU created are not mandatory and their scale and scope are left to Member States' discretion. Given the extent of the problem, EU instruments for social inclusion and equal treatment of Roma can only have a limited impact. As long as they are not binding, their gentle call to action can be all too easily ignored.

EU policies have focused on the inclusion of disadvantaged Roma, and have overlooked (although it has been pointed out often enough) the way that the poverty and social exclusion faced by most Roma is intrinsically linked to an antigypsyist attitude that is deeply rooted in our society and stirred up by politicians and the media. Urgent and effective action must be taken to combat antigypsyism.

Here one has to concede that the main responsibility lies with member and candidate states, which also have the greatest scope for action. Nevertheless the EU could also do more to stimulate an improvement in the situation of the Roma population. For example, an EU directive on social inclusion and equal treatment of Roma could be adopted requiring Member States to take effective measures. Additionally, more effective mechanisms could be created for the use of Structural Funds with greater decision-making powers for the European Commission. Member States must include concrete objectives, measurable results, adequate funding, effective implementation and monitoring and evaluation mechanisms in their strategies. Local authorities and non-governmental organisations, especially Roma, need to be involved in the planning and implementation of the strategies.

To be effective in promoting the social inclusion and equal treatment of Roma, policies must focus on fighting the discrimination and racism Roma face. EU anti-discrimination rules, and the *EU framework decision on combating racism and xenophobia* have proved ineffective in combating discrimination and racist violence against Roma. Specific measures and instruments for the protection of Roma against discrimination and racism must be designed and implemented. Member States should be bound to use ESF and ERD funds for preventing and fighting antigypsyism and discrimination against Roma.

The EU should set an example by safeguarding human rights, and end its policy

of “safe country of origin” which *de facto* facilitates the forcible return of Roma asylum seekers to the Balkans. The EU must guarantee the rights of Roma to free movement, and prevent Member States from creating so many obstacles that disadvantaged Roma can *de facto* no longer access these rights. In this way the EU would show the Member States and their citizens that Roma are not second-class citizens; sending out a strong message in the fight for the equal treatment of Roma.

“The Commission can no longer accept that Roma face discrimination ex officio in some EU countries. In many places, racist violence against Roma is still daily fare and is only half-heartedly prosecuted if at all.

The Commission must now bare its teeth at those Member States that treat part of their citizenry like lepers. With its regular reports on the Roma integration the Commission touches a sore point. But it must not stop at making non-binding declarations and instead be ready to defend the fundamental rights of EU citizens. All the words must finally be followed by action to combat the social exclusion and discrimination of Roma and promote their integration in all EU Member States.”

*Ulrike Lunacek, MEP, Greens/ EFA
Vice-President of the European Parliament*

THEY SAY “HARSHNESS AND HUMANITY”, PEOPLE FEEL EXCLUSION AND VIOLENCE

SAIMIR MILE (LA VOIX DE RROMS, FRANCE)



With the evictions of “Roma” during the summer of 2010, Sarkozy’s France became a hot European topic, rather like Berlusconi’s Italy two years previously. The lives of Romanian and Bulgarian immigrants – labelled “(migrant) Roma”¹⁵ in public discourse – did not actually change in any radical way that summer, in fact these groups had already been subject to ongoing institutional harassment, exclusion, evictions and deportation to their “home countries”¹⁶. All this is no more an “old story” now than it was a completely new event in 2010. It is, however, an interesting period that provides insights into French policy on

Roma, thanks to the liberties taken by the government of the time.

It is worth remembering that everything started when a young French “traveller”, Luigi Duquet, was murdered by a *gendarme*. The family of the victim went on protest and some of the protesters caused material damage in Saint-Aignan, a small village in the Loir-et-Cher region. Condemning these acts of violence in a press release published after the weekly Council of Ministers on 21 July, president Sarkozy promised to wage a “war” against the “behaviour of some Roma and travellers” and announced that a

¹⁵ In fact, in public discourse, the term “Roma” or “migrant Roma” is used to refer to about 18,000 poor Romanian and Bulgarian immigrants who, due to exclusion, and independently of their ethnic background, live in shanty towns or squats in France. The Romani population in France is over 500,000. More than 95% are French citizens. Because these people are discursively constructed as the exclusive members of the minority, I write “Roma” with quotation marks

¹⁶ The events of 2010 were accompanied by a communication war where heavy weapons were drawn for the first time and the usual diplomatic considerations reduced to a minimum. This is true both for the French authorities and the European Commission. For some reason, the language used in that period was unusually direct, making events sometimes look like a cat-fight. Meanwhile, those directly concerned were less involved in all the rhetoric. All the noise did, however, produce something positive. The European Commission which had been opposed to any EU Roma strategy, launched its *EU Framework for National Roma Integration Strategies* and a joint programme with the Council of Europe to train 1,000 Roma mediators in 22 countries, including France.



top-level meeting would be held a week later in order to define the government's strategy. On leaving that meeting, then Interior Minister, Brice Hortefeux, announced a plan that included the dismantling of "illegal camps" and the eviction of immigrants. Two days later, after an armed robbery in Grenoble that ended with a shootout with the police and the death of one of the robbers, Nicolas Sarkozy appointed a police officer as prefect of the county of Isère and personally attended the ceremony where he took office. There, Sarkozy delivered his famous "Grenoble speech". The hard line he took in Grenoble, conflating illegal immigration, criminality, social allowances and illegal settlements, can be seen, when placed in a broader context, to confirm a trend:

I ask Eric Le Douaron, who, as former director of Border Police, knows a lot about this topic, to fight illegal immigration with absolute resolve. The general rule is clear: illegal immigrants must be returned to their country. And it is in this spirit that I asked the Minister of the Interior to put an end to unauthorised Roma camps. These lawless areas cannot be tolerated in France. It is not a question of stigmatising Roma. Nothing of the sort. We have made great progress since the Besson law in terms of putting sites at their disposal. [...] Roma who come to France to settle on legal sites are welcome. But as head of state, can I tolerate the fact that in 2010 there are 539 illegal camps in France?

In real and concrete terms, French policy on Roma changed after that summer as the government became more relaxed and open about its harsh position, claiming that it was also "humane". "Harshness and humanity" has become the leitmotiv of public speeches, although on the ground it is "harshness" that prevails and the legality of action taken by the state is often questionable. This political orientation remained unchanged in 2012, when the new government responded, once again, to EU concerns with a circular "concerning the anticipation of, and provision of social assistance for eviction operations affecting unauthorised settlements" (*relative à l'anticipation et à l'accompagnement des opérations d'évacuation des campements illicites*). The only difference two years earlier was that official speeches had labelled Roma as such.

The very fact that "Roma" are targeted as such is problematic, with regard to both French and European law. The *Free Movement Directive* provides EU citizens with the right to free movement and residence within the EU without discrimination. In official exchanges, the French government ensured that its measures respected the *Free Movement Directive* and did not target any group on the basis of nationality, race or ethnic origin. However, an administrative circular issued by the Interior Minister asked prefects to evict illegal Roma camps as a priority. This (which, incidentally, was

not publicised) contradicted the official version of events and angered Viviane Reding, former European Commissioner for Justice, Fundamental Rights and Citizenship, who was convinced that the Commission would "have no choice but to initiate infringement action against France"¹⁷. However, no such procedure was ever initiated; presumably political reasons trumped the compelling legal arguments for taking action. In the following days, important public figures in France counterattacked Reding's speech, focusing on a sentence that referred to the Second World War. A replacement circular was issued which, except for the omission of the word "Roma", was identical to the original. In the same period, two NGOs (La voix des Roms and Parada) presented the European Commission representative in Paris with proof of the illegality of the French deportations: dozens of prefectural orders to leave French territory that had been signed and stamped beforehand by the prefecture, and were filled in and handed to Romanian immigrants within a very short period of time. The very existence of these documents proved that the legal requirements had not been met: the law requires an individualised analysis of each person's situation, proving that their presence in France represents a burden on the welfare system. However, the European Commission did not take information from these communication channels (i.e. from NGOs) into account.

¹⁷ Statement on the latest developments on the Roma situation, last accessed 30 November 2016 http://europa.eu/rapid/press-release_SPEECH-10-428_en.htm

The expulsion of irregular migrants was one of the focal points of Nicolas Sarkozy's presidential campaign when he ran for election in 2007. As Interior Minister, Sarkozy had set objectives that he was able to meet, using Romanian and Bulgarian immigrants as an easy target. Immigrants from these countries were very often expelled more than once in a given year thus boosting statistics. Although many actors, including the European Commission itself, recommended that France put an end to the transition measures that restricted the right of Romanians and Bulgarians to freely enter the French labour market, these restrictions were kept in place by both French governments after Romanian and Bulgarian accession to the EU in 2007. The few amendments that were made to those restrictions were such that they did not allow any concrete improvement in terms of legalising residence for the immigrants of the countries concerned.

The change of government in 2012 brought no progress in the matter; the new government continued with the same "harshness and humanity" discourse and policy. The "eviction of illegal settlements" remained a priority for the new socialist government's "Roma" policy. In 2013, Manuel Valls, then Minister of Interior, told the media, "Roma must return to Romania or Bulgaria" because "their lifestyle is very different to ours and obviously in confrontation with ours". The lawsuit initiated against this hate speech by MRAP (the movement against racism and for friendship between peoples) was rejected by the *Cour de justice de la République*, a court

with special jurisdiction on crimes committed by ministers. The lawsuit initiated by La voix des Roms and brought before common law courts was rejected at all levels and is currently before the European Court of Human Rights. Whatever the outcome of this legal procedure, it is clear that the antigypsyist sentiment unleashed in 2010, continues to inspire French policy on Roma and is deeply rooted in the French institutions.

Concretely, life these days is made more and more difficult for "Roma" in France. They face an avalanche of barriers: many are subject to police controls and issued with expulsion orders when they cannot provide proof of their right to remain in France. In order to do this, they would need to present payrolls. In order to present payrolls, they would need to be employed. In order to seek employment they would need at least an official address, because getting housing with a rental contract is simply impossible in France for someone who cannot provide proof of revenue. An official address is a prerequisite for accessing any other right: housing, education, health-care, etc. French law obliges local governments to register anyone living in their municipality with the municipal social services. More often than not, however, mayors refuse to comply with this obligation, just like they sometimes refuse to comply with the obligation to register children in school and even use a lack of official address (for which they are partly responsible) as a justification. Therefore, no one is protected from receiving an expulsion order, which can be issued at any moment during a police check.

Sometimes, these orders are used to put pressure on families after they have been evicted from their homes, as was the case in Montreuil, near Paris, in October 2016. When they were evicted from their squat, several Roma began living in the streets in tents. When state authorities agreed to intervene in the crisis because 13 families had been camping close to the city hall for over three months, the threat of expulsion to Romania was used to prevent the families from refusing accommodation in a hotel that is used to provide emergency accommodation (*hôtel social*). Indeed, some weeks earlier they had refused or abandoned such accommodation because it was too far away from the city and their children's schools. When they were later offered accommodation for two weeks in a second hotel, they accepted because weather conditions had deteriorated and the hotel was just an hour away. Very occasionally, local authorities choose to act humanely but this is not the result of any incentive provided by national government; such

initiatives are left to their discretion and are therefore rather precarious. The "harsh and humane" position adopted by the French authorities works as follows: as a guiding principle, all types of barriers are used to prevent EU citizens of Roma origin from exercising their right to free movement and residence in France. In doing so, they place these barriers in a sort of "grey zone" where EU minimum standards are respected in a very precarious way so that mobility rights are *de facto* denied. It should be stressed that these policies are rooted in and strengthened by strong institutional antigypsyism. Populism and antigypsyism prevent decision-makers from taking long-term action with sustainable results. The few who dare to do so, often act discreetly in order to avoid criticism and/or backlashes. The easiest route remains however that of the mainstream, and the tone set in 2010 endures: "harshness and humanity" is the slogan that hides ongoing exclusion, violence and harassment.

THE EXPULSION OF ROMA ASYLUM-SEEKERS TO THE SO-CALLED SAFE COUNTRIES OF ORIGIN

PRO ASYL E.V.

Deplorable living conditions and widespread, often violent, antigypsyism have led Roma from the Balkans to leave their countries and apply for asylum in Western Europe. Host countries such as Germany, Austria and Sweden have been expelling these asylum seekers in spite of the dire conditions they face back home. The EU institutions provided support for this policy when the EU Commission, in September 2015, and the European Parliament, in July 2017, classified Bosnia and Herzegovina, Kosovo, Macedonia, Montenegro and Serbia as safe countries of origin. In doing so, they effectively saw to it that Roma from these countries would be denied asylum in the EU de facto, pushing them into exclusion and depriving them of their rights.

The editor

AN EU LIST OF SAFE COUNTRIES OF ORIGIN?

In the current debate around a coherent European refugee policy, which in reality is about finding a common approach to closing the borders, Chancellor Merkel and President Hollande have pitched the idea of a joint strategy for the classification of safe countries of origin, suggesting that it would be a quick and easy way to reduce admissions. This is wrong for several reasons, for the Balkan states also.

Member states are responsible for classifying safe countries of origin. No proce-

cedure is currently in place for a common EU classification. Articles 36-39 of the *EU Asylum Procedures Directive*, which establishes common standards for asylum procedures in Member States, enable Member States to carry out classifications within a national procedure, but not to do so in a uniform manner, via the EU.

The old *Asylum Procedures Directive* made this possible, but the European Court of Justice rejected these provisions, considering that they were unlawful, because the European Parliament had not been involved in the procedure at the time. When the *Asylum Procedures*

Directive was revised in 2013, the idea that the EU should be able to classify states as “safe” was completely rejected. So if Merkel and Hollande were to pursue their plan, each of the Member States would still need to make their classification according to the rules laid out by the respective procedures. In the short term, therefore, European law makes it totally impossible to introduce a uniform policy in this field. Actually, if the idea were to be implemented, it would cause delays. Parliamentary procedures in each of the Member States, including possible lawsuits before national constitutional courts, would take time. A common EU strategy would require an amendment to the Treaties or the adoption of a compulsory EU regulation. The *EU Asylum Procedures Directive* lays down minimum requirements, which the national legislator must observe. For example, there can be no persecution as defined by the Qualification Directive. Article 36 of the *Asylum Procedures Directive* establishes the criteria for the introduction of additional safe countries of origin, while Article 37 defines the criteria for maintaining national lists. Furthermore, European law requires that organisations such as EASO, UNHCR and the Council of Europe be consulted before countries are classified as safe. The Council of Europe’s Human Rights Commissioner would probably have something to say about some of the states that Germany would like to see added to the list in the near future.

Case-by-case assessments are at the core of the asylum procedure. Only a populist would try to convince the public that a short-term solution could be

reached with the stroke of a pen. The “safe country of origin” label prevents very few from claiming asylum. Even before Bosnia, Serbia and Macedonia were declared safe countries of origin, many asylum claims from these states were considered to be “clearly unfounded” and rejected in Germany. The same is true of the three Balkan states that the Federal Government is considering including on the list (Albania, Kosovo and Montenegro).

What really gets lost in this debate, is the idea that individual case-by-case assessment is at the heart of asylum law. Any sweeping classification of allegedly “safe” states undermines this basic principle. The list of countries classified as safe by the respective EU Member States is surprising.

In a letter to the European Commission, the Green MEP, Volker Beck, pointed out that in many of the countries of origin that are considered “safe” by some EU countries, homosexuality is punishable (e.g. the Gambia, India, Cameroon, etc.). Classifications of “safe” countries are highly variable and depend on political opportunity, rather than criteria established by asylum law. However, joining up this nonsense at EU level is of no added value to Germany or the EU, and certainly not to refugees. Albania, Montenegro and Kosovo are not safe countries of origin. It was already clear in the September 2014 procedure that the classification was not based on the actual situation in the countries concerned, but on political opportunity. In the state of Macedonia, which is now considered “safe”, internal conflicts were escalating

in May 2015. The situation in the countries under discussion, Albania, Kosovo and Montenegro, cannot be considered “safe” either. In Kosovo, the most severe persecution of Roma, Ashkali and so-called Egyptians took place in the context of ethnic segregation policies after the Kosovo war. The exodus of minorities as a consequence of systematic exclusion and discrimination preceded the current wave of emigration of Kosovo Albanians. In Albania, too, the situation is fatal for many people. Both the German Ministry for Foreign Affairs and the Council of Europe Commissioner for Human Rights have registered high levels of “corruption, nepotism and organised crime and a culture of impunity and the lack of implementation of the existing rules”. Such serious problems have severe implications for the effective functioning of the judicial system and undermine public confidence in justice and the rule of law. The Ministry for Foreign Affairs also reports significant social discrimination against Roma and “Egyptians”. These groups are not only excluded, but also fall victim to discriminatory administrative practices. Furthermore, Roma face discriminatory restrictions in accessing the labour market, the education system and healthcare. Montenegro has been run by the dynasty of Milo Djukanovic for a quarter of a century. It is a state founded in the image of the mafia. International organisations criticise the judicial system’s lack of independence, the police forces’ endemic abuse of power, the extreme degree of corruption

(even by Balkan standards), the influence of organised crime on the state apparatus, and the prevailing impunity of serious crimes. Attempts to intimidate journalists are routine and many of the cases of attacks remain unresolved today. Is this what you call a safe country of origin?

(Source: Proasyl, 01.09.2015)¹⁸

FROM A REPORT ON THE SITUATION OF ROMA IN KOSOVO:

“All of our interviewees tell us about psychological and physical assaults on Roma children committed by their Albanian classmates. The teachers, who are also members of the Kosovo-Albanian population, do not provide any real support or protection for the children. Sebilje, whose eldest daughter, Elisa (ten years old), attends the school, tells us that Elisa often comes home in a state of anxiety. She is the only member of the Roma minority in her class and only one of a handful in the whole school. She is often teased and intimidated – because she does not wear good clothes and shoes, and because of her evident poverty and lack of participation in society. Sebilje wants her daughter, who has started school in Göttingen, to continue going to school but fears that it will not be long before she has to take her out of school or that she will refuse to go because she is too scared. Lulzim S. also tells us about such acts of aggression. He and his wife, however, were forced

¹⁸ Read original version in German at: <https://www.proasyl.de/news/eu-weite-liste-sicherer-herkunftsstaaten/>

to take their 12-year-old son, Halil, out of school. Halil was often humiliated by his Albanian classmates. Eventually, on the way home, some of them attacked, threatened and physically abused him. This attack took place a few weeks after starting school in Peć. Since then, Halil has been too afraid to leave home.”

