Roma/Gypsies: A European Minority

by JEAN-PIERRE LIEGEOIS and NICOLAE GHEORGHE
Minority Rights Group works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities. Founded in the 1960s, Minority Rights Group is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched reports, books and papers; direct advocacy on behalf of minority rights in international fora; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and the challenging of prejudice and promotion of public understanding through information and education projects.

Minority Rights Group believes that the best hope for a peaceful world lies in identifying and monitoring conflict between communities, advocating preventative measures to avoid the escalation of conflict and encouraging positive action to build trust between majority and minority communities.

Minority Rights Group has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under the United Kingdom law with an International Governing Council.

As part of its methodology, MRG conducts regional research, identifies issues and commissions reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the reports are written, and from journalists, academics, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced reports.

Minority Rights Group gratefully acknowledges all organizations and individuals who gave financial and other assistance for this report.

This report has been commissioned and is published by Minority Rights Group as a contribution to public understanding of the issues which forms its subject. The text and views of the individual authors do not necessarily represent, in every detail and in all its aspects, the collective view of Minority Rights Group.
Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

(Adopted by the UN General Assembly, Resolution 47/135 of 18 December 1992)

Article 1
1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.

2. States shall adopt appropriate legislative and other measures to achieve these ends.

Article 2
1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practice their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.

2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.

3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.

4. Persons belonging to minorities have the right to establish and maintain their own associations.

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Article 3
1. Persons belonging to minorities may exercise their rights including those as set forth in this Declaration individually as well as in community with other members of their group, without any discrimination.

2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights as set forth in this Declaration.

Article 4
1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before law.

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States shall take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States shall, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.

5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

Article 5
1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

3. States should cooperate on questions relating to persons belonging to minorities, either alone, exchanging information and experiences, in order to promote mutual understanding and confidence.

Article 7
1. States shall cooperate in order to promote respect for the rights as set forth in the present Declaration.

2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principles of equality contained in the Universal Declaration of Human Rights.

4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 8
1. States should ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.

2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.

3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

Article 10
1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.

2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.

3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principles of equality contained in the Universal Declaration of Human Rights.

4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

Article 9
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Preface

Minority Rights Group (MRG) first published a report on the Roma (or Gypsies) as they are known in Western Europe) in 1972 and has closely followed developments affecting this minority ever since. Following the collapse of the communist regimes in Central and Eastern Europe and significant changes in the situation of Roma/Copy communities in Europe as a whole, MRG commissioned a full updated report Roma/Gypsies: A European Minority, from two acknowledged experts in this area. This report is seen as a reference to support the work of Minority Rights Group, in particular where MRG has established practical training initiatives with the Roma/Gypsy communities to encourage empowerment and also, multicultural education projects to inform and educate ‘majority’ communities.

The new report has adopted a different approach from its previous edition and offers a thematic analysis of the situation of the Roma/Gypsy in the post-communist era. Many of the problems this persecuted minority suffers are not unique to any particular country, although specific instances in different countries are cited in the report. The authors give an overview of the Roma/Gypsy communities and their history of discrimination and persecution in Europe, analyzing the various policies adopted during the 600 years since the Roma/Gypsy first migrated to Europe.

The report examines specific areas where Roma/Gypsy community as a whole currently faces particular difficulties. Roma/Gypsies face disadvantage and discrimination in all spheres—employment, housing, education, health, and cultural and vocational opportunities. In addition, they suffer from the accumulation of centuries of prejudice and negative stereotyping, which have adversely affected policies conducted towards them. Up until recently, there has been little recognition of the Roma/Gypsy as a distinct ethnic, linguistic and cultural group and hence a lack of recognition that many of the problems they encounter result from the violation of their rights as a minority.

Much of the focus of concern has to be on the countries of Central and Eastern Europe, whilst acknowledging that the record of Western European states is also poor. Roma/Gypsy communities have suffered disproportionately in the political and economic changes which have resulted since the fall of communism. In many cases, while communist policies towards Roma/Gypsy communities were far from perfect, as MRG’s earlier report demonstrated, there was a bottom line for Roma/Gypsies in terms of social progress and opportunities. However, positive developments in terms of the recognition of minority rights can be detected in these countries, many of which include protection of minorities in their constitutions. The difficulty is in recognizing that Roma/Gypsy communities deserve this protection, and in providing the resources necessary to implement non-discriminatory and affirmative policies in housing, health, education and employment. There have been disturbing instances of violence against Roma/Gypsies in many countries where political and social transformation is taking place with Roma/Gypsies often being seen as the scapegoat for wider social ills.

There are some positive developments noted in this report, notably the greater freedom of Roma/Gypsies to organize themselves and lobby for the protection of their rights at international and national levels. There have been many initiatives put forward by a variety of European institutions in the last few years which underline the increasing awareness that Roma/Gypsies as a transnational minority need to be recognized and protected at European as well as national levels. MRG welcomes initiatives by the Organization on Security and Cooperation in Europe (OSCE) to devote particular attention to the Roma/Gypsy issue since April 1993 when the High Commissioner on National Minorities was given a mandate to report on the position of the Roma/Gypsy within the OSCE region. MRG actively participated in the Roma/Gypsy Seminar in Warsaw in September 1994 and some of this report is based on submissions made by the authors to the Working Group at the Seminar.