“The German Foreign Office reports on its website that several hundred thousand illegal firearms are in private ownership in Kosovo, and that the inhibition threshold for their use is comparatively low. When we visited German KFOR troops on 18 February 2014, the six officers present all roared with laughter when we asked how successful the disarmament of the civilian population had been. The press officer then clarified that the Kosovo-Albanian population was equipped with automatic weapons and Kalashnikovs. Everybody in Kosovo – including the minorities – knows that the civilian population is armed across the board. Over the course of our interviews, all of the people we spoke to talked at some point or other about their fear of the Albanian population, or even of a very concrete experience of violence.”

“Family K. is the only Roma family living in an exclusively Albanian neighbourhood – just like Family S. in Peć. It has been nearly a year since 19-year-old Bajramsha K. last left the little house where she lives with her parents and three brothers. Almost a year ago, she

was out shopping in the evening when a young Albanian man sexually harassed her on the street. Bajramsha was able to escape and reach home, but she is still frightened when she talks to us about her experience of violence and the man’s hateful, antigypsyist humiliation of her. Since then, she and her brothers have always stayed in the house to protect themselves from further attacks. Bajramsha’s biggest question remains why she was deported – from the country where she was born and grew up – to this dangerous environment. “My hopes have been burst,” she says, summarising her situation. When asked whether they would report the discriminatory and violent attacks committed by the Kosovo-Albanian population, many of those we talk to react with disbelief or with resigned laughter as they do when asked about work opportunities. They all know that in the best case, the police will not follow up on this sort of complaint, and in the worst case, they may face further humiliation – or even reprisals from the authorities themselves.”¹⁹

FROM A REPORT ON THE SITUATION OF ROMA IN MACEDONIA:

“It is about half past eight when Mr M. sees four policemen beating his 17-year-old son and the boy’s 12-year-old cousin in Skopje Kale, the old town at the foot of the city fortress. Mr M. comes running but is not allowed to approach any fur-

¹⁹ *Leben ohne Aussicht* (2014), in *Abgeschobene Roma in Kosovo*. Journalistische, juristische und medizinische Recherche, p. 11-12.
www.alle-bleiben.info/wp-content/uploads/2014/12/kosovo_web.pdf

ther, and has to watch as the abuse continues. It later transpires that the minors have been accused of stealing a handbag and the policemen belong to the “Alfa” special unit. The older of the two children is arrested. At the police station they attempt to force him into making a confession by punching him. Only hours later, the martyrdom ends. He is released due to lack of evidence. This incident occurred in the middle of May last year [2015 - comment by the author] and is an example of the violence of the police and special units, targeting Roma in particular.”²⁰

FROM A EUROPEAN ROMA RIGHTS CENTRE (ERRC) REPORT ON VIOLENCE AGAINST ROMA AND POLICE ILL-TREATMENT IN MACEDONIA:

“The ERRC in its written submission to UNCERD in 2015 expressed its ongoing concern at the level of police brutality against Roma in Macedonia in parallel with the level of impunity displayed amongst the responsible authorities. The ERRC submission included a series of documented cases of police abuse against the Roma community in Macedonia reflecting persistent discriminatory police behaviour, which is both excessive and unwarranted, breaching the overarching principle of non-discrimina-

tion prescribed under the ICERD in conjunction with Article 5.

According to the Committee of Ministers of the Council of Europe, in spite of the diminishing number of cases of police ill-treatment by the police, such cases continue to be reported and, according to non-governmental sources, persons belonging to national minorities, especially Roma, are disproportionately targeted. Allegations of discriminatory ill-treatment of Roma are not always properly investigated.

The UN Committee against Torture’s concluding observations in 2015 to Macedonia, inter alia, stated that it remains concerned by information regarding the excessive use of force by police officials against Roma particularly that of members of the “Alfa” unit.”²¹

FROM REPORTS FROM THE ERCC OF VIOLENCE AGAINST ROMA IN SERBIA:

“Budapest, Belgrade, 9 September 2013: Roma families living in the Resnik container settlement in Belgrade faced six nights of violence, intimidation and threats from attackers. On 28 August, around 20 men attacked the settlement, shouting threats and racist insults. The

²⁰ *Advocat des Teufels. Roma sind Institutionen und der Gewalt der Polizei ausgeliefert* (2015), in: *Abgeschobene Roma in Mazedonien*. Journalistische, juristische und medizinische Recherche, p. 16.

²¹ European Roma Rights Centre (2016) Written comments. For consideration by the European Commission concerning Roma Inclusion in the Western Balkan Progress Reports 2016, p. 16 <http://www.errc.org/cms/upload/file/ec-submission-on-roma-inclusion-in-the-western-balkans-july-2016.pdf>

men wore hoods and came armed with metal poles. They threw stones, and broke a window in one of the containers, while children were sleeping underneath it. One woman was hit with a metal bar as it came through the window. Attackers returned to the settlement on the following nights, shouting insults and threatening to set the residents on fire. Residents reported the attacks to the police, who attended the scene, and on one night took four of the attackers into custody. However a night patrol car was only stationed at the settlement for protection overnight after six days of repeated attacks, and following an intervention from Praxis and the ERRC".²²

²² See: <http://www.errc.org/article/racist-attacks-on-resettled-roma-in-belgrade/4186>

ANTIGYPSYISM AND SEGREGATION

SCHOOL SEGREGATION AND ANTIGYPSISM

There are many faces to the school segregation experienced by Roma youngsters. An alarming proportion are educated in separate classes or even “special schools”, or attend schools in settlements where almost all pupils are Roma and the conditions and teaching methods are less than adequate.

In many cases, schools are put under pressure to separate classes by majority society parents who do not want their offspring educated alongside Roma children. A large number of Roma children are placed in so-called “special schools” for children with disabilities or with learning or behavioural difficulties although they do not have special needs. This often happens when the racism of school staff influences selection procedures or because Roma parents are afraid that their children would be victims of racism if they were to attend a regular school.

School segregation is more severe in Eastern European countries but it also exists in Western European countries like Germany and France, especially where Roma children with a migration background are concerned. After attending segregated schools and especially so-called “special schools”, Roma youngsters have no chance of following complementary training or finding a job. This is a “lost generation”. The situation is dramatic. In order to illustrate its severity, I would like to present some figures.

According to data compiled in the Roma Inclusion Index 2015,²³ 26% of Roma children in Bulgaria were still educated in a segregated school in 2014, and five times more Roma children were placed in “special schools” than the Bulgarian national average. In the same year in the Czech Republic, 40% of Roma children were educated in segregated schools and six times more Roma children were placed in “special schools” than the Czech national average.²⁴

The editor

²³ For more on the *Roma Inclusion Index 2015*, compiled by the Decade of Roma Inclusion Secretariat, see: http://www.romadecade.org/cms/upload/file/9810_file1_roma-inclusion-index-2015-s.pdf, p. 26

²⁴ See: http://www.romadecade.org/cms/upload/file/9810_file1_roma-inclusion-index-2015-s.pdf, p. 41



(photo credit: Ludovic Versace)

EDUCATION AND THE SOCIAL INCLUSION OF ROMA: ADVOCATING FOR SYSTEMIC CHANGE

ANDRZEJ MIRGA (ROMA EDUCATION FUND)

In a press release dated 3 April 2014, the European Commission indicated that around 90% of Roma pupils in Member States such as Slovakia, Hungary, Romania, Bulgaria and the Czech Republic, leave school before completing their studies. In some of these countries, around 50% of Roma children attend “segregated schools”.²⁵ The *Roma Survey*, by the European Union Agency for Fundamental Rights (FRA), found the following:

- Low preschool attendance: on average, only half of the Roma children surveyed from the age of four to compulsory school age attended preschool or kindergarten in 2010/2011.
- High compulsory school attendance in

most Member States: with the exceptions of Bulgaria, Greece and Romania, nine out of ten Roma children aged 7–15 are reported to attend school.

- Low secondary education completion rates: only 15 % of the Roma adults aged 20–24 surveyed had completed upper-secondary general or vocational education.²⁶

In the same year, the European Commission initiated infringement proceedings against the Czech Republic on account of the discrimination of Roma children in education. In subsequent years, similar action was taken against Slovakia (in 2015) and most recently against Hungary.²⁷ These steps, long-awaited by

²⁵ http://europa.eu/rapid/press-release_IP-14-370_en.htm; a quote from the FRA 2014 publication: *Roma survey – Data in focus. Education – the situation of Roma in 11 Member States*: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf For earlier data, see UNDP survey from 2012: <http://www.unesco.org/new/fileadmin/MULTI-MEDIA/HQ/ED/pdf/Roma-Education-Comparative-Perspective-UNDP.pdf>

²⁶ FRA 2014: *Roma survey – Data in focus. Education – the situation of Roma in 11 Member States*: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf, p. 11

²⁷ Vivien Brassóí 2016: *Infringement Procedures Against Czech Republic, Slovakia, Hungary For Segregating Romani Children*: <https://romediafoundation.wordpress.com/2016/08/12/infringement-procedures-against-czech-republic-slovakia-hungary-for-segregating-romani-children/>

civil society and Roma organisations, were finally taken in order to stop and reverse one of the most enduring and discriminatory state practices against Roma.²⁸

Infringement proceedings address the biggest challenge faced by EU integration efforts right now, namely, how the provisions of the *EU Framework for National Roma Integration Strategies*²⁹ can be effectively implemented if Member States continue to segregate in education.

On 19 April 2016, the Open Society Foundations' Justice Initiative launched its *Strategic Litigation Impacts: Roma School Desegregation* report (New York) at the European Parliament at a conference entitled *Discrimination in Education: Efforts to Ensure Equal Opportunities for the Education of Roma Children*. The first of several successful litigations was the European Court of Human Rights' (ECHR) ruling in the *D.H. and others vs. Czech Republic*

case. *The D.H. ruling*, and subsequent rulings, developed significant jurisprudence on the subject, as well as empowering civil society, including Roma, organisations to fight this practice and advocate for legislative and policy change.³⁰

The struggle for equal access to education in post-communist countries started after the fall of communism.³¹ The Helsinki Watch series on Roma in post-communist countries and, later, reports by the European Roma Rights Centre (ERRC) on Roma in various countries have raised the profile of Roma segregation in education and its negative outcomes for the Roma community. The Council of Europe Group of Specialists on Roma, Gypsies and Travellers (MG-S-ROM) addressed the issue in its *Memorandum for the attention of the Committee of Ministers of the CoE* in 1997. Eventually, it led to the adoption of the *Recommendation on education of Roma children in Europe* in

²⁸ See: http://www.romaeducationfund.hu/sites/default/files/documents/segregation_of_roma_children_in_education_-_successes_and_challenges_-_final.pdf

²⁹ The European Union stepped up its support of Roma integration with the adoption of the *EU Framework for National Roma Integration Strategies up to 2020*, in 2011. Member States compiled their *National Roma Integration Strategies* (NRIS). In May 2012, the European Commission published an assessment of these strategies, and in December 2013 the European Council adopted a Recommendation on effective Roma integration measures in the Member States, which included education, stressing the need to implement desegregation measures concerning Roma both regionally and locally. More at: http://ec.europa.eu/justice/discrimination/files/roma_childdiscrimination_en.pdf

³⁰ *Strategies and Tactics to combat segregation of Roma children in schools*, a Harvard University publication from 2015. However, the *D.H.* case was already filed in 1999. Since its first ruling in 2007, the ECHR has already handed down six judgments against state actors in cases of discrimination of Roma children in education, so jurisprudence in this area is growing.

³¹ As the president of a Roma association I was directly involved in Poland where we started to contest so-called 'Roma classes' and the "Initial Teaching Programme for Roma" adopted by the Ministry of Education in 1992. It took over a decade to dismantle some 30 such classes in Poland and persuade the authorities that Roma children should be educated in regular, integrated classrooms.

2000.³² The OSCE *Action Plan to Improve the Situation of Roma and Sinti Issues in the OSCE Area*, adopted in Maastricht in 2003, called upon governments to provide full and equal access to education opportunities at all levels.³³

By the time the ECHR made its ruling in the *D.H.* case, the issue had been examined, researched and highlighted by civil society and intergovernmental organisations. The education gap between the majority and Roma communities at all levels remained disturbingly high in Europe and had continued unabated, especially as discriminatory practices were not legally challenged. That is why the ruling in the *D.H.* case marked a breakthrough; all the efforts and recommendations made in this area were given strong juridical backing and justification. The ruling has since been referenced in all major documents relating to Roma, but it has also underpinned efforts made by Roma themselves to contest discriminatory practices.³⁴

ECHR rulings on the segregation of Roma children frequently refer to the racial

grounds of the discriminatory practices. In this sense, the rulings are relevant for the EU's own legislation on racial equality and non-discrimination i.e. the Racial Equality Directive (RED) and the *EU Charter on Fundamental Rights*. In December 2013, the European Council adopted a *Recommendation on effective Roma integration measures in the Member States*, which also refers to access to education. The recommendation stresses the need to "implement, where relevant, desegregation measures concerning Roma both regionally and locally".³⁵

The implementation of the Strasbourg judgments, and that of EC recommendations, has only been partially successful in putting an end to segregation.³⁶

At a Roma teachers' conference in Bratislava, organised by the Roma Education Fund (REF) in November 2015, Prof. Charles Payne from the University of Chicago shared data with participants that showed the percentages of various racial groups in higher education (i.e. Bachelor's degree and above) in the US.

³² See: https://search.coe.int/cm/Pages/result_details.aspx?ObjectID=09000016805e2e91

³³ See: <https://www.osce.org/odihr/17554?download=true>

³⁴ For example, the Council of Europe renewed *Recommendation on the education of Roma and Travellers in Europe* from 2009 (CM/Rec(2009)4), not only recalls the 2007 judgment but goes on to condemn, "the existence of situations of *de facto* segregation in schooling" and requests state guarantees of access to quality education.

³⁵ See: https://www.consilium.europa.eu/uedocs/cms_data/docs/pressdata/en/lsa/139979.pdf

³⁶ According to the OSF Justice Initiative - a key actor in bringing up strategic litigations on the segregation of Roma children -, "Assessing and measuring the impact of strategic litigation for Roma school desegregation remains elusive" (*Strategic Litigation Impact: Roma School Desegregation*, 2016). The conclusions of the EC report were similar; "Practice has shown that it is not so much the finding of (indirect) discrimination that poses challenges, but the tailoring and enforcement of effective, proportionate and dissuasive remedies" (*Report on discrimination of Roma children in education*, 2014).

The data was revealing: according to the latest research, over 40% of White Americans attained a BA at least. Surprisingly (in my view at least) around 23% of Black Americans reached the same level of education. The figure for Hispanic Americans was 15%.

Due to the different methodologies used, comparable data for Europe is not easy to find and apply. Nevertheless, according to the FRA's 2014 survey:

A crucial finding of the survey is that the vast majority of Roma aged 18–24 leave education without obtaining a vocational or general upper secondary qualification and therefore lack an essential condition to stable participation in the labour market. The percentage of early school leavers among Roma aged 18–24 ranges from 72% in the Czech Republic to 82% – 85% in Hungary, Poland, Slovakia, Italy and Bulgaria. In Romania, France, Spain, Portugal and Greece, more than 93% of Roma aged 18–24 did not complete upper secondary education.³⁷

There remain very few who eventually enter and successfully complete higher education. The rates are not comparable to those of the majority societies. The UNDP/World Bank/EC 2011 survey found that less than 1% of Roma have completed higher education.³⁸

The progress made by Black Americans was not due to the advocacy and support of civil society actors (although there were many examples of this) but to federal affirmative action measures applied in a systematic manner throughout the country. They did not fully eradicate discrimination and “ghetto schooling”, but they did create a significant black middle and upper class within US society.

HOW IS THIS EXPERIENCE AND KNOWLEDGE IMPORTANT FOR ROMA IN EUROPE?

Part of the answer to this question is that we need a systemic change in education, which is affirmative in its nature. This can only be sanctioned by the state.

In the US, the Supreme Court ruled against school segregation back in 1954, in the famous *Brown v. Board of Education* case. The Court concluded that, “separate educational facilities are inherently unequal.” As a result, *de jure* racial segregation was ruled a violation of the Equal Protection Clause of the Fourteenth Amendment of the United States Constitution.

In Europe, Roma had to wait until 2007 when the European Court of Human Rights in Strasbourg ruled against Roma segregation in school in the *D.H. and others vs. Czech Republic* case. One of the

conclusions of the Open Society Foundations' 2016 conference at the European Parliament was that the *D.H. ruling* was just the beginning rather than the end of the process. However, the practice continues in spite of the ruling, the recommendations of the international community and the numerous efforts and rational arguments made by civil society in this area.

In addition to the legal challenges to eradicating segregation, desegregation is difficult to introduce because it requires a change in mindset – the majority society must learn to accept that Roma children can learn in the same classroom or school and follow the same programmes as other children. This reticence is rooted in the fear, often expressed by non-Roma parents, that bringing Roma and non-Roma children together in an integrated classroom brings down standards and educational achievement. This is still a strongly held belief despite numerous studies that prove this is not the case.

For the Roma, however, segregation in education means substandard conditions and low quality teaching. Both factors condemn Roma children to perpetual social marginalisation and exclusion, trapping them in a vicious cycle of illiteracy and poverty that is typical for many Roma parents and families from excluded communities. Continuing with this practice means the continued marginalisation of Roma.

PROMOTING INCLUSIVE EDUCATION: THE ROLE OF THE ROMA EDUCATION FUND

Lasting social change may not only require that a court judgment be fully executed but also that it be accompanied by additional targeted actions. The REF was established with the aim of making a difference in this area; it complements judgments by providing services to end segregation through compensatory, innovative or advocacy efforts at all levels of education.

The REF was founded in 2005, two years before the *D.H. ruling* and within the *Decade of Roma Inclusion*. The REF's Statute defined its mission as,

Contributing to closing the gap in educational outcomes between Roma and non-Roma, including through the desegregation of educational systems primarily (but not exclusively) in Central and Eastern Europe and the countries that have formally joined the Decade of Roma Inclusion.³⁹

One assumes that the *D.H. ruling* has strengthened the REF's mission.

During the REF's decade-long operation, the Fund supported numerous projects in order to test educational approaches that would promote inclusive and quality education for Roma. The REF piloted numerous interventions that targeted schools, communities, children and par-

³⁷ See: http://fra.europa.eu/sites/default/files/fra-2014_roma-survey_education_tk0113748enc.pdf, p. 34

³⁸ See: <http://www.unesco.org/new/fileadmin/MULTIMEDIA/HQ/ED/pdf/Roma-Education-Comparative-Perspective-UNDP.pdf>, p. 24

³⁹ <http://www.romadecade.org/>

ents. From 2007, the REF began implementing scholarship schemes and approximately 5,600 Roma students have received scholarships to date. It is worth noting that the REF's tertiary scholarship programme continues to support over 1,400 students per year under four schemes, with 331 students graduating from their degree programmes in 2015. Detailed figures can be found in the 2015 annual report.⁴⁰

The REF works with Roma organisations, governments and ministries of education to put into practice what strategic litigation has tried to enforce by law: putting an end to the practice of segregation. The REF recently urged,

All education stakeholders to vest their institutional capacities and poli-

cy-execution powers to make decisive steps to close the chapter of segregation of Roma children in education and open a new one – of quality, inclusive education for every child.⁴¹

One of the key challenges is how to mobilise the political will and commitment of state and educational authorities to scale up and integrate the model interventions developed by the REF into their education systems. Joining forces with those willing to exert pressure and advocate for inclusive and quality education for Roma children – whether large international organisations or local grass-roots level Roma NGOs – is as valid as ever.

Each year, the REF supports a significant number of Roma students at universities. In principle, these students are a

⁴⁰ REF developed four higher education scholarship programmes. The Roma Memorial University Scholarship Programme (RMUSP) is the largest scheme, with 1,070 beneficiaries accepted for the 2015–16 academic year across 12 countries. The beneficiaries study a variety of specializations, in Bachelor, Master or Doctorate programmes (or their equivalents).

The Roma International Scholarship Programme (RISP) accepted 19 beneficiaries in the 2015–16 academic year. The beneficiaries come from various countries participating in the Decade of Roma Inclusion and received financial support to study outside their home countries in Bachelor, Master or Doctorate programmes. The scholarship awards ranged from EUR 1,300 to EUR 9,050, while the average was worth EUR 6,400.

The Law and Humanities Programme (LHP) accepted 202 beneficiaries in 2015. Each accepted beneficiary received financial support worth 1,300 EUR towards living costs throughout the academic year, as well as additional support for a maximum sum of 1,000 EUR to cover tuition fees (if applicable). In addition to financial support, LHP scheme offers its beneficiaries academic and professional development support.

Roma Health Scholarship Programme (RHSP) accepted 135 beneficiaries in 2015 across the four programme countries: Bulgaria, Macedonia, Romania and Serbia. Beneficiaries received support to continue medical studies in their own countries at vocational or tertiary levels. The scholarships granted for the 2015–16 academic year ranged from 675 to 3,335 EUR, depending on the country and the level of studies. In addition to financial support, RHSP beneficiaries receive academic and professional development support.

⁴¹ See the REF's press release on the occasion of International Roma Day on 8 April 2016, at: <http://www.romaeducationfund.hu/news/ref/news-and-events/school-discrimination-must-end>

resource both for the Roma community and for other Roma-related institutions and offices.

Engaging Roma students who are beneficiaries of REF programmes and scholarships to work with the Roma community is a priority. In future, these scholarship students may be required to serve for a given period of time in Roma communities, whether in education institutions, community centres or civil society.

Similarly, REF alumni should become key actors in multiplying the REF's outcomes, not least by joining the REF or other offices and institutions as qualified and expert staff. It is critically important to maintain their commitment to the Roma cause. The REF should also keep abreast of their post-university trajectories. Ultimately, how these beneficiaries fare afterwards, in the labour market, is key to measuring the REF's impact.

The REF goes to great lengths to raise the number of Roma in formal education structures, especially at preschool and primary school levels. The REF is convinced that major change can and should happen with the engagement of an en-

larged Roma professional teaching staff, dedicated to and familiar with Roma communities and families. There is also a need to start talking about developing Roma teaching staff, instead of relying on Roma school assistants or mediators.

Several other initiatives are also opening up new prospects for Roma students. One is the Roma teacher training programme in the Czech Republic, Hungary and Slovakia supported by the Velux Foundation. Another is the recently announced Roma Chair position at the new *Roma in European Societies Initiative* at the Central European University, funded by the Central European University (CEU), the Open Society Foundations' Roma Initiatives Office, REF and the Velux Foundation. This collaborative initiative, the first of its kind in higher education, will support efforts to improve the situation of Roma in all sectors at local, national and regional levels through teaching and research, leadership development and community outreach. With its Roma-related institutions, Budapest could evolve into a city where Roma professionals and intellectuals can develop, although with Fidesz in power, the current political climate in Hungary is not favourable.

EDUCATIONAL JUSTICE FOR SINTI AND ROMA IN GERMANY

ROMEO FRANZ (HILDEGARD-LAGRENNE FOUNDATION)

What makes the Hildegard-Lagrenne-Foundation (*Hildegard-Lagrenne-Stiftung* or HLS) so special is the fact that it is the first foundation to have been established by people of Roma origin. It was set up by a diverse network of Sinti and Roma educational initiatives, and its endowment capital was raised with private donations from people of Roma origin (Sinti and Roma). It is a civil law foundation, founded in 2014 and based in Mannheim.

The HLS contributes to improving the educational opportunities of Sinti and Roma in Germany, particularly children and young people, by supporting education and fighting discrimination. The HLS was founded with an awareness that the antigypsyism that pervades society, and the discrimination that Sinti and Roma have faced over the centuries still limits their educational opportunities. It should be emphasised that the Foundation supports all Sinti and Roma in Germany, including people of Roma origin who do not form part of the German national Sinti and Roma minority.

THE EDUCATIONAL STATUS OF PEOPLE OF ROMA ORIGIN

D. Strauss' 2011 study, *On the educational status of German Sinti and Roma* sheds

light on the current educational status of people of Roma origin and reveals the extent to which it is still affected by the violent rupture in education brought about by the National Socialist regime. Only 18.8% of the Sinti and Roma interviewed for the study had some type of formal educational or vocational qualification as opposed to 83.4% of mainstream society. 10.7% of interviewees attended a special school, compared to 4.9% of pupils among the majority population. 53.6% felt "intimidated", "badly treated or even discriminated against" when dealing with the authorities. Only 2.3% had attended secondary school until the age of 18 compared to 24.4% of mainstream society (the share for 20-25-year-olds is over 40%). 45.6% stated that their family could not or had not been able to provide help with homework, and explained in ways that provide further insight, that, "parents didn't go to school", "parents themselves received limited schooling", "[parents] not well educated", "[parents] cannot read or write". 18 people explicitly stated "persecution" or "prohibited from attending school" during the National Socialist period (cf. M. Klein). These numbers demonstrate the extent to which the consequences of the educational rupture that occurred under National Socialism continue to be

felt. Young people of Roma origin are still struggling, even now, to overcome the obstacles to their inclusion that marginalisation has caused. Sadly, their inclusion is usually dependent on them concealing their Roma or Sinti ethnicity. The vulnerability of these groups, particularly when it comes to education, can be traced back to the crimes of the National Socialist regime that were denied until into the 1990s. Therefore, the educational deficits experienced by Sinti and Roma have nothing to do with their traditions, but rather with continuous persecution, discrimination and exclusion.

A study on the educational achievements of female Sinti and Roma in Germany was commissioned by the Hildegard-Lagrenne-Foundation and published in January 2017. It reveals that even now, school is not a safe place for people of Roma origin. Leaving the safety of the family setting, it is at school that children experience discrimination for the first time. The educational pathways of people of Roma origin are often obstructed by teachers who for the most part know very little about Sinti and Roma, their heterogeneity or the enduring stereotypes about them. Most people's ignorance has nothing to do with education or class; ignorance pervades all social strata. Germany's academic elite knows as little as students with basic secondary education about the genocide of Sinti and Roma at the hands of the National Socialist regime. Most teaching material contains clichés and stereotypes about Sinti and Roma. Educational deficits are, then, to be found on both sides. This is why it is vital that the issue be properly addressed in the education and train-

ing of teachers and other professionals working in the field so that antigypsyism is exposed and awareness of its existence raised.



Hildegard Lagrenne (1921-2007) was a Sinti activist in the Sinti and Roma civil rights movement, and a survivor of the Nazi genocide of Sinti and Roma. She worked for the Central Council of Sinti and Roma in Germany.

THE WORK OF HLS ON INCLUSION AND PARTICIPATION

The Hildegard-Lagrenne-Foundation proposes a series of measures to tackle such barriers to inclusion. These measures target politicians, multipliers, decision-makers, and people of Roma origin. Activities include:

- Lectures and workshops on successful integration, educational support, and the situation of Sinti and Roma in Germany and beyond;
- Training on reasoning skills to respond to everyday hate speech and stereotyping, and empowerment seminars;

- Seminars about antigypsyism, strengthening self-confidence, community organisation, media skills, history, and the everyday realities of Sinti and Roma;
- Information and cultural events;
- Support and advice for Roma service providers, institutions and associations on designing inclusion strategies, awareness raising, capacity building, fundraising, and other areas.

These seminars are held in a protected environment such as the *RomnoKher* (community centre), and always in collaboration with the minority community. This facilitates dialogue, provides a safe space for sharing experiences and thereby dispels prejudice and raises awareness. Since its foundation, the HLS has also provided individual grants to people aged between 16 and 74 who would not have otherwise found support. The grants have financed a range of initiatives, including further training for a recycling dealer, preparatory classes for a piano tuner, literacy courses, educational counsellor training, and stipends for professionals working in education. The success of these measures and the multitude of requests demonstrate the importance and effectiveness of such low threshold support.

In addition, the HLS commissions sci-

entific studies into the living situation of people of Roma origin in Germany. In 2016, for instance, a study was conducted on the rights of children in the Bamberg deportation centre. The study shows how the rights of child refugees, most of whom are of Roma origin, are violated by the Bavarian authorities. Another example is the aforementioned study on the educational achievement of female Sinti and Roma that was commissioned by HLS and completed in January 2017.

THE FUTURE OF PEOPLE OF ROMA ORIGIN

Opinion polls from the last 20 years show that up to 60% of respondents disapprove of Sinti and Roma, do not want them as neighbours, or even demand their deportation from Germany. There is no regard for the fact that they are a national minority that has been living in Germany for more than 600 years. The media has played its part in ethnicising poverty, immigration and criminal behaviour. Moreover, antigypsyism is not recognised as a grounds for granting asylum, although it is the very reason for which many people flee from the Balkans.⁴² They are denied equal access to education, work, housing and healthcare because they are Roma. This exclusion and marginalisation has thrown these groups into destitution. Mainstream society demands that minor-

⁴² In Germany and other Western European countries, Roma are generally represented by the media and in political discourses as poor and marginalised. Many migrants from Romania and Bulgaria have indeed faced poverty. Not all of them, however, are Roma. These EU citizens are regularly depicted as Roma who have come to the more prosperous EU Member States to abuse the social security systems there. Roma asylum seekers are denied asylum although they face systematic discrimination and even racist violence because they are Roma - Ed.

ities integrate. But what does integration really mean? It is about employing specific measures to ensure that the “other” becomes part of the group. But how can this other become part of mainstream society, if he or she is fundamentally rejected, as is the case with the Sinti and Roma minority? Sinti and Roma are, after all, rejected by one in two German citizens and under no circumstance wanted as neighbours. Integration should provide the opportunity for people to participate in society on equal terms, not just on the condition that they reject their own traditions and origins.

Against a backdrop of severe discrimination and massive marginalisation, Germany needs to develop a forward-looking minority policy that supports Sinti and Roma and is in tune with European standards. The key recommendation regarding educational policies is to establish sustainable structures for the recognition and participation of Sinti and Roma in society, to enable the initiation and development of successful trajectories in early childhood education, schools, training, and adult education. This is why people of Roma origin must be involved – with equal rights and on an equal footing – in designing solutions to promote inclusion and remove barriers. Antigypsyism is one of the strongest forms of racism, and Sinti and Roma experience more discrimination than any other group in Europe and yet there is more of a taboo around acknowledging antigypsyism, particularly in politics, than there is around any other form of racism.

ENERGY-POVERTY AND ROMA POLICIES: THE VITAL LINKS

BENEDEK JÁVOR, MEP



As a politician whose main field of expertise is energy and the environment, I would like to draw attention to the interplay between discrimination against Roma and energy policy, highlighting the way in which these issues are deeply interlinked. Only an inclusive energy policy can be sustainable and climate friendly in the long term. In this article, I would like to present the state of play as regards the access of Roma communities to basic energy services, and introduce a project to improve the situation in a practical way. It is an initiative that I have been supporting, and I believe it is a good practice that could be extended in Central and Eastern Europe.

While being Roma does not equate to being poor, there is clearly a link. According to Zsuzsa Ferge, one of Hungary's most influential sociologists, among those living in the most extreme poverty in Hungary, Roma are not the majority. Belonging to the Roma minority is, however, an

important poverty risk factor.⁴³ In 2009, TÁRKI Social Research Institute found that the poverty rate among Roma was 70%, as it had been in 2000.

As the Hungarian Central Statistical Office writes in its most recent labour market overview,⁴⁴ 80% of Roma aged 15-64 have only completed elementary school, compared to 20% of non-Roma. This also affects their position on the labour market: 39.3% of Roma are employed compared to a national average of 64.9%; 28.3% of Roma are officially unemployed compared to 6.2% of the total population. Furthermore, almost 60% of Roma in the 18-24 age range are early school leavers while the same is true for just 8.9% of non-Roma. More than 40% of Roma youth are NEET (Neither in Education, Employment or Training) compared to 9.8% of non-Roma.

These numbers clearly show that Hungarian society has not given its Roma

⁴³ Sociological research and studies estimate the number of Roma to be about 6-7% of the total population. Roma population statistics are problematic, as they are calculated on the basis of citizens' personal assertions only. According to the latest census (2011), however, 315,000 people claimed to belong to the Roma minority

⁴⁴ <http://www.ksh.hu/docs/hun/xftp/idoszaki/munkerohelyz/munkerohelyz15.pdf>



population any real opportunities since 1989. On the contrary, Roma have had fewer and fewer opportunities to break out from the vicious circle of poverty. Poverty itself has an enormous effect on the living standards of these people: around 35-40% – in other words 3.3-3.8 million, or approximately 800,000 families – live below the poverty line. They have serious problems in covering their day-to-day living costs, many cannot pay their bills (including utilities and other maintenance costs), and they have no savings to cover unexpected healthcare costs or a new pair of glasses, for example.

If we take a closer look at the structure of household spending, heating and light-

ing are among the most significant costs. Given that families living in energy poverty spend 30-45% of their income on heating over the winter, this is of crucial importance. According to research into the potential energy efficiency of buildings in Hungary,⁴⁵ 22% of households heat solely with wood, 11% with gas and wood, 12% only use a stove, and 10% use a stove in combination with other heating systems.

The price of coal and wood has been steadily increasing over the last 5-7 years, while the price of gas has risen to match the European Union average. When it comes to the cost of heating as a proportion of wages, the situation in

⁴⁵ <http://negajoule.eu/>

Hungary is particularly difficult (only Bulgaria occupies a worse position in the EU). Similarly, the prices of electricity are almost as high as the European Union average, but the relative costs, compared to income, are much higher.

Furthermore, in the most disadvantaged regions, such as northeast Hungary, it costs HUF 45,000 (approx. €150) to heat just one room while the average net salary is HUF 52,000 (approx. €170) per month. Under these circumstances, an increasing number of families find themselves in an extremely difficult financial situation and are unable to pay for electricity.

Two-thirds of Roma live in rural areas, an extremely large proportion of which are very segregated. Housing conditions are comparable to those of the developing world, and more than half of houses have no proper insulation and so suffer from mould. Poor living conditions have a direct effect on the health status of Roma. Life expectancy at birth is ten years below the national average. Although there are no statistics on segregation in housing, it is common knowledge that a large number of Roma families living in segregated areas cannot usually afford to pay for electricity and therefore have either only limited access to services (at the beginning of the month when they can top up their prepaid electric metre) or no electricity

at all. Furthermore, most of those living in extreme poverty spend their income on basic items to satisfy their most fundamental needs, with no prospect of a better future. Permanent hunger or a low energy intake also takes its toll: at the beginning it only causes fatigue, a significant reduction in the ability to work and a lack of interest in one's own life. Later, it causes depression, antisocial behaviour and finally the complete inability to work.

Only a few programmes have been initiated by the government however. Action is scarce, political will lacking, and the scant programmes that have been set up are poorly designed. The two most relevant programmes are the workfare programme and a programme to provide help with heating costs in settlements with fewer than 5,000 inhabitants, both of which reinforce dependency on national subsidies and often do not reach the most disadvantaged people because selection criteria are poorly devised.

Meanwhile, Hungary enjoys a relatively high number of sunshine hours compared to the rest of Europe⁴⁶ and there is ample potential for household photovoltaics⁴⁷ but using green energy remains the privilege of the upper-middle classes. Moreover, the use of alternative, sustainable energy “do it yourself tools” is not widespread.

⁴⁶ While the average sunshine duration in Germany is 1,600 hours, in Hungary it can reach up to 2,000 hours in the south, which equates to 4800-4900 MJ/m² of energy a year.

⁴⁷ See Alternative and Sustainable Energy Scenarios for Hungary, 2016: <http://zma.hu/sites/default/files/ASES-ENG%20201611.pdf>

Taking into account the complexity of – and links between – the aforementioned problems, recent initiatives have attempted to promote sustainable, renewable, system-based, small-scale and independent energy sources among the most disadvantaged households.

The Romaversitas Foundation, a small NGO, established, organised and directed by Roma themselves, started work in this field years ago. They do a simple job: training Roma people in very basic tasks like making a solar powered, island type, 12 volt LED-light system for the poorest households. The kit is assembled from a 60-120 W solar panel – which can be bought almost everywhere nowadays (even from web shops), a cheap control unit, a car/motor/moped battery and a few metres of easily customisable (and quite affordable) LED strips. With some DIY knowledge and the necessary switches and wires, the whole kit can be assembled within a few hours. The Romaversitas foundation argues that it is possible to teach these DIY techniques to literally anyone regardless of their age, gender, education or level of poverty. The youngest ever person to have been trained was a 10-year-old girl (she was actually

the best achiever in her group). Children are the biggest beneficiaries of the programme. The light systems provide light in their room (if they have one), or simply a well-lit corner where they can do their homework. There is no need to fear night time darkness any longer and there are more hours to socialise, especially in the winter. Most importantly, however, these systems cannot be withdrawn or cut off by the local electricity supplier.

In the summer of 2016, I gave my personal support to the programme, helping to install the system in poor households in Bicske. I believe that they are on the right track. In order to make the poorest families less dependent on any national subsidy systems, we must begin by making efforts to disseminate the idea, and then find funds to support it. In my work as an MEP, I endeavour to promote this good practice and ensure that such small-scale yet vital infrastructure investment can find funding. It is our belief that fighting for Roma inclusion is part of combating antigypsyism. Social inclusion will empower Roma to exercise their civil rights and fight against discrimination and racism more effectively.



THE POLITICAL DIMENSION OF ANTIGYPSYISM

ANTIGYPSYISM IN ELECTION CAMPAIGNS

CENTRAL COUNCIL OF GERMAN SINTI AND ROMA



Preparations for Romani Resistance Day on 16 May, in Budapest, 2015.
(Photo credit: PhirenAmenca)

Roma and Sinti⁴⁸ in Europe are frequently targeted by racism, hate speech and incitement, in particular during election campaigns. Politicians, not just from the far-right but also from mainstream political parties, often draw on resentment and prejudice against Roma and Sinti in order to win votes through populist strategies and the scapegoating of minorities. It is mainstream parties that often legitimise antigypsyism thereby making it socially acceptable. Institutions and political leaders in Europe need to demonstrate a clear political will to sanction and ban antigypsyism in the same way as antisemitism.

THE 2013 NPD RACIST ELECTION CAMPAIGN IN GERMANY

The following case from Germany shows how an election campaign run by a far-right party strengthened prejudice against Sinti and Roma. In its 2013 campaign, the National Democratic Party of Germany (NPD), an extreme right-wing party which reveres the Nazi regime, systematically targeted our minority with

racism, discriminatory hate speech and incitement – as expressed in its posters and leaflets. Minorities had not been publicly excluded in such a manner or to such a degree in Germany since 1945. In the NPD's call to boycott with a poster that exclaimed, "Money for grandma instead of for Sinti and Roma!" and with "Stop the gypsy flood!" leaflets picturing a gun and a knife, Sinti and Roma were represented as a threat to the population. The calls made by the NPD were analogous to the calls for an antisemitic boycott made by the Nazis, who, using the slogan, "Do not buy from Jews!" excluded a minority from society in just the same way.

This campaign constituted a massive action of group-focused enmity directed towards a minority that has been based in Germany for centuries. Sinti and Roma were exposed to a state-organised genocide under National Socialism, which was initiated and justified using the same methods as those used against Jews. Nearly 70 years after the Holocaust, there can be no place for such incitement to racial hatred.

⁴⁸ The author uses the term Sinti and Roma because historically, Sinti have constituted the largest group. The majority of Roma came to Germany in various migration waves from the 1970s.

The strategy behind this approach is easy to understand. The NPD tried to exploit the population's fear over the security of pensions in order to incite hatred against the minority and draw political capital from it. The right-wing extremists know that some parts of our society are sympathetic to such strategies – as they are to antisemitic slogans.

A number of German mayors intervened against the NPD's poster campaign because of its inciting character. They deserve great respect. It is a shameful and scandalous reflection on our democratic legal system that they were forced by the administrative courts to re-hang the posters. These decisions clearly lack historical sensitivity or an awareness that such incitement is prohibited by international treaties, such as the *UN Convention on the Elimination of All Forms of Racial Discrimination*, the *International Covenant on Civil and Political Rights*, the *Council of Europe Framework Convention for the Protection of National Minorities*, the *EU Charter of Fundamental Rights*, the *EU Racial Equality Directive (2000/43/EC)* and the *Council Framework Decision 2008/913/JHA on combating certain forms and expressions of racism and xenophobia by means of*

criminal law. These legal prohibitions define boundaries for freedom of expression to be respected and enforced in Germany and all over Europe⁴⁹.

CASE STUDIES IN SPAIN, HUNGARY, SLOVAKIA AND BULGARIA

Political parties in Eastern and Western Europe such as Ataka in Bulgaria, Jobbik in Hungary, the Lega Nord in Italy, and the Front National in France run their election campaigns largely based on hate speech against Roma, refugees and other groups. We must assume that there is a direct link between the violent attacks on Roma and Sinti in various European countries and the antigypsyist and racist rhetoric of sections of the political elite. The Central Council of German Sinti and Roma recently published four case studies about antigypsyism in public discourse and election campaigns.⁵⁰

A case study by PhD Henriett Dinók on the city of Miskolc in North-Eastern Hungary shows how anti-Roma rhetoric was used as a vote-winning strategy not just by the far-right party Jobbik, but also by mainstream political parties. This even-

tually led to illegal evictions and human rights violations. In 2014, Jobbik launched their national campaign in Miskolc basing it on anti-Roma sentiment that they framed as a public security concern⁵¹. Then, in the local elections that followed, the right-wing FIDESZ party, and the left-wing MSZP and DK parties also supported candidates that used anti-Roma statements in an opportunistic way. This anti-Roma discourse around public security paved the way for the local government to change its social housing policies with the aim of evicting Roma from the so-called “Numbered Streets” slum. Although the Supreme Court, the Commissioner for Fundamental Rights, and the Equal Treatment Authority intervened against the evictions carried out by the Miskolc municipality, the evictions and discrimination continued. In 2016, International Organisations such as the OSCE Office for Democratic Institutions and Human Rights called on the Miskolc authorities to stop evictions and to provide sustainable housing solutions based on human rights standards.⁵²

A similar case study on Bulgaria by Ognyan Isaev highlights how the antigypsyism that was prevalent in the run-up

to local elections encouraged the local municipality of Garmen to carry out forced evictions of Roma in the summer of 2015. In spite of urgent interim measures taken by the European Court of Human Rights, the municipality violated international standards on evictions and demolished various Roma houses, which they declared illegally built. The case study also points out that another municipality, Kyustendil, had obstructed Roma and excluded them from voting. In its fifth report on Bulgaria, the European Commission against Racism and Intolerance (ECRI) expressed its concerns about nationalist and fascist political parties spreading anti-Roma hatred, and the ease with which these extremist parties obtain official recognition and state subsidies.⁵³ (See article by Atanas Zahariev on hate speech in Bulgaria and Hungary for complementary analysis.)

A case study by policy analyst Ismael Cortés, analyses the election campaign conducted by the conservative People's Party in Badalona in 2010/2011 (Catalonia, Spain). Basing their election campaign on a very strong anti-Roma discourse, the People's Party won the local elections in May 2011 with a majority in 28 out of 34 districts. The leader of the

49 The German Ministry of Justice and Consumers commissioned an expertise by Prof. Stefanie Schmahl, Professor of German and Foreign Public Law, Public International Law and European Law at the Julius-Maximilians-Universität Würzburg. The expertise confirmed that racist and xenophobic election campaign posters threaten public security and order. Weighing up the freedom of opinion and of political parties, Prof. Schmahl concludes that, on the basis of human rights norms, there is a public duty to protect those targeted by the racist election campaign posters. The expertise can be found, in German, at: http://www.jura.uni-wuerzburg.de/fileadmin/02140200/user_upload/Aktuelles_Ankuendigungen/Gutachten_Wahlkampfplakate.pdf

50 Central Council of German Sinti and Roma 2017: *Antigypsyism in public discourses and election campaigns*, Heidelberg.

51 Jobbik's rise over the last 15 years in the heart of Hungarian society has been alarming. Support for Jobbik in the Hungarian parliamentary elections rose from 2.2% in 2006 to 20.22% in 2016. In the 2014 European parliamentary elections, Jobbik obtained 14.67% - Ed.

52 OSCE-ODIHR 2016: *The Housing Rights of Roma in Miskolc, Hungary*. Report on the ODIHR Field Assessment Visit to Hungary, 29 June – 1 July 2015, available online at <http://www.osce.org/odihr/262026?download=true>, and OSCE-ODIHR press release of 1 September 2016 <http://www.osce.org/odihr/262051>.

53 ECRI 2014: *ECRI report on Bulgaria (fifth monitoring cycle)*, available online at <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf>

party, Xavier García Albiol, distributed 15,000 leaflets associating Roma immigrants with criminality and stigmatizing the entire minority as a “cultural group driven by principles that work against the values and lifestyle of the local majority”. The campaign spread anti-Roma hate speech in political meetings and across the media. The Spanish Council for the Elimination of Racial or Ethnic Discrimination denounced Xavier Albiol’s behaviour, while SOS Racisme and the Catalanian Federation of Gitanos Associations (FAGIC) denounced Albiol for incitement and hatred. In December 2013, however, Barcelona’s Criminal Court No.18 declared him innocent. The case study concludes that antigypsyism is deeply rooted in society, both in people’s minds and in state institutions. It goes on to identify three types of reaction to the anti-Roma incitement: a social reaction - the People’s Party was not sanctioned for its campaign but voted into office; a judiciary reaction - the politician, Albiol, was declared innocent of acts of discrimination and spreading hate speech by the Criminal Court of Barcelona which effectively accepted Albiol’s racist arguments; and, last but not least, a political reaction: the People’s Party never considered sanctioning Albiol; in contrast, they even promoted him to presidential candidate for the subsequent regional elections.

A case study by Marek Szilvasi analysing anti-Roma election campaigns in Slovakia between 2010 and 2014, concludes that, “Slovakia is among the countries where anti-Roma attitudes have become a permanent part of the pre-election struggle of political parties. Political par-

ties and individual politicians in Slovakia frequently employ populist appeals to tackle ‘Roma criminality’, to limit the reproductive possibilities of Roma, to bulldoze their settlements, or cut their access to welfare services; thus, they contribute to and reinforce the ethnic tensions in the country.” During the 2012 elections, the Slovak National Party, which formed a coalition government with the social-democratic SMER Party from 2006 to 2010, ran an intensive and racist anti-Roma billboard campaign. However, mainstream political parties, such as Freedom and Solidarity (SaS) and the Slovak Democratic and Christian Union – Democratic Party (SDKU-DS), two right-liberal parties, also used allegations of Roma’s dependency on social benefits in their campaigns. The far-right “People’s Party Our Slovakia” officially included the anti-Roma agenda in its party programme, and the leader Mr Kotleba successfully won the 2014 elections to become head of the Banská Bystrica region. Mr Kotleba appointed Dr Vladimír Gürtler to an administrative position. Gürtler was the leader of “The Magnificent Seven”, the regional political party that promised radical action, such as the sterilization of Romani women with a 10,000 euro bonus for volunteers, or evictions and free, one-way flights to Brussels for Roma.

THE NEED TO SANCTION ANTIGYPSYISM

Not only is antigypsyism a direct threat to Roma and Sinti in Europe, but it also constitutes a threat to our democracy and our community of values. It falls to state institutions to ban and sanction antigypsyism as well as antisemitism.

We need political leadership to confront antigypsyism by countering prejudice, discrimination, hate speech and hate crimes against Roma and Sinti and to publicly confront and condemn anti-Roma rhetoric and racist violence. Political parties should support and respect the commitments made in the *Charter of European Political Parties for a non-racist Society*; they should refrain from and sanction any behaviour that stirs preju-

dices, hostility and division between people of different ethnic or national origins or religious beliefs. Governments are required to fulfil their own legal commitments and to enforce the relevant international agreements such as the Council of Europe’s *Framework Convention for the Protection of National Minorities*, which prohibits any discrimination on the grounds of membership of a national minority.

HATE CRIME AND HATE SPEECH AGAINST ROMA IN BULGARIA, THE CZECH REPUBLIC AND HUNGARY

ATANAS ZAHARIEV (EUROPEAN ROMA RIGHTS CENTRE)



Commemoration of the first anniversary of the death of three Roma men, murdered by a police officer in an antigypsyist attack in Hurbanovo, Slovakia in 2012. (Photo credit: European Roma Rights Centre - ERRC)

Hate crime and hate speech against Romani individuals have become far too frequent in recent years. However, the underlying problem goes deeper. Antigypsyism is, to a large extent, considered socially acceptable⁵⁴. Often, anti-Roma speeches, and even explicit forms of racist crimes are deemed socially acceptable, tolerated and normalised. In spite of the efforts of various stakeholders, recognition of this particular form of racism is still a way off.

The European Roma Rights Centre (ERRC)⁵⁵ has identified a number of serious crimes committed against Romani individuals, however, courts rarely enforce their judgments.⁵⁶ In a number of instances, European bodies and institutions have flagged the lack of prosecutions of hate crimes committed against Roma people but little has changed over the last decade. Mainstream media and politicians frequently use abusive language, feeding negative stereotypes and instigating

hate – often leading to anti-Roma protests, violence against Romani individuals and communities and the ongoing segregation of Roma across Europe. Often, racially motivated crimes against Roma are either defined as non-existent or unjustly found to be an expression of xenophobia, community grievances or simply domestic crime. Striking examples are found all over Europe although more frequent and explicit forms of violence against Romani individuals occur in the Czech Republic, Bulgaria, and Hungary.

Organised neo-Nazi groups that share anti-Roma views often threaten Roma communities in these three countries. In Bulgaria and Hungary, these neo-Nazis have clear links to – or are even directly represented by – fascist political fractions. Jobbik in Hungary and Ataka in Bulgaria are both fascist parties with a very clear anti-Roma agenda. Their antigypsyist views are implemented by their paramil-

⁵⁴ See: <http://antigypsyism.eu/wp-content/uploads/2016/10/Antigypsyism-reference-paper-Layouted-version.pdf>

⁵⁵ See: <http://www.errc.org/about-us-overview>

⁵⁶ See: <http://www.errc.org/blog/combating-hate-crime-against-roma-in-the-courts/93>

itary arms, directly or indirectly, leading to outbreaks of violence. In most cases, their violent marches or rallies remain unpunished.

Although legislation exists in countries such as Bulgaria to define “racially motivated crime”, only one case of violence against a Romani individual has been recognised as such so far. In April 2016, Mitko, a 17-year-old boy from the village of Ovchepoltsi, was brutally beaten and kicked by Angel Kaleev, a 24-year-old man, after he told him they were equal regardless of their different ethnic background.⁵⁷ Kaleev filmed his crime and uploaded it to the internet where it quickly received thousands of views. Kaleev admitted to his crime and its racist motives. Initially, the court denied that the attack had been racially motivated, insisting that the motives were xenophobic. It was only because of international pressure that the court referred for the very first time, in its final judgement, to art.162 of the Bulgarian Penal Code, which prosecutes racially motivated violence and incitement to discrimination. This pressure was linked to the international RomaAreEqual campaign launched by the European Roma Rights Centre to demand justice, and the national #WeAreEqual campaign launched by Amalipe, the Center for Interethnic Dialogue and Tolerance, as well as the outcry of international institutions, national and

international NGOs, human rights professionals, and activists.

However, it is rare to see hate crimes against Roma being prosecuted in the European context. A recent case from the Czech Republic provides an example of how racially motivated crime against Roma is dealt with in the worst case. On 18 October 2016, a 27-year-old Romani man was killed in a pizzeria in Zatec⁵⁸ after getting involved in a fight with employees and the police. The man was reported to have been acting strangely and was harassing female customers. This led to a fight where he was beaten up by at least four men who appeared to have been trained in martial arts. When the police arrived, they allegedly beat the Romani man further, or at least did not manage to protect him from the attackers. As a result, he collapsed on the floor, restrained by the police. The man died shortly afterwards. The subsequent autopsy found that his death had not been caused by third party intervention, such as the severe injuries inflicted by the attackers or the alleged police violence. The police investigation is ongoing and although findings so far have not pointed to a racially motivated crime, it seems likely that the murder was motivated by racial hate. The prevalence of antigypsyism in the Czech Republic gives grounds to consider the possible racial motives of such a crime, particularly within a system historically

57 See: <http://www.errc.org/article/romani-boy-attacked-in-bulgaria-for-declaring-himself-equal/4473>

58 See: <http://www.errc.org/article/no-arrests-after-romani-man-beaten-to-death-in-czech-republic/4526>

burdened with anti-Roma attitudes and actions. In 2009, research found that 32% of Roma in the Czech Republic were reported to have been victims of hate speech and hate crime.⁵⁹ However, “victims often do not report offences to police because they fear retaliation and due to the discriminatory attitude of law enforcement authorities.”⁶⁰ This seems to provide a concrete example of the lack of protection from antigypsyist attitudes within the police force and law enforcement authorities.

Unlike acts of violence, hate speech against Romani individuals often remains under the radar of national anti-discrimination bodies across the EU. Anti-Roma rhetoric becomes particularly fervent prior to elections and during election campaigns. The 2016 Bulgarian presidential elections are a case in point. The debate focused once again on resolving Bulgaria’s demographic, socio-cultural and economic problems by cracking down on “gypsies” who are a burden and a menace to the local population particularly the elderly and those living in rural areas. The candidate for the fascist United Patriots party, Krasimir Karakachanov, who won a large portion of the national vote (just under 15%),

relied on such discourses. His campaign was awash with anti-Roma, anti-Turkish and anti-refugee discourse and slogans, which were quoted and spread by national and local media. Karakachanov’s campaign was built around promises to “end the demographic catastrophe” and “promote literate fertility through tax breaks”. It espoused policies with a clear ethnic bias against Romani families. The antigypsyist fertility discourse where he claimed:

Gypsy families have turned giving birth into a business. They live on social assistance, do not pay their electricity and water, and harass people in small towns⁶¹

was one of the low points of his campaign. He repeatedly stressed that he would, “stop Gypsy raids and everyday [Gypsy] crime”⁶² Other candidates have expressed similar views. Nikolay Barekov, leader of “Bulgaria Without Censorship”, a new, populist party founded in 2014, and a Member of the European Parliament, has issued a statement announcing the creation of a new party by end of the year. Among the party’s main priorities are: “deporting the Roma to India”⁶³ by refusing their right to citizen-

59 See: https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Czech_Republic/CZE-CbC-IV-2009-030-ENG.pdf

60 See: <http://www.errc.org/cms/upload/file/2015-eu-roma-framework-written-comments-19-february-2016.pdf>

61 See: <http://www.dnes.bg/izbori-16/2016/11/01/karakachanov-niama-da-dopusna-bylgarite-da-izdyrjat-nelegalnite-imigranti.320567>

62 See: <http://www.dnes.bg/izbori-16/2016/11/01/karakachanov-niama-da-dopusna-bylgarite-da-izdyrjat-nelegalnite-imigranti.320567>

63 See: http://www.dnevnik.bg/bulgaria/2016/11/25/2871242_predozirane_barekov_iska_ekstradirane_na_romite_v/

ship as well as “the deportation of Syrian refugees by plane”.⁶⁴

Politicians in Hungary have provided similar arguments against the Roma community. The Hungarian Prime minister, Viktor Orbán, has made anti-Roma remarks on a number of occasions, referring to Roma as the “inherited burden of the state”, with which Hungarians must live. Meanwhile the fascist party, Jobbik, which has grown to become the second largest political party in the country, could be said to be defined by its use of anti-Roma rhetoric to mobilise voters. The party frequently attributes ethnicity to crimes using the term “gypsy criminality”. During the 2014 election campaign in Ózd, a city with a population of 35,000, the party prioritised “solving the Roma question” through the voluntary or involuntary expulsion of Roma.⁶⁵

The hate faced by Romani people in Hungary often goes far beyond hate speech. As the most recent European Commission against Racism and Intolerance (ECRI) report points out, “racist violence against Roma is one of the most important problems in Hungary”.⁶⁶ The report goes on to mention that, “paramilitary groups have been marching and organ-

ising demonstrations and illegal patrols in villages, harassing and intimidating the Roma community in their own neighbourhoods”. Between January 2008 and September 2012, 61 racist attacks targeting Roma occurred, resulting in the deaths of nine people including two minors. However, in a number of cases, national institutions fail to bring justice to Roma. There is a clear need for intervention from watchdog organisations when it comes to ensuring that the justice system adequately responds to instances of ethnically motivated hate crimes. When the European Roma Rights Centre (ERRC) brought the case of *Balasz vs. Hungary*⁶⁷ to the European Court of Human Rights for example, Hungary was condemned for discrimination in failing to investigate a hate crime where a man claiming to be a police officer had attacked a Romani man.

As Orsolya Szabó clearly stated in her 8 April speech,⁶⁸ the legislation to tackle anti-Roma crime – whether verbal or non-verbal – is in place and European legislation covers the notion of racially motivated crime and hate speech. In countries such as Bulgaria, the Czech Republic and Hungary, legislation exists to allow national and local authorities

64 See: https://www.offnews.bg/news/Obshtestvo_4/Barekov-Da-ekstradirame-romite-v-rodната-im-Indiia_640782.html

65 See: <http://uk.reuters.com/article/uk-hungary-farright-municipal-idUKKCN0I21WA20141013>
<http://www.errc.org/blog/10-things-they-said-about-roma-in-hungary/83>

66 See: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-V-2015-19-ENG.pdf>

67 See: <http://www.errc.org/article/hungary-condemned-by-the-european-court-of-human-rights-for-failing-to-investigate-racist-attack-against-a-roma-man/4427>

68 See: <http://blog.nohatespeechmovement.org/hate-speech-against-roma-and-its-assimilation-into-political-discourse-in-europe/>

to tackle the phenomenon of hate crime and hate speech; however, the actual implementation is still severely lacking. In most cases, Roma are not granted justice even though they are the primary victims of hate speech and hate crime. In Hungary, for example, 62% of the recorded cases⁶⁹ of hate speech target Roma. In Bulgaria, the figures are even more striking – over 90% of hate speech⁷⁰ is directed at the country’s Roma communities and yet the Bulgarian courts have so far only once called out racist crime for what it is. As ERRC lawyer, Nicole Garbin has stressed, “the failure to investigate cases of violence against Roma is indicative of the scale of institutional racism”⁷¹. This is not just the case in the Czech Republic, Bulgaria or Hungary, or even Eastern Europe, but throughout the continent. Hate against Roma is widely expressed and largely considered acceptable. These clear antigypsyist views have been articulated both by rising far-right, neo-Nazi, populist parties, and mainstream parties too.

In a time of complete disregard for Roma rights and rising antigypsyism in Europe, the role of watchdog organisations

that flag violations of the human rights of Europe’s most discriminated minority and advocate for justice, becomes all the more important. Europe has so far failed to address racism towards Roma and the situation of Roma communities has worsened rather than improved. As Đorđe Jovanović, President of the ERRC puts it, “we are still fighting the same battle as 20 years ago. The setting has changed, but the nature of the cases and the type of violations against Roma remain identical”. Although the legal European framework to address racism exists, national and local authorities fail to enforce it. National and local Roma integration strategies often fail to address the “root cause” of the main threat to Roma – the rise of antigypsyism. If anti-discrimination legislation is not actually enforced at the national and local level, and violations of the rights of Roma are not properly prosecuted, we cannot expect any progress on Roma issues. Midway to meeting the goals of the National Strategies for Roma Integration in 2020, we need to return to the core of the problem. Unless we address it, Roma integration is doomed to fail.

69 See: <https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-V-2015-19-ENG.pdf>

70 See: <http://www.balkaninsight.com/en/article/experts-warn-against-epidemic-of-hate-speech-in-bulgaria-03-28-2016>

71 See: <http://www.errc.org/blog/combating-hate-crime-against-roma-in-the-courts/93>

THE PERSECUTION OF ROMA NGOS IN HUNGARY AND EUROPE'S RESPONSIBILITY

GÁBOR DARÓCZI, ROMAVERSITAS FOUNDATION



In September 2016, news spread in the Hungarian media that four organisations: the National and Ethnic Minorities' Rights Office (NEKI), the Roma Press Centre (RSK), the Chance for Children Foundation (CFCF) and the Romaversitas Foundation were on the verge of being shut down. A few weeks later, the building housing the emblematic Roma organisations of the 1989 regime change, namely the Phralipe (Brotherhood) and the Roma Parliament, was reclaimed by the state with an announcement that it would be replaced by a state-run Roma institution at some point in the near future. In almost perfect parallel to these events, after-school education centres were denied EU grant programme funding. With a 20-year history of dealing with Roma people experiencing real poverty, these centres probably carry out the most important tasks in the field. Even in the call for proposals, it was foreseen that they would be among the grant's beneficiaries.

■ The Chance for Children Foundation (CFCF) was founded in 2004 to strive for equal rights for Roma children in education and to use strategic court trials to

achieve compliance with the laws prescribing equal treatment.

- The National and Ethnic Minorities' Rights Office (NEKI) was the first important civil society organisation to work on the protection of the rights of minorities in Hungary. The institution, founded in 1993, sacked its employees in the middle of 2016 and now only carries out projects that will soon (from early 2017) come to an end.
- The Roma Press Centre (RSK) has been working ever since 1995 to ensure that minorities (especially Roma people) are represented in the Hungarian public sphere in a way that avoids confirming pre-conceived ideas or using clichés and stereotypes. At the time of writing, the RSK was about to suspend its activities for an uncertain period.
- Romaversitas has been the most important non-governmental scholarship and mentor programme for Roma students in higher education since 1997. Romaversitas did not initiate a recruitment process for the 2016-17 semester and rescheduled its plans at the beginning of 2017.
- The Hungarian Roma Parliament was founded in 1990 by civil society organi-

sations as the first non-governmental coordinating organisation for the Roma people. According to its founding principle, it serves to promote the interests of the Roma people; it runs institutions, coordinates cultural programmes and operates a civil rights office in order to comprehensively change the situation of Roma in Hungary as well as realise and promote their interests. It inspires, informs and coordinates the civic self-organisation of the Roma people.

- *Phralipe (Brotherhood) Independent Roma Organisation* has amongst its aims to uphold the constitutional, human and minority rights, as well as the protection and extension of the collective rights and identity of the Roma people.



Although these “endangered organisations” differ from each other quite extensively, they do share some common traits, chiefly in that they all cause constant headaches to the government, especially when they cooperate. Obviously, the fact that there have been more problems in recent years than there have in the

last 20 years put together, is nothing to do with these organisations themselves. Life is not easy for civil rights organisations either: the current government is hardly ever satisfied with anything they do. It is enough to consider the work NEKI carried out during the Miskolc evictions⁷² or the CFCF’s investigative work in connection to the infringement procedure initiated by the European Commission against Hungary in May 2016⁷³ because of the systematic segregation of Roma children in schools. As regards the issues in Miskolc, it was the OSCE (Organization for Security and Co-operation in Europe) that first demanded loud and clear that the government and local municipality immediately end the eviction of Roma families, find a permanent housing solution for them, and respect their rights as set out in the *EU Charter of Fundamental Rights*. In the case of the discrimination of Roma children in schools, the government retreated in October after coming under pressure from Brussels, and repealed its most severe law, which made certain schools exempt from equal rights law. The Roma Parliament and Phralipe, the first legally registered Roma organisations, have played an undoubtedly important role since the ‘89 regime change. They have taken a stand on numerous issues, and have frequently demanded a place for the Roma in the political sphere.

The role of such organisations in a well-functioning democracy is obvious. Organisations dealing with the protection and promotion of civil rights are best de-

⁷² See: <http://www.osce.org/odihr/262051>

⁷³ See: http://europa.eu/rapid/press-release_MEMO-16-1823_en.htm

scribed as the fire-alarm system in a well-equipped house. They might be extremely loud and annoying when in operation, but a good owner is less concerned about stopping the noise than about finding out what caused the alarm in the first place. And the cause today is often institutionalised segregation, now ubiquitous discrimination or simply the controlled and unjust distribution of EU and national funds. Intentionally weakening these organisations fits into a larger trend of political control. Loud citizens and organisations – especially those whose voice is echoed internationally – are, like representatives of the independent media, attacked and weakened by the authorities, one by one. Perhaps the existence of an official list (as is the case in Russia and Turkey) of loud and active civilians who are considered “enemies of the nation”, “traitors of democracy” or “paid investigators” is not such a long way off.

Looking at the examples of neighbouring countries, it is apparent that organisations that can stand up to their current governments, dare to take on worthwhile battles, and demand accountability and transparency do a far from easy job. All of us depend heavily on grants and large donors, and many of us, unfortunately, depend on national and EU funds as well. The majority of small and medium enterprises in Hungary have not been able to get back on their feet since the financial crisis of 2008. Furthermore, the concept of corporate social responsibility is still to this day unknown to many of them. Big companies might not consider it worthwhile funding an organisation that is barely tolerated if it might jeopardise the status of one of their special programmes

or state procurements. Looking beyond all of the above, we also have to recognise that the countries of Central and Eastern Europe have failed to produce a Roma middle class that would be able to assist or support these types of organisations with donations, regular funds, or even a significant amount of voluntary work.



In the current situation, however, it is of paramount importance to ask how the EU, regarded as the primary guardian of democracy, responds to these developments. The short answer, of course, is that it does not respond at all. After all, there are no grant proposals to support the smaller but most effective organisations that operate in the field, those organisations that would put such funds to good use. On the contrary, grants with a similar focus are regularly won by large consortia (or more precisely, the requirements of grant proposals are designed to preclude everyone else). These large consortia may in many ways be more professional than small NGOs, but they are as far from the target group – in every respect – as the state bodies striving to disable the NGOs. On closer examination, the situation is even worse. The National Roma Minority Self-government

(ORÖ), which cooperates with the government, spends billions of euros with an almost total lack of transparency. In spite of dozens of reports pointing to suspected fraud and abuse of office, the council continues to waste public money without hindrance. It is EU money that funds those often redundant and useless projects that only exacerbate the situation of Roma. It is EU money that is used to establish those schools that were set up to exclude Roma or children from disadvantaged families. It is EU money that is used to set up Roma colleges whose primary concern is to educate a government-devoted Roma youth. The EU institutions clearly hold responsibility in choosing not to follow the path the Norwegian government has pioneered. The Norwegian government uses a different method to disburse EEA grants: the national managing authorities are not the

only and ultimate bodies to distribute funds. Well selected and well prepared larger, national NGOs – or even NGO consortia – are responsible for maintaining a responsive, cost effective, grassroots support system. In addition to its technical and user friendly advantages, this system gives national NGOs a chance to develop programmes that might be capable of confronting national authorities or even implementing programmes that focus on the government's imperfection, mistakes or even fraud.

These days most national NGOs that operate in the field are quite frustrated to observe from the side-lines as EU funds are spent in a way that deepens the gap between the poorest, most disadvantaged and marginalised from other strata of society, even if this is not the donors' intention.



THE REPRESENTATION OF THE INTERESTS OF ROMA PEOPLE IN HUNGARY: A RECIPE FOR FAILURE

BENEDEK JÁVOR, MEP



The history of Roma representation in Hungary following the regime change includes a concentrated dose of lessons of failure. Even if the government had only limited intentions of giving a voice to Roma, and opportunities to improve the situation have been scarce, Roma representation in the country can be considered a failure as very little has come of it. In spite of the hundreds of billions of forints spent and the great efforts made by some groups over the last quarter of a century, the situation of Roma (similarly to that of other social groups living in poverty) is significantly worse, in relation to the majority society, than it was when socialism collapsed. In this article, I describe the structure of the representation of Roma interests in Hungary and examine its efficiency (or lack thereof), as well as identifying problems within the system that prevent the effective uptake of EU funding. I conclude by outlining some possible solutions to the current situation.

THE SITUATION OF ROMA PEOPLE IN HUNGARY

Although there is a general lack of reliable data on Roma, it is crystal clear, based on

almost all measurable factors, that they are a disadvantaged group. This has certainly been true of Hungarian Roma since the 1970s when sociologist István Kemény published his landmark research. There is a consensus among social scientists that Roma faced fewer disadvantages in Hungary in the phase of economic growth that lasted from the 1960s until the 1990 regime change. Almost full employment and the extension of welfare benefits created more favourable conditions although prejudice and discrimination persisted, and Roma faced politically stimulated, forced assimilation.

Of all the larger social groups, Roma were disproportionately affected by the change of the regime and the introduction of the market economy. In addition to the partial deconstruction of the welfare state, and a growing tendency to look for scapegoats, changes to the labour market (specifically the disappearance of jobs with low educational requirements) affected Roma most severely. Roma were also hit by the economic recession experienced in the structurally and economically weak

regions where they represented a higher than average proportion of the population. In order to halt this dramatic deterioration, or begin integration, politically capable, versatile and active Roma representation groups would have needed to be formed. However, the necessary institutional frameworks to support such efforts have yet to be developed.

Although Hungarian society is extremely politicised (meaning that important matters are often resolved by political means) there is still no substantial political representation of Roma. Instead, the political elite has steered Roma into a system that is considered exemplary throughout Europe, but which, in actual fact, is incapable of handling the special situation of Roma and improving their integration. Although minority councils can foster traditions and identity, they are in no way fit to serve as a tool through which to represent political interests. Roma in Hungary have been without proper political representation since the regime change. At times, there were one or two representatives in the Parliament. These “parade gypsies” (*díszcigány*) as they were called in Hungarian slang, mostly gravitated towards or were members of parties in power (although between 1994 and 2002, Roma were not even represented in this way). With the exception of the first parliamentary term, no one ever had the courage to stand up in parliament for Roma interests. Furthermore, rather than actually integrating Roma, the majority elite was more interested in maintaining the status quo and trading votes.

THE STRUCTURAL DEVELOPMENT OF THE REPRESENTATION OF INTERESTS

In the early 80s, as the first independent social initiatives started to evolve, Roma self-organisation also began to emerge. In 1989, the Phralipe (Brotherhood) Independent Roma Organisation, and Lungo Drom (Long Road) were both founded independent of any political group and with only superficial, if any, political connections.

After the regime change, both civil movements were created in order to provide an independent channel through which to represent Roma for the first time in Hungary’s history. Their aims included representing the “Roma issue” on a whole new level: having typically been seen as a question of national security (due to the tensions that resulted from social and economic disparities between Roma and the majority society), the civil movements set out to reframe the Roma issue as one of nationality, equal rights, and policy. Later, Phralipe veered towards the left, and Lungo Drom to the right – at least according to public opinion. In actual fact, Lungo Drom was moving into party politics.

In 1993, the Hungarian parliament adopted a law on the rights of national and ethnic minorities. According to this law, national and ethnic minorities living in Hungary (Bulgarian, Roma, Greek, Croatian, Polish, German, Armenian, Romanian, Russian, Serbian, Slovakian, Slovenian, Ukrainian) gained the right to establish local and national minority councils. Following the 1994 municipi-

pal elections, the National Roma Council (ORÖ) was founded. It was dominated by Lungo Drom. For the first years of the parliamentary term, cooperation with the socialist government was smooth. In 1998, however, when the national elections were approaching, ORÖ shifted towards the opposition in a spectacular fashion, having failed to bring the most pressing and severe problems faced by the Roma to the grand political agenda.

Realising in time that the left would lose the 1998 general elections, Lungo Drom made a pact with Fidesz, a national conservative party that flirts with the far-right. What Lungo Drom also realised was that taking on a “successful role” in right-wing Roma politics would require limited effort. Even when the right was in opposition, there was no expectation that the Roma Council would carry out any substantial activities. So when Fidesz, Lungo Drom’s national conservative party ally came into government, only very minimal effort was required.

SYSTEMIC DEFICIENCIES IN THE REPRESENTATION OF INTERESTS

In 1998 it was very risky for a politician to be openly anti-Roma. These days, however, using aggressive stigmatisation and racism is considered an asset; in fact, it is even expected. If a politician from any of the larger parties, regardless of where they sit on the political spectrum, fails to make harsh statements about Roma – in any given situation – they can be almost certain to lose votes. ORÖ (effectively Lungo Drom), which was set up as a council to repre-

sent Roma interests but is subservient to grand politics, failed to respond to this major shift.

As noted at the beginning of this article, the elite’s Roma policies have always centred on preventing Roma from having the political weight that would give them influence over decision-making in Hungary. Minority councils provided a practical means to achieve this. Not only did they allay criticism from Europe about Roma discrimination (so much so that the Hungarian system was cited as an example of good practice), but they also proved useful in silencing and corrupting the Roma elite. Before its first term in government, Fidesz had already realised that it could use Lungo Drom’s significant influence to buy the approval of the Roma people (and gain legitimacy in the public’s eyes). Now Fidesz can boast that the government enjoys the trust of ORÖ, the one and only elected Roma body, which is controlled by Lungo Drom.

In adopting positions on behalf of ORÖ, Lungo Drom has earned itself a special place in Hungarian domestic politics. Lungo Drom is not a party by definition but rather an NGO (just like ORÖ is a “non-political” body whose main function is literally to keep Roma out of the political sphere), yet it behaves like a party to a certain extent. Apart from creating an electoral alliance with Fidesz, it is incredibly difficult to recall any other significant action taken by Lungo Drom between 2002 and 2010 or even after 2010. It is much easier to compile a list of Lungo Drom’s failures. Not once has the organisation stood up for the interests of



Roma even when the situation has made this imperative. Lungo Drom failed to raise the alarm over the Roma homicides (even after investigations shed light on all of the errors committed). It kept quiet when public work scheme⁷⁴ participants were excluded from the Orbán government's new social benefit system, the *Family Home Creation Allowance*, a move that disproportionately affected Roma families and widened the gap with the majority. It did not raise its voice when the government abolished the housing allowance, worth between 3,000 and 7,000 forints (10-20 euros), which had

helped the poorest households, many of which were Roma. Nor did it express concern when the savings made by scrapping the allowance were given to wealthier groups in the form of tax breaks. It did not criticise the fact that public work scheme participants are paid below the minimum wage (which discriminates against Roma who are overrepresented here). It looked on in silence at the government's ambitions and measures to segregate Roma in education even after the European Commission had initiated an infringement procedure against the Hungarian government.

⁷⁴ Through Hungary's public work scheme introduced by Fidesz, job seekers are "employed" to carry out public works. More than 130,000 people were "employed" under this scheme in 2013. Participation is a prerequisite for accessing social benefits.

ROMA REPRESENTATION AFTER 2010

There is, undoubtedly, a privileged or even partner-like relationship between Lungo Drom and the government. However, nobody, apart from a narrow circle of the organisation's leaders, gains anything from the benefits this yields. Roma and the majority society are not the only losers; the EU is another victim. Its programmes should, in theory, support Roma integration, but the projects they co-finance are ineffective, if not counter-productive. When it comes to state-financed support, the situation is no better; the 450,000 forint (1,500 euro) monthly office allowance paid to ÖRO representatives is a telling example. Given that average net wages in Hungary were 172,000 forints (573 euro) in the first half of 2016, it is clear that the allowance is excessively high.

The text of the contract made between the prime minister and Lungo Drom in May 2011⁷⁵ set out a series of commitments to be met by 2015 at the latest. None of them were ever fulfilled. The Roma youth sports programme, for instance, should have guaranteed regular sporting opportunities for 30,000 people; within the framework of the Roma public life academy, 3,000 Roma should have been provided with the skills and knowledge necessary to take on a public role. 1 million Roma people should have been employed, 200,000 should have graduated from a vocational training course and 100,000 should have had

a graduate degree. To this day, none of these goals have been achieved and no one has ever been held accountable.

It is worth examining, however, why Hungarian Roma integration is seen to be exemplary from the European perspective. This is not only according to the government but is reflected in EU statistics as well. In Hungary, 54% of Roma men and 33% of Roma women are employed, which appears to be a good performance when compared to Roma employment levels in other Member States. Nevertheless, it should be stressed that expectations are so low that even the slightest improvement or positive development is welcomed. Indeed Orbán's cabinet is rather creative when it comes to showing positive trends on paper. For instance, the criteria for "disadvantaged" and "multiply disadvantaged" children in education was changed which had a knock-on effect on other indicators as well. For example, children of public work scheme participants were automatically moved from the "multiply disadvantaged" group to the "disadvantaged" group and thus the government could report a "sudden improvement" to the EU despite there being no substantive change on the ground.

Introducing compulsory kindergarten would have been a significant step forward. However, in the small villages in crisis areas where it would actually help, it is impossible to introduce such a system because of a lack of teaching and kindergarten capacity. Lowering the age of compulsory education, the transforma-

⁷⁵ Only a poor-quality, scanned version of this contract circulates on the internet

tion of vocational education, the introduction of a vocational degree, changes to the criteria for graduation and university entry (including the introduction of a compulsory second language exam), and a reduction in the number of state-financed university places have all had a negative impact on the Roma population. All of these measures were implemented with Lungo Drom's tacit approval.

It is worth examining some of the integration programmes in detail in order to determine the extent to which funds were put to good use (or not). A project to promote the labour market integration of Roma women⁷⁶ originally targeted 3,000 women but was reduced over time, initially to 2,000 and then down to 1,500 but the financial framework was not adjusted accordingly. In the end, a total of just 800 Roma women took part in the programme and only a small number found a permanent job. An unreasonably high sum of public money was invested in this programme. Although the idea behind the project was quite advanced, its implementation suffered from the usual mistakes. In 2012, when the project was launched, the idea was that Roma applicants would be trained as kindergarten teachers so that later they could work and study in parallel, graduating from high school with a view to taking up pedagogical studies at college. Despite the very real need for hundreds of kindergarten teachers (partly because the age of compulsory kindergarten was lowered, and partly because many qualified kindergarten teachers have emigrated), the

project delivered almost no results. A common characteristic of all similar initiatives is their irrationally high cost per capita and their inefficiency.

The *Bridge to Employment* programme had the potential to be a milestone. It was funded with 5 billion forints (over 16 million euro) exclusively to help Roma to find their way onto the labour market. 2,5 billion forints were indeed spent, 1,6 billion of which – by the government's own admission – inappropriately. In theory, ORÖ should be refunding this money but its coffers are empty. Although this was initially supposed to be an EU-funded project, the relating invoices were never sent to Brussels because ORÖ was well aware that the Commission would not reimburse them. There is no way, then, for the EU to hold ORÖ to account for the project's failure, and the money will “only” be missing from Hungary's state budget, as ORÖ cannot realistically repay the money and has no intention of doing so anyway.

While these failures and scandals have not shaken Lungo Drom's position in the slightest, all the other Roma NGOs face a series of direct and indirect attacks from the government. In October 2016, for instance, the Roma Parliament and the Phralipe Independent Roma Organisation were both evicted from the facility they had been renting for decades. The special after school centres⁷⁷ that play such a key role in educating poor Roma children in Hungary have also been targeted. A 2015 grant scheme only pro-

vided support for centres that had never carried out such a role before. As a result, thousands of Roma students were left without help or a place to learn, while in parallel, public money worth hundreds of millions of forints is now being spent to set up a new department within the Education Authority to provide professional assistance – for which skilled professionals will be employed – to the new, unpractised and inexperienced after school centres. Organisations that are not committed to the government are excluded from grant opportunities. This happens indirectly when, for instance, requirements are set that make these organisations ineligible. For example, only church or university organisations can apply for grants to support the participation of Roma in higher education, which disqualifies *a priori* experienced civil society organisations like the Romaversitas Foundation.

THE EUROPEAN ASPECT

In November 2011, the Hungarian government adopted the, *National Social Integration Strategy – deep poverty, child poverty, Roma* (NTFS), based on the targets set out in the *European Roma Framework Strategy* (ERFS). The Hungarian strategy continues to refer to Roma as an ethnic group (maintaining an approach that has brought nothing but failure). It also continues to strengthen the status of the National Roma Council, in spite of the fact that the ORÖ (although an elected body) has no real

political competence with which to influence the implementation of the strategy or legitimacy with which to enforce implementation.

Therefore, since the adoption of the ERFS and NTFS, practical measures have only been implemented – with debatable outcomes – in the field of education. Compulsory kindergarten and compulsory schooling is taken seriously by the government (although, as noted earlier, conditions are not always adequate), and coercive action is taken to enforce compliance when necessary. These measures, however, do not target Roma specifically but the entire population, and the number of Roma early schools leavers has risen rather than dropped. The fact that training for kindergarten and school teachers does not include knowledge about Roma, and that the cross-over between the schooling of Roma and educational Roma programmes is narrow, both contribute to limited achievement in a context where the Orbán cabinet believes ethnic segregation is to be pursued.

As for the other fields, not a single systemic and progressive change has taken place. And yet there is no trace of any Roma representation group (be it the ÖRO, Lungo Drom or any other actor) ever having expressed any criticism of the government for sabotaging the implementation of the ERFS, or having urged it to take measures to rectify the situation.

⁷⁶ See: <https://www.tkki.hu/page.php?pid=297>

⁷⁷ These special after-school centres (*tanoda*) were adapted to the needs of Roma youngsters and were often the only places where they learned in Hungary.

CONCLUSIONS

On paper, the system to represent Roma interests in Hungary, which comprises a National Roma Council, is perceived from a European perspective, to be a good (or at least functioning) example. In reality, however the system is dominated by the government-loyal and monopolistic Lungo Drom, and is incapable of advancing the integration of Roma.

The situation of Roma in terms of health, education and employment is worse than that of the majority population and the gap is widening. The situation is exceptionally critical when it comes to early school leavers, high school graduates and participation in higher education.

Although the failure of integration cannot be attributed to one single cause or organisation, the responsibility of a malfunctioning system of Roma representation cannot be overlooked. Problems with both the structure of Roma representation and the way it operates (it is more concerned with protecting cultural identity than promoting political representation, and avoiding conflict rather than addressing it) are as much responsible for the failure of integration as the dishonest intentions of the majority elite, the susceptibility of some Roma representatives to corruption, or even poorly designed integration targets (expectations are low and require minimum effort and are mainly about taking administrative measures).

Furthermore the fact that there are very few Roma intellectuals and that they have a very narrow scope of action is also a factor. With roughly a quarter of a century of experience behind us, it is safe to conclude that within the current structure, neither the majority, nor the Roma political elite is interested in the success of integration. In addition, integration programmes lack supervision and accountability, and when money is blatantly squandered or spent improperly there are no sanctions.

Concluding from an overview of the past 26 years and my political experience so far, I would say the following are the basic steps to be taken in order to move beyond the current impasse and ensure the long-term viability of Roma political representation in Hungary:

- abolishing all forms of educational segregation
- strengthening the training of kindergarten staff and of teachers
- including Roma NGOs and intellectuals in the development and supervision of integration programmes – rather than giving a monopoly to one single organisation
- severe sanctioning of all forms of abuse and corruption responsible for the failure of the programmes
- the systemic prevention of vote-trading of any form (direct or indirect)

THE FIGHT FOR RECOGNITION

RECOGNITION OF THE SINTI AND ROMA GENOCIDE IN GERMANY

BARBARA LOCHBIHLER, MEP



Laying of a wreath at the Dachau memorial at the beginning of the Easter 1980 hunger strike
(photo by Ursula Höhne)

In April 2015, the European Parliament commemorated the Sinti and Roma genocide committed by the National Socialist regime, sending out an important signal. The Parliament adopted a resolution expressing its deepest concern about the rise of antigypsyism in Europe, acknowledging the Holocaust of the Sinti and Roma peoples, and calling for an end to their discrimination. In the resolution, Members of the European Parliament demanded that a European day of remembrance for the Holocaust of Sinti and Roma be established on 2 August.⁷⁸ Roma organisations already commemorate the genocide on this day. On the night of 2 August 1944, 2,897 Roma, mostly women and children, were killed in the gas chambers of Auschwitz-Birkenau. Over 22,000 Sinti and Roma were deported to Auschwitz where more than 85% lost their lives. According to estimates, 500,000 Sinti and Roma were killed by the National Socialists and their allies in Europe.

Astonishingly, it took 37 years from the end of the National Socialist tyranny for

the Federal Republic of Germany to officially recognise the Sinti and Roma genocide. It was not until the 17th of March 1982, that the then Chancellor, Helmut Schmidt, labelled the National Socialist crimes as genocide in front of a delegation of German Sinti and Roma.

THE CONTINUING EXCLUSION AND PERSECUTION OF SINTI AND ROMA

The repression and persecution of Sinti and Roma had begun before the National Socialists seized power. Prejudice and rejection had been around for a long time, and were institutionalised from the end of the 19th century. Bavaria took a shameful lead in the systematic surveillance of Roma. The so-called “Gypsy Central” (“Zigeunerzentrale”) was set up at the police headquarters in Munich as early as 1899. The 1905 “Gypsy Book” (“Zigeuner-Buch”) extended police registration and surveillance of Sinti and Roma, and the stigmatisation of these groups as potential criminals. A 1911 “gypsy conference” identified typical

⁷⁸ European Parliament resolution of the 15th of April 2015 on the occasion of International Roma Day – anti-Gypsyism in Europe and EU recognition of the memorial day of the Roma genocide during World War II (2015/2615(RSP))



Inauguration of the memorial to the Sinti and Roma of Europe murdered under the National Socialist regime, on 21 October 2012. (Photo by Jens Jeske)

Sinti and Roma features in order to facilitate expulsions. Finally, in 1926, the Bavarian state parliament adopted a “law to fight gypsies, vagrants and the work-shy”, which is how so-called ‘race theory’ (*Rassenkunde*) defined Sinti and Roma.

The National Socialists were happy to build on the Munich Police’s groundwork, gradually integrating “Gypsy Central” into the “Reich’s Central Office for Fighting Gypsy Evils”. The Central Office, whose database listed more than 30,000 people, played a significant role in the organisation of mass deportations of Sinti and Roma. Removing oneself from the database was almost impossible; once registered as a “Gypsy” there was no escaping the National Socialists’ extermination machine. When Heinrich Himmler made his Auschwitz Decree on

16 December 1942, more than 22,000 Sinti and Roma were deported to Auschwitz-Birkenau, where they underwent forced labour and medical experiments. Thousands were killed in the gas chambers. A few escaped deportation to Auschwitz by consenting to forced sterilisation. Scandalously, the Reich’s Central Office maintained its operations in Munich after World War II, with continuity in its staffing and files. It re-opened as the “Vagrants Office” as early as 1946. The 1953 “Vagrants’ Regulation”, which took up substantial parts of the 1926 “Gypsy law”, served as a legal basis for the “Vagrants Office”. It imposed specific authorisations, regular inspections and residence restrictions for Sinti and Roma. The “Vagrants Office” was staffed in part by the same people who had been working there prior to 1945. They

collected data once again on individuals registered as Sinti and Roma and even filed people by their inmate numbers from the concentration camps. It was only in 1970 that the Office was closed down on the grounds that it was unconstitutional, and the “Vagrants Regulation” was abolished.

Sinti and Roma faced barriers to financial compensation that were symptomatic of their discrimination in post-war Germany. Complicated regulations and varying interpretations meant that indemnities were small, if paid at all. In 1956, the Federal High Court made a landmark ruling that claims would only be accepted from Sinti and Roma who had been victims after the first mass exterminations of March 1943 in Auschwitz. The ruling effectively reinforced what had become common practice. It was argued that Sinti and Roma had only been imprisoned as “antisocial elements” and “criminals” on a preventive basis. The earlier systematic racist persecution of Sinti and Roma could then be denied *ex officio*, even though the *Circular on Combatting the Gypsy Plague* from 8 December 1938 provided clear written evidence of its existence. It was not until 1963 that the Federal High Court revised its position, ruling that the deportations ordered in May 1940 had been motivated, in part, by racist policies. New claims for compensation were ruled out, however, and the right to appeal restricted. Moreover, deadlines were so short that many of those affected missed them. In 1981 the Parliament finally adopted a provision for cases of hardship for victims of persecution, including Sinti and Roma, who had never received compen-

sation. This provision came very late for many survivors, almost 40 years after the end of World War II.

In the German Democratic Republic (GDR), Sinti and Roma also faced discrimination when accessing state support. Although eligible under the 1950 *Guidelines for the recognition of victims of persecution of the National Socialist regime*, only a minority of the several hundreds of Sinti and Roma living in the GDR had been recognised as victims of the Nazi regime by the mid 1960s.

RECOGNITION OF THE GENOCIDE

The genocide and persecution of Sinti and Roma was omitted from German school curricula for decades. A 1981 analysis of 253 relevant history textbooks found that only 10 made (marginal) reference to the National Socialists’ extermination of Sinti and Roma. The genocide was not a topic of discussion in Germany until the late 1970s when public events organised by Sinti and Roma played a pivotal role in bringing the issue to the fore. In 1979 the first international commemoration of the genocide took place in the former Bergen-Belsen concentration camp. One of the speakers at the gathering was Simone Veil, then president of the European Parliament, who as a girl had survived the so-called “death march” from Auschwitz to Bergen-Belsen. In her speech, she declared that the Sinti and Roma fight for recognition of the National Socialists’ racist persecution was a fundamental “fight for human rights”. In early April 1980, a group of Sinti, including survivors of the Auschwitz and Dachau concentration

camps, launched a hunger strike on the site of the former Dachau concentration camp that lasted several days. They called for the official recognition of the genocide, and the criminal prosecution of all those responsible and otherwise involved. In 1982, the Central Council for German Sinti and Roma was founded. Sinti and Roma have, since 1995, enjoyed national minority status and the special protection it confers. Since the 1980s, the Sinti and Roma civil rights movement has played a vital role in the genocide's recognition, and in drawing public attention to the issue.

CULTURE OF REMEMBRANCE

In its 2008 anthology *Witnesses*, the Remembrance, Responsibility and Future Foundation asks, "What will remain when the voices of eyewitnesses fall silent?" How can we continue to transmit the history of National Socialism when there are no remaining survivors to meet younger generations and share the testimony of their fate? The publication lists a number of forms of remembrance, such as recording interviews, setting up or maintaining memorials at historic sites and using historical documents in exhibitions. It also mentions artistic forms of remembrance. It was not until the 1980s that memorial sites for the genocide of Sinti and Roma began to be created in Germany. In 1982, for example, an epigraph commemorating the assassination of Sinti and Roma was added at the central memorial site of the former Bergen-Belsen camp. One of the first memorials

to specifically commemorate Sinti and Roma victims of National Socialist crimes was established at the cemetery in Marzahn, Berlin (in the former GDR). On this site, a memorial stone commemorates a nearby former National Socialist internment camp for Sinti and Roma. The majority of its inmates were deported to extermination camps after the December 1942 *Auschwitz circular*.

A range of projects have, since the 1990s in particular, been initiated to commemorate the genocide of Sinti and Roma. In March 1997 the first permanent exhibition on the Sinti and Roma genocide opened at the Documentation and Cultural Centre of German Sinti and Roma in Heidelberg. The exhibition traces the history of the Sinti and Roma persecution from, "their marginalisation and the denial of their rights in the German Reich, through to their systematic extermination in Nazi-occupied Europe". On 2 August 2001, a permanent exhibition on the National Socialist genocide of Sinti and Roma was opened at the State Museum in Auschwitz. The exhibition was set up by the Heidelberg Documentation and Cultural Centre in close collaboration with the Auschwitz Memorial, and the Association of Roma in Poland. Today, a European network of memorial sites extends from the former internment camp in Montreuil-Bellay (inaugurated in 1986) to the former "Gypsy Ghetto" in Łódź (inaugurated in 2005) to Bucharest (inaugurated in 2009). The Documentation and Cultural Centre of German Sinti and Roma provides an overview of these memorial sites.⁷⁹

⁷⁹ See: <http://gedenkorte.sintiundroma.de>

ORAL HISTORY

The story of Peter Höllenreiner, younger brother of Hugo Höllenreiner, "The boy from Auschwitz...an encounter. The life of the Munich Sinto Peter Höllenreiner after 1945" by Maria Anna Willer.



The publication can be ordered via the main e-book stores.

Peter Höllenreiner survived the Auschwitz, Ravensbrück, Mauthausen and Bergen-Belsen concentration camps. Having escaped from hell, he was six years old when he returned to his birthplace in Munich in 1945. But the exclusion is enduring and the old prejudices remain. Peter lives in the same country as the perpetrators of the crimes against him.

Around 70 years after the end of the war, the Munich native looks back over his life, sharing his story for the first time. The biographer, Maria Anna Willer, trailed Peter Höllenreiner for two years for this project. The biography reveals a dark chapter in German post-war history.

In addition to the memorial sites and documentation, the genocide is being commemorated in a number of other ways. Romanian filmmaker Iovanca Gaspar and her son, the composer Adrian Gaspar, for instance, commemorate the genocide artistically. In her film *Dui Roma* (Two Roma) Iovanca Gaspar documents her son's encounter with the late Munich Sinto, Hugo Höllenreiner. The film accompanies the musician and the holocaust survivor on a journey to Auschwitz, where Höllenreiner reports that the SS doctor, Josef Mengele, conducted human experiments on him and his brother. Adrian Gaspar's encounter with Höllenreiner inspired him to compose an oratorio entitled "Bari Duk" (Great Suffering). The film includes footage from the oratorio's premiere in Höllenreiner's presence.

The way the Roma and Sinti question is treated in schools continues to provide insight into the majority society's awareness of the issue. Progress has been made in recent decades and there is now a variety of teaching material on the topic. But research also shows that it is left to individual teachers to decide how to address the issue, if at all.

It is important that the recognition of the discrimination, persecution and assassination of Sinti and Roma in Germany and other European states is not limited to its inclusion in history classes. Clear reference must be made to the current situation; even now, Europe's biggest minority is exposed to systematic exclusion and discrimination, not only in Germany, but throughout Europe. We must act decisively to change this!

THE SINTI AND ROMA CIVIL RIGHTS MOVEMENT

The behaviour of the judiciary, police and other authorities in the decades following 1945 revealed how deeply Nazi ideas had penetrated society. Until the early 1980s few knew that over 500,000 Sinti and Roma had been systematically persecuted and murdered by the National Socialists.

Real social change only occurred with the civil rights work and self-organisation of the minority. This began when survivors and young Sinti conducted a hunger strike at the Dachau concentration camp memorial at Easter in 1980. Over the course of their strike, which raised attention internationally, the group demanded, for the first time, the public acknowledgment and re-appraisal of the Nazi genocide of our minority. Their second demand was that we – a national minority for over 600 years – receive equal treatment as German citizens, and that all of the government's discriminatory practices be ended.

The civil rights movement prompted a change in perception within the state and society, changing in turn the way in which the minority perceived the value of our constitution and the democratic rights it enshrined as a basis to identify with and a foundation for political struggle.

As a minority, we are particularly dependent on rights not just existing on paper, but also being implemented and filled with lifeblood in everyday life. For this to happen, we need a strong civil society.

In 2012, a memorial was inaugurated next to the Bundestag to commemorate the European Sinti and Roma who were murdered during the National Socialist regime. It is a reminder of the special responsibility that Germany and Europe hold for Sinti and Roma that stems from the Holocaust and the duty to eradicate antigypsyism as well as antisemitism.

There is an inextricable link between this responsibility and the clear mandate of politics and society to safeguard the rights of our minority and to guarantee our dignity and security in the future.

Romani Rose
Chairman of the Central Council of German Sinti and Roma

ROMA AND SINTI IN AUSTRIA: THE POLITICAL STATUS AND INITIATIVES OF ROMA COMMUNITY ORGANISATION AND CIVIL SOCIETY

MONIKA VANA, MEP



An initiative to commemorate the local communities of Lovara, Sinti and Roma in Floridsdorf, Vienna's 21st district on 17 March 2016. (photo credit: Die Grünen Floridsdorf)

Roma have been living on the land that now forms Austria for roughly half a millennium. Over the centuries, they have been the subject of persecution, discrimination and even mass murder at the hands of the National Socialist terror regime. While antigypsyist prejudice endures, Roma in Austria have, over the past 25 years, gained a lot more recognition and respect. Roma and Sinti community organisations and other civil society initiatives have played a remarkably important role in bringing about this change.

A HISTORICAL REVIEW

Roma have been living in Austria since the 15th century, in particular in East-Austrian states like Burgenland (which was part of Western Hungary until 1921), Vienna and Lower Austria. Although Roma have, since the time of Maria Theresa in the 18th century, been required to lead a sedentary life, Roma families were not tolerated in urban areas, and ended up forming camps outside cities and towns, in forests and remote locations. The largest and oldest group on the land

that now forms Austria were the Burgenland Roma (in southern Burgenland). From the 19th century they were joined by Sinti from Bohemia and Bavaria, and the Lovara, a Roma subgroup who migrated from Hungary and whose name alludes to their horse-dealing trade. The economic crisis after World War I led to rising discrimination, culminating during the Nazi-dictatorship with the Holocaust. Of the 11-12,000 Roma living in Austria in 1938 (7-8,000 in Burgenland), only about 10% survived the genocide.

THE LACKENBACH "GYPSY CAMP": A SYMBOL OF PERSECUTION

After Austria's annexation ("Anschluss") to the German Reich in March 1938, Tobias Portschy became a leading figure of the National Socialists' "gypsy persecution" in Burgenland. In the same year, Hitler named him state governor of Burgenland. In August 1938 he published a memorandum on "the gypsy question", which was strongly influenced by the Nuremberg Laws. His ideas and plans for "solving the gypsy question" set out

in the text were gradually implemented from the beginning of World War II. They included banning Roma children from school, forced sterilisations, and labour camps. After the war, Portschy was a member of the far-right Freedom Party of Austria (FPÖ) from 1959 to until 1991!

From November 1940, Burgenland Roma and Sinti were imprisoned in a camp set up on a former agricultural estate in the Burgenland municipality of Lackenbach. The number of prisoners in Lackenbach reached its peak in 1941 with over 2,000. Of the 4,000 Roma interned at the Lackenbach detention site over the years, only 300-400 lived to see the liberation by the Soviet Army in 1945. The majority were deported and died in ghettos, concentration and extermination camps. Many Roma, Sinti and Lovara living in Vienna also fell victim to persecution. On 6 October 1984, the then Austrian president, Rudolf Kirchschläger, inaugurated a memorial for the interned and deported victims of the “gypsy camp” in Lackenbach.

DEVELOPMENTS AFTER WORLD WAR II

The decades that followed World War II saw scarce improvement for Roma; they remained isolated and spatially marginalised. Most Roma children attended so-called “special schools”, which effectively prevented them from continuing in education. Initially, Roma were not generally recognised as victims of National Socialist terror – they rarely even had the documents to prove that their property had been stolen.

Several Roma groups have migrated to Austria since the 1960s. The first Roma were “guest workers” from former Yugoslavia, in particular from Serbia (Kalderash, Gurbeti), Kosovo (Ashkali) and Macedonia (Arlje). In the 1990s, Roma refugees fleeing the wars in Bosnia and Kosovo also arrived in Austria. Since the eastern enlargement of the EU, Roma have immigrated from countries like Hungary, Slovakia, Romania and Bulgaria. Most of these immigrants, including some of the most vulnerable mobile EU citizens, referred to in Austria as “*Notreisende*” (emergency travellers), live in Vienna.

As a result, around 5,000 indigenous, and an unknown number of immigrant Roma originating from various Roma-groups and sub-groups, who speak a variety of dialects, live in Austria today. The total Roma population in Austria is unknown, and estimated to be between 30,000 and 50,000.

THE ROAD TO RECOGNITION

Since the 1980s, Roma have been taking steps in community organisation. This has ultimately led to greater public awareness and recognition from the state.

Things started in 1987 when young Roma in Oberwart (Burgenland) went on protest when they were denied entry to bars and clubs. The public discussion around these events led to the foundation of the first Roma association in Burgenland in 1989. Two years later, Rudolf Sarközi (born in 1944 in the Lackenbach labour camp) founded the “Cultural Association of Aus-

trian Roma” in Vienna.⁸⁰ Sarközi was the association’s president and a vital political contact until his death in 2016.



Ceija Stojka (1933-2013), Austrian Lovarica and famous artist. Her books made an outstanding contribution to deepening the understanding of Roma culture. (photo credit: Gerhard Jordan)

Two books contributed to improving the way Roma were understood by mainstream society: *We Live in Seclusion: The Memories of a Romni* (1988) and *Travellers on This World* (1992) by Ceija Stojka. Stojka (1933-2013) was a Lovara market trader, painter and musician. In her books, she describes her suffering as a child in the Nazi concentration and extermination camps, the liberation in

1945, and the post-war years and “modern times” when life in the caravans was gradually left behind.

The Romano Centro association, founded in 1991, was another “pioneer” of Roma community organisation.⁸¹ Its members include Austrian Roma, Sinti and Lovara as well as Roma immigrants from Eastern and South-Eastern Europe. The association’s work focuses on culture (workshops, events, etc.), education (e.g. learning support for children), legal and social advice, labour market support, and tackling racism. In December 2013, the association published its first *Antigypsyism Report* (see below).

In December 1993, Roma were finally included in Austria’s *Ethnic Groups Act* and as such recognised as the country’s 6th autochthonous ethnic group. This, however, only concerned the Burgenland Roma, Lovara and Sinti, who had been settled on a specific area of land over several generations.

THE OBERWART BOMBING AND ITS COMMEMORATION

Tragedy brought further recognition for Roma in Austria when, on 4 February 1995, four Roma from Burgenland: Peter Sarközi, Josef Simon, and Karl and Erwin Horvath, were killed in a malicious attack. A pipe bomb had been attached to a sign saying “Roma go back to India”. In trying to remove the sign, the four men detonated the explosives and were

⁸⁰ Cultural Association of Austrian Roma <http://www.kv-roma.at/>

⁸¹ See: <http://www.romano-centro.org/>

killed. It transpired that the attack had been perpetrated by a radicalised individual, Franz Fuchs, who had also sent numerous letter bombs to people who were committed to promoting tolerance towards minorities and fighting against racism. Fuchs was arrested in 1997 and committed suicide in a Graz prison in February 2000.

The brutality of the attack jolted the public, and politicians and the media began to address the situation of Roma in Austria more seriously. This concern also manifested itself in events, and in the erection of memorials. Most of these initiatives received active support from civil society. They include:

- In 1998, a memorial for the victims of the 1995 attack was inaugurated next to the Roma settlement in Oberwart.
- In 1999, a local association “Kulturraum 10” erected a memorial stone at Belgrade Square in Vienna’s 10th district on a site formerly known as “Hellerwiese” (“Heller Meadow”). Hellerwiese was the most important resting and camping grounds for Roma (carpet, fabric and horse traders) in Vienna. The stone commemorates the Lovara, Roma and Sinti who were arrested by Nazis at the site in 1941 as they were heading south, and sent to concentration camps. In 2003, the nearby park was named after “Baranka” (née Maria Huber), a Lovara natural healer.

- In 2001, a square and two streets were renamed, “Romaplatz”, “Sintiweg” and “Lovaraweg” to pay tribute to these communities in Floridsdorf, Vienna’s 21st district, close to the Old Danube. This was the result of a Green party motion presented to the district council in 1996. In the same district, a memorial artwork is planned to commemorate a Lovara, Roma and Sinti camp and meeting place which existed until the early 1960s at what is now Ringelsee Square. A motion by the Green Party was adopted on 10 February 2016.⁸²
- Names of squares and parks also honour the above-cited artist Ceija Stojka (in Vienna’s 7th district, since 2014) and the poet and president of Romano Centro, Ilija Jovanović (in Vienna’s 3rd district, since 2016). It is also worth mentioning the honours received by Roma from the cultural sector, and Roma concentration camp survivors.
- The 2015 exhibition *Romane Thana. Places of the Roma and Sinti* at the Wien Museum at Karlsplatz marked another milestone.⁸³ Numerous discussions, cultural events and excursions ran in parallel to the exhibition. A collaboration between the Wien Museum, Romano Centro, the “Minorities’ Initiative” and the Burgenland State Museum, the exhibition drew attention to historical and contemporary sites, and symbolic spaces where Roma lived. The exhibition was pre-

⁸² See the blog GrünRaum Donauefeld <https://donauefeld.wordpress.com/2016/03/20/gedenken-an-die-lovara-sinti-und-roma-im-bereich-des-ringelseeplatzes>

⁸³ See Catalogue of the exhibition “*Romane Thana. Places of the Roma and Sinti*” (Wien Museum et al., 2015)

dominantly organised by members of Roma communities themselves.

These are just a few examples of many that highlight a change in outlook.

ANTIGYPSYISM TODAY

While increased sensitivity and respect for autochthonous Roma, Sinti and Lovara in Austria is encouraging, it must not mask the fact that antigypsyism is on the rise again, targeting vulnerable EU citizens in particular. These groups come to Austria from Romania and other Balkan states, and are often associated with begging. Cases of abuse include the following:

- On 2 August 2009, French Roma families stopped to spend the night in the municipality of Ainet in East Tyrol. After midnight, an armed mob, some of whom were drunk, arrived shouting, “gypsies out!” and drumming on the caravans. The terrified Roma continued their journey that very night.
- In early September 2013, some 150 Roma settled with their caravans at a specially provided camping ground. When a call to attack the site was published on social media, local youths approached, threw stones and engaged in an abusive verbal exchange. The police were able to prevent clashes and charged 12 people with incitement. One social media post had even called for a “Final Solution”.

- In mid-February 2016, an arson attack was carried out on the camp of Romanian Roma in a remote area in Linz. Several tents were burned down with their contents. The perpetrators remain unknown.

Fortunately such incidents are rare, but some tabloid papers and aggressive right-wing media add fuel to the fire with negative stereotypes about “criminal gypsies” and the “beggars’ mafia”, and hateful posts proliferate on the internet.

From around 2010, a number of federal states and cities began to ban begging. These bans have been partially lifted by the Constitutional Court. Although regulations differ from region to region, generally, aggressive or commercial begging, as well as begging with children is forbidden, while non-intrusive begging is permitted. In several Austrian cities, so-called “begging lobby” groups formed to oppose this form of discrimination.⁸⁴ In 2014, these initiatives received the Human Rights Prize from the Austrian League for Human Rights. It should be emphasised at this point that Roma community organisations reject the way Roma are mis-represented and conflated with begging by the media and in political discourses.

The *Antigypsyism Reports* published by Romano Centro make an important contribution to this discussion. They examine

⁸⁴ See: <https://www.bettelloobby.at/>

⁸⁵ Antigypsyism in Austria. Documentation of racist incidents against Roma/Romnja and Sinti/Sintize (Romano Centro, special edition no. 78, December 2013); and Antigypsyism in Austria. Case documentation 2013-2015 (Romano Centro, special edition no. 83, November 2015)

antigypsyism and discrimination against Roma in “traditional” and right-wing media, in politics, on the internet, in access to public services, employment, in public space and so on. The first report, published in December 2013, documented 82 cases, and the second, from November 2015, documented 61 cases across Austria. The reports also provide suggestions and guidance on how victims of discrimination can get advice or take legal action, as well as contact addresses for witnesses who wish to report incidents.⁸⁵

THE ROLE OF THE EU

The *European Union’s Framework for National Integration Strategies up to 2020*, adopted in 2011, has also prompted change in Austria. A National Roma Contact Point was created at the Federal Chancellery (Ballhausplatz 2) and entrusted with coordinating the development and implementation of a national Roma strategy. Since 2016, the new State Secretary for Diversity, Muna Duzdar (SPÖ) has held responsibility for this role. The National Roma Contact Point (which is also the European Commission’s principal point of contact on Roma inclusion) is essentially tasked with establishing an effective dialogue with Roma civil society in order to monitor implementation and assess the performance of integration measures. The Commission’s *report on the implementation of the EU framework for national Roma integration strategies*, published on 17 June 2015, praises Austria’s approach to “multi-layered, structured dialogue”.

⁸⁶ See: <https://www.romadialogplattform.gv.at/romadialog/de/home>

In June 2012, a Platform for Dialogue was set up by the National Roma Contact Point in the Federal Chancellery, to regularly bring together representatives of the federal level, the states, cities and municipalities with civil society representatives, scientific experts and researchers. The aim is to create an open, inclusive dialogue with a focus on the Roma perspective. Participation is open to all interested parties, with an average of 50-70 people attending the four-hour platform meetings. From 28 September to 28 November 2016, the platform for dialogue invited direct contributions to the further development of the Austrian Roma strategy.⁸⁶

The Austrian approach to Roma inclusion comprises the following measures:

- inclusive education, labour market, health and housing policies to increase opportunities and support for those who face socio-economic disadvantage;
- integration measures that target all immigrants;
- integration measures that specifically target socio-economically disadvantaged Roma;
- measures to combat stereotypes, antigypsyism and xenophobia.

The priorities for the coming years include education, the labour market, strengthening Roma civil society organisations, combating antigypsyism, and participation. Austria’s policy aims to promote the equal participation of the Roma in

Austria in a sustainable manner. There are a variety of measures in diverse areas, some of which may benefit Roma without specifically targeting them.⁸⁷

It is worth noting that Austria will invest a total of 8 million euro as part of the Roma strategy set out in the country’s *Operational Employment Programme* for the 2014-2020 *European Social Fund* (ESF). 50% of this sum – which will fund the investment priority “active inclusion” – is provided by the ESF; 50% comes from national co-financing. Other initiatives supported by the ESF include development projects to increase the proportion of migrants, members of minority groups (e.g. Roma) and persons from socially and educationally disadvantaged households in higher education, as well as projects to reduce school dropout rates. The impetus that EU institutions have given to investment in the social inclusion of disadvantaged Roma and Sinti is to be welcomed. The establishment of Austria’s Dialogue Platform is also a positive development.⁸⁸ Elements of the German Green MEP, Terry Reintke’s own-initiative report, *Cohesion policy and marginalised communities*⁸⁹ adopted by the European Parliament on the 24 November 2015 with a large majority, have also influenced the way that the Roma strategy has been approached.

Nevertheless, the Austrian Roma strategy has received some criticism and suggestions for improvement from civil society groups like the Romano Centro who were concerned that they had not been involved in drawing up the draft that provided the basis for the online consultation. They were disappointed that issues like the multiple discrimination of women, which had been discussed by the Dialogue Platform, had not made it into the draft; health and housing was not one of the strategy’s five priorities; and a solution-oriented approach to dealing with “poverty migration” was missing. The Romano Centro was also doubtful about whether the online consultation itself was a reliable means to gather sufficient feedback from the community, given that participants have to register their name on a government website in order to submit comments.

Hopefully, however, criticism formulated in the context of the consultation will be incorporated into the strategy and will lead to additional, new measures. It is hoped that politicians and the media in particular will take a more decisive stand against antigypsyism and actively support measures that ensure the equal treatment of Roma and Sinti in Austria.

⁸⁷ See: *Strategy for continuing the inclusion of Roma in Austria* (Federal Chancellery, 2016). A list of the measures already in action has been published on the homepage of the Federal Chancellery. <https://www.bka.gv.at/DocView.axd?CobId=53584>

⁸⁸ See: <https://www.romadialogplattform.gv.at/romadialog/de/home>

⁸⁹ Report on cohesion policy and marginalized communities (European Parliament, 30.10.2015, Committee on Regional Development, Rapporteur: Terry Reintke)

THE ROMA MOVEMENT IN SWEDEN

BODIL VALERO, MEP



Lunik IX, Kosice, Slovakia. A children's game in the ghetto. Juraj Mizigor doing a backflip. Although the Roma are excluded from all areas of society even in Slovakia, such as decent housing, education on the same level as the majority and work opportunities, the children find joy in everyday life through play and games. (photo credit: Åke Ericson)

"Opre Roma! Roma, rise! We are equal to everyone else."

How is it that Roma are still so stigmatised across Europe? How can majority societies accept that an ethnic group that has lived in our countries for many centuries is still treated differently and discriminated against? Even in a progressive country like Sweden?

What does it mean for a child to learn that they are different, that they do not fit into society? Or that because of part of their identity – the part that is not just Swedish, Finnish or Serbian but Roma – they and others like them are automatically and collectively seen as thieves?

Domino Kai, a Finnish Roma man who immigrated to Sweden as a child, shares the story of an incident that marked him when he was eight years old.

My older brother and I went to town with our parents. Soon enough, we got a bit hungry and asked if we could have a snack. We went to the nearest café and my brother and I started to look around for somewhere to sit. But the staff approached our parents and asked us to leave. Our father urged us to follow him and our mother out of the café. 'Why do

we have to go outside? We are supposed to be having a snack!' we said. We were asked to leave once more, which we did. Outside, I asked my father and mother, 'Why do we have to leave? We didn't do anything! We were just there to have a snack!' And they replied, 'Sometimes that's the way it is. Let's go find another place.'

Domino Kai also tells me that he does not always mention his background because he is tired of explaining.

In my short life, I have heard these comments so many times: 'You all look alike.' 'What do you mean we all look alike?' 'Well, all Roma are dark; the men have fringes swept to the side, and sideburns, they always wear those fancy black trousers, and often riding boots. The women have long wavy hair, a lot of hairpins and big, black skirts. All of them steal. They can't be trusted.' Is that what the textbooks refer to as 'general knowledge' of national minorities?

And yes, I recognise this account. Serbian Roma told me the same thing when they came to Sweden from the war in former Yugoslavia. They kept quiet about being Roma in their respective workplaces, for fear of being ostracised. My blonde, best

friend when I was a teenager did not find out that her father was Roma until she was an adult. When I started first grade, a Roma girl started in the same class as me. I still remember how we all stared at her and how rumours spread that you had to be careful, that Roma carry knives and so on. She did not stay in the class for long. At that time, Roma were beginning to make themselves heard. In the 1960s, two famous sisters, Katarina and Rosa Taikon, along with Aleka Stobin and Armas Lind and others, brought the situation of Roma and the misery they were living in to the attention of the Swedish population.



Romani women from Finland - It is difficult to understand how the Roma have been treated and in some places even today are treated with such cruelty. The mystery is not about Roma's lingering suspicion of the majority communities, but of the majority communities' attitudes towards the Roma and the treatment of the Roma. It is not worthy of a democratic and free Europe. (photo credit: Domino Kai)

There is no quick fix for the Roma issue. Misconceptions about Roma are extremely deeply rooted in almost every country in Europe. Even as children, we are led to believe that it is the decision of Roma themselves to remain on the fringes of our communities; that they have refused to participate in community-wide activities. At the same time, our decision-makers have passed law after law against the Roma in country after country. These laws range from assimilation laws, to expulsion or imprisonment of Roma, to laws granting anyone the right to kill a Roma by hanging or by other means. When the Roma reached Romania in the middle of the 14th century, they were captured by the court, church, farmers and landlords, and enslaved. For centuries, auctions were organised where Roma slaves were sold or exchanged. This slavery was not abolished until the 1860s, and survived in practice in some areas until the 1890s. This kind of oppression, and the view that Roma were pariahs, spread to neighbouring countries, and is still deeply ingrained in the consciousness of European citizens today.

In Sweden, when Roma themselves began drawing attention to their plight, something slowly started to happen. However, it was not until February 2007, when, with the support of all parties in parliament, the government established the Delegation for Roma Issues, that we started dealing with the problem in a serious manner. The delegation was instructed to advance the work on improving the situation of Roma in Sweden. Its mission was to promote Roma rights and to help put an end to

their cultural, political and social marginalisation.

The delegation presented a strategy with three overall objectives:

- to close the welfare gap between Roma and other groups
- to ensure Roma were on an equal footing in terms of power
- to repair Roma confidence in the majority society, and bridge the trust gap. In order to achieve real progress, it was important that the delegation work in dialogue with Roma representatives, with several government agencies and with other relevant organisations.

The delegation examined the situation of the Roma in Sweden by collecting, analysing and reporting on the experience and knowledge available in the field, before putting forward suggestions on how the living conditions of the Roma could be improved. It supported municipal projects and activities as well as sharing examples of good practices from different municipalities. It encouraged the exchange of knowledge and experience between the minority and majority society, arranged conferences and seminars and participated in international cooperation on Roma issues.

The delegation had until 31 December 2009 to report its findings to the government, but the mission was extended to 30 June 2010. Nyamko Sabuni (Liberal), then Minister for Integration and Equality, received the report. The former Liberal party leader, Maria Leiss-

ner, was elected chairperson of the Delegation. Some 70 proposals for improving the living conditions of the Roma were made, among them were a truth and reconciliation commission and a White Paper. When Erik Ullenhag became Minister for Integration after the 2010 parliamentary elections, he was made responsible for human rights and national minorities among other things. He appointed a White Paper Commission in 2012 and the report was launched on 25 March 2014.

The White Paper was named *The Dark Unknown History - White Paper on Abuses and Rights Violations Against Roma in the 20th Century*. It sheds light on abuses and violations against Roma in the 1900s such as:

- surveys of Roma
- forced sterilisations and children being taken into care
- entry bans and controlled immigration
- barriers to housing access
- barriers to education
- barriers to the labour market

The White Paper covers a century. Examining the political motives and measures taken in the first half of the 1900s, the paper reveals that surveys, sterilisations, arrests of children, displacement and the refusal to register Roma for census purposes, were in fact carried out on the assumption that Roma were undesirable. These measures obviously exacerbated the position of the Roma and yet it was the very view that Roma were not part of society that was the driving force behind taking action against them.

The day after the White Paper was launched, Minister Ullenhag appointed the Commission against Antiziganism in order to bridge the confidence gap, to the greatest possible extent, between the Roma community and society in general.

The Commission's remit included:

- gathering information about antiziganism⁹⁰ and, in consultation with relevant actors, contributing to dissemination and improving the impact of existing knowledge
- identifying and disseminating examples of effective measures and methods to combat and prevent antiziganism
- participating in the public debate and in various forms of training and information activity
- considering what action the Commission may undertake or contribute to counteracting antiziganism in civil service and schools
- monitoring development, and compiling the investigations and measures taken by various stakeholders concerning the registration of Roma on ethnic grounds.

The commission was to report on 20 May 2016 but the deadline was extended and the report was submitted to the current Minister of Culture Alice Bah Kuhnke (Green Party) on 20 June 2016.

The report on antiziganism (*Kraftsamling mot Antiziganism*) is currently under

review, which means that governmental and municipal authorities, organisations and civil society may give their opinion and provide the government with feedback. The government will then, under the auspices of Minister Kuhnke, make decisions on active measures to advance the position of Sweden's Roma.

Today, when I ask Domino Kai how he sees the future for Roma in the EU, he replies:

I know I will sound pessimistic to some – and with reason. I have, myself, been the victim of hate crime, discrimination and other degrading treatment. My experience is not taken out of thin air, I have lived it. Having said that, I still want to believe in a better tomorrow for everyone; where the forces for good do not surrender to destructive forces. But if we fail to put antiziganism in a historical context, we will never ever improve our understanding of how a particular minority has ended up where it has. The persecution of the Roma in Europe dates back to the 14th century. The Greek Orthodox Church was the first in a line of ecclesiastical communities to join the persecution of the Roma; they courted the royal families and subsequently the parliaments to get rid of the Roma 'problem'.

Over the centuries, various methods have been used to get rid of the

Roma, such as slavery, forced assimilation, mass murder during the Holocaust, legislation and captivity. Those in power and the majority society regarded the Roma as a dangerous, immoral group that practiced occult arts. They were accused of being spies for the Turks or having made a pact with Satan.

They could be blamed for everything, and that remains the case today. Nothing has changed. Roma people are still being blamed for financial crises in different countries, for taking jobs from those who have been laid off – which is totally absurd since no one really wants to hire a Roma.

Millions of Roma today suffer from malnutrition; a few years ago, the UNHCR announced that one in five Roma in Europe are starving. The lack of housing for Roma is considerably higher than for any other group in Europe. The situation in terms of education is a disaster for children and young people, the labour market too. Health conditions are so poor for many Roma that life expectancy is at least 7-9 years below that of the majority society. There are studies that ask, "who do you not want as your neighbour?" Roma always top the list from country to country.

As victims of the Holocaust we are discriminated against as well. We never received any proper recognition or redress.

So, my counter question is as follows, "How should Europe's decision-mak-

ers guarantee that the basic needs of Roma are also met? How should we proceed with all of these other important life issues in such a way that Roma too are treated with morality, respect and solidarity? Enough time has passed since the Second World War to provide a decent living for Roma people as well.

The recent events with "Brexit", pogroms against the Roma in several European countries, the US elections, brown-shirt statements in France and the Netherlands, among others, make me very worried. If someone had asked me two years ago how I regarded the rise of right-wing populism, I would certainly not have imagined it happening this fast.

Today, we can no longer say that the tramp of boots is approaching, the threat is already here on our doorstep. Today the spectre of another Auschwitz-Birkenau is still dormant. What would happen if we allowed it to awaken?

Despite the fact that several positive steps have been taken in Sweden over the last few years, to redress the abuses faced by Roma and promote their rights, the concerns of Domino Kai show that there is still a long way to go. I look forward to the final outcome of the antiziganism report and hope for broad support from the Swedish parliamentary parties for the measures that the government will eventually present to strengthen the situation of the Roma people.

⁹⁰ In this article, the author, writing about the Swedish context, uses the term antiziganism to stress the specificity of the phenomenon in northern European countries.



AIN'T I A WOMAN? THE GENDER DIMENSION OF ANTIGYPSYISM

TERRY REINTKE, MEP

“Ain’t I a woman?” These are the words Sojourner Truth cried out in 1851, asking that her specific reality as a black woman be recognised. It is an old story, but it is still very relevant. Many women from Roma communities could ask the same even now: “ain’t I a woman?” A woman with dignity, rights, a specific background, facing specific challenges, affected by a specific form of oppression. But still a woman. A woman who has to be part of the debate.

Women from marginalised backgrounds are very often talked about, but very rarely talked with. The numbers and statistics are there and they are clear. Roma women often do not have access to higher education; they face poverty, and are too frequently victims of discrimination and violence. In Central and Eastern Europe, 64% of Roma girls attend primary school compared to 96% of non-Roma girls living in similar socio-economic conditions. Three quarters of Roma girls do not complete primary

education (UNICEF 2011: 16),⁹¹ only 8% finish secondary education and 58% leave school before the age of 16. 87% of Roma women are at risk of poverty. In Hungary, 67% of Roma women are unemployed (FRA 2012).⁹²

ROMA WOMEN AT THE INTERSECTION: A CHANCE TO CHANGE THE WORLD

Even if they are familiar with the statistics on the challenges faced by women in marginalised societies, many people – scholars, politicians, and even activists – see this question as a niche inside a niche. When there are already so many problems to resolve and so many people facing poverty and despair, pointing at a specific group is considered superfluous – if not counterproductive.

However, this does not take into account the specific circumstances in which Roma women find themselves. They are faced with discrimination as Roma, in

⁹¹ UNICEF 2011: *The right of Roma children to education. Position paper.*

⁹² See: <http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey>

addition to having to deal with the challenges and difficulties arising from being women. Roma women can face multiple discrimination on different grounds and on separate occasions. It can be additive, the grounds can interact or be combined; the discrimination is intersectional. The situation of a Roma woman is distinct from that of a Roma man or Danish woman. This multiple discrimination can only be addressed if it is recognised as such, and all of its different forms taken into account. Only when the singularity of her situation is recognised can we really make change possible.

WOMEN AS AGENTS OF CHANGE

The *Asociación Gitanas Feministas por la Diversidad* in Spain is successfully fighting to change the perspective: making Roma women subjects of the debate – a debate not only about diversity and human rights, but also about patriarchal and racist oppression. This approach is key to solving the problems faced by the whole community.⁹³

There is hope. Women – especially Roma women – have proven to be very powerful agents for change, helping communities escape a vicious circle of poverty and unemployment. Highlighting the situation of women will eventually prove useful for all people facing antigypsyism. The example of Erika Varga is a case in point. She is a successful businesswoman, designer and social entrepreneur who does not hide her background, but rather uses

her experience. Her small company in Budapest makes dresses and other fashion items inspired by Romani designs. She employs women from Roma communities, training them and giving them perspectives on an equal level⁹⁴. Examples like this show that change is possible. It is our responsibility as policy makers to foster an environment in which women like Erika Varga are empowered to become agents of change.



TO ACHIEVE EQUALITY, BRIDGES MUST BE BUILT

Restricting women's access to education, labour markets and health services is one of the most dramatic and severe ways in which equality and freedom are denied. Depriving Roma women of these rights has devastating consequences for their entire community. This is where

our efforts to build bridges have to start, and where we need to create the foundations for true equality.

Positive action measures provide a powerful means to target Roma women, be they allocating grants for school, vocational training and university, or giving companies incentives to hire Roma women. Additionally, bridges can be built through targeted financial support like microcredit schemes combined with training programmes and advice on setting up a business. Direct grants for social economy initiatives not only provide economic activity and employment opportunities but also create added value for society and the communities from which the women come. For these measures to be successful, it is vital to consistently include Roma women in the design, through to the implementation and funding of the programmes and measures targeting them.

NO PROGRESS WITHOUT COMBATting ANTIGYPSYISM

In order to end the discrimination faced by Roma women, we need to extend and streamline the fight against both antigypsyism and patriarchy. Racist and patriarchal notions are very often linked. Racism and sexism use the same mechanism i.e. constructing a group of people as if it were a homogeneous entity. Specific traits and characteristics are assigned to the group and this is used to create a relationship of power: women are defined as emotional and less rational and therefore in need of guidance from men. Ethnic groups are depicted as uncivilised, dirty and crimi-

nal and therefore inferior to the majority population.

Antigypsyism – the oppression and segregation of Roma communities – is sometimes justified by the assumed lack of gender equality amongst the commu-



nities. Acts of violence – against Roma women especially – are framed as proof of the uncivilised behaviour of Roma men, or even as justification for the building of walls or for direct discrimination. Often, the alleged situation of Roma women is used by right-wing, nationalist and racist forces to show the “inability of Roma communities to change”. The suffering of Roma women is turned against

⁹³ See: <http://www.gitanasfeministasporladiversidad.com/>

⁹⁴ See: <http://romani.hu/en/>

them in order to strengthen antigypsyist prejudice.⁹⁵ Without understanding these intersections, we will not be able to solve the problems that arise from antigypsyism and the multiple discrimination faced by Roma women. We need to empower Roma women. We need to talk with them rather than about them. And we need to forcefully and consistently fight both against antigypsyism and for gender equality.

⁹⁵ It should be noted that there is no evidence of higher rates of domestic violence against Roma women than against women of the majority society.

AUTHORS

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The Alliance against Antigypsyism is an occasional coalition of approximately 100 organisations.⁹⁶ Its aim is to advance a better understanding of antigypsyism as specific racism towards Roma, Sinti, Travellers and other groups that are routinely stigmatised as “gypsies” in Europe. Recognition of antigypsyism is a momentous step in the struggle for equal rights for all in Europe.

The Central Council of German Sinti and Roma was founded in 1982 and is an independent umbrella organisation of 17 regional councils. As the civil and political representation of the interests of German Sinti and Roma, the Central Council fights for the equal participation of Sinti and Roma in politics and society, and for their protection and support as a national minority.

Gábor Daróczi is the director of the Romaversitas Foundation and the founder of the “Lightbringers” programme. He has spent his professional life working for different governmental and NGO bodies and advocating for the rights of Roma adults and children to quality education, access to public services, and equal opportunities. He is Roma and has four children.

Romeo Franz is a German Sinto, musician and composer of the violin piece *Mare Manuschenge*, which is used as the acoustic element of the Berlin *Memorial to the Sinti and Roma of Europe Murdered under the National Socialist Regime*. He has been working for the civil rights of Roma since the 1990s. In 2014 he became the Managing Director of the Hildegard-Lagrenne Foundation, and since 2016 he has been the Commissioner for Sinti and Roma in Germany for the Greens/Bündnis 90.

⁹⁶ List of members at: http://antigypsyism.eu/?page_id=55

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Saimir Mile worked for six years as a lecturer in the Romani studies department of the Institute of Oriental Languages and Cultures (INALCO) in France, and currently works as a lawyer at *La voix des Roms*. Since 2003, he has been frequently contracted by intergovernmental organisations such as the Council of Europe and the Organisation for Security and Cooperation in Europe (OSCE).

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Pro Asyl is a human rights association based in Germany giving refugees practical assistance and providing legal assistance and back-up in individual cases. It implements projects, documentation and research, and organises political campaigns, awareness-raising and public relations.

⁹⁷ For further information see: <http://www.barbara-lochbihler.de>

⁹⁸ For further information see: <http://www.ulrike-lunacek.eu>

Terry Reintke is a Member of the European Parliament. She is Spokeswoman for the Greens/EFA parliamentary group on women's rights and gender equality.⁹⁹

Guillermo Ruiz Torres is senior researcher at the research association Sozialfabrik e.V. In his previous positions at the Berliner Institute for Comparative Social Research (2002–2005) and as Policy Officer of the European Roma Information Office (ERIO) in Brussels (2006–2010), he carried out extensive research on policies towards Roma. As Policy Officer of ERIO, Ruiz Torres was a member of the European Roma Policy Coalition (ERPC) and was involved from the outset in advocating for the adoption of an EU Roma Framework Strategy.

Bodil Valero has been a Member of the European Parliament's Group of the Greens/European Free Alliance since July 2014, and a member of the Swedish Green Party *Miljöpartiet de gröna*. She is a member of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, the Subcommittee on Security and Defence, and the Delegation to the ACP-EU Joint Parliamentary Assembly. She is also a substitute member of the Committee on Foreign Affairs, of the Delegation for relations with the countries of Central America, and of the Delegation to the Euro-Latin American Parliamentary Assembly.¹⁰⁰

Monika Vana has been a Member of the European Parliament for Die Grünen, Austria, since 2014. She is member of the Committees on Regional Development and on Budgets and substitute for the Committees on Employment and Social Affairs and on Women's Rights and Gender Equality. She was a member of the City Assembly of Vienna between 2001 and 2014 and Committee Member of the European Green Party from 2009 to 2012.

Atanas Zahariev is Advocacy Officer at the European Roma Rights Centre (ERRC). He holds an MA in Critical Gender Studies from the Central European University in Budapest. Previous to joining ERRC, Atanas worked on Roma inclusion matters as Sector Officer and Sector Trainee for the EEA/NO grants, and as a *stagiaire* at the European Commission's, DG Education and Culture. In 2013, Atanas was gender research fellow at ERRC.

⁹⁹ For further information see: <http://terryreintke.eu>

¹⁰⁰ For further information see: <http://www.mp.se/bodil>