The Roma/Gypsy community was the focus of much attention at the Romanian government-sponsored Conference on Tolerance in Bucharest in May 1995. Roma expressed widespread anger at the way they perceived that their name and their identity had been changed by the Romanian authorities. The Romanian government denies any charge, stating that its preferred name ‘Tsigani’ is traditional and avoids confusion with Romanian nationality. The argument is symbolic of a lack of consultation, trust and confidence in Roma/Gypsies in many states.

Traditionally, the OSCE concern regarding national minorities has focused on security concerns and the danger of conflicts between states. In this case, there is a narrower concern to discourage migration, but also a wider concern that the issues surrounding Roma/Gypsies are an indicator of how tolerant and protective of human rights any society is. Few states can be proud of their record.

As the authors state, the time has now come, since the problems have been identified and aired, to adopt an integrated, inclusive and sensitive approach to the problems faced by Roma/Gypsies as a lighthoasted neglected minority group.

Alan Phillips
Director
September 1995
Roma/Gypsy: terminology

Gypsy: Term used to denote ethnic groups formed by the dispersal of commercial, nomadic and other groups from within India from the tenth century, and their mixing with European and other groups during their diaspora.

Roma/Rom: A broad term used in various ways, to signify:
(a) Those ethnic groups (e.g. Kalderash, Lovari, etc.) who speak the ‘Vlach’, ‘Noravane’ or ‘Rom’ varieties of Romani language.
(b) Any person identified by others as ‘Tsigane’ in Central and Eastern Europe and Turkey, plus those outside the region of East European extraction.
(c) Roma people in general.

Traveller: A member of any of the (predominantly) indigenous European ethnic groups (Woonwagenbewoners, Minčari, Jenisch, Quinquis, Resende, etc.) whose culture is characterized, inter alia, by self-employment, occupational fluidity, and nomadism. These groups have been influenced to a greater or lesser degree by ethnic groups of (predominantly) Indian origin with a similar cultural base (see ‘Gypsies’).

The authors have used the designation ‘Roma/Gypsies’ for the multitude of ethnic groups covered by the above terms; in deference on the one hand to familiarity and on the multitude of ethnic groups covered by the above terms; in deference on the one hand to familiarity and on the other to self-designation.

Context

History

The first Roma/Gypsy groups reached Europe from the East in the fourteenth and fifteenth centuries. At this time, they still remembered their homeland, as testified by numerous documents dated between 1422-1590, a period during which their Indian roots were gradually obscured by legends of Egyptian origins. With their arrival came attempts from the local populations to categorize the newcomers, with diverse names referring to their supposed origins. For example in Greece a sect from Asia Minor, whose members had a reputation as soothsayers and magicians, had been collectively known for centuries by the name of ‘Atsinganos’ (‘untouched, untouchable’). When the new group arrived from the East, this name was attributed to them, and, with variations, was to remain in use in numerous countries (as ‘Tsigan’ in Bulgaria, Romania, and Hungary, ‘Cijan’ and later ‘Tsiganes’ in France, ‘Zigeuner’ in Germany, ‘Zingari’ in Italy, ‘Ciganos’ in Portugal, etc.). Similarly, many regions frequented by Travellers of Eastern origin were, at that time, known as ‘Little Egypt’. This is probably why, when these Travellers moved on to other European countries, they were frequently dubbed ‘Egyptians’, another name which has remained in a variety of forms, with ‘Gypsies’ in English and ‘Ciganos’ in Spanish.

It was not until the late eighteenth century that a comparative study, carried out in Hungary, of Roma/Gypsy terminology and of Indian languages, made it possible to formulate the hypothesis—subsequently confirmed by linguists—of the Indian origin of these communities we shall be calling ‘Gypsy’ or ‘Roma’. The migrations of their ancestors, originating in India, probably developed over a number of centuries prior to their arrival in Europe. More recent research demonstrates that the chronicles of Persian and Arab historians and geographers confirm linguistic findings.

The following reference dates indicate the first recorded Roma/Gypsy presence in various European countries, bearing in mind that earlier arrivals may well have gone unnoticed:

1407 Germany
1419 France
1420 Netherlands
1422 Italy
1425 Spain
1501 Russia
1505 Scotland, Denmark
1512 Sweden
1514 England
1533 Estonia
1540 Norway
1584 Finland

Once in Western Europe, groups often continued to travel from one region or country to another, however, others reduced or discontinued their migrations and adapted their work practices in response to local demand, for example taking up trade, craftsmanship or seasonal agricultural labour. In the course of their travels, these Roma/Gypsy groups encountered other Travellers of indigenous European origin. For example in Ireland from the twelfth century a group known as ‘Tinklers’ or ‘Tyshers’ has main-
tained an identity, social organization, and Celtic linguistic variants distinct from those of the surrounding population. Similarly, the ‘Quimper’ of Spain from the sixteenth century, and the ‘Jewish’ in Germany from the seventeenth century, have maintained separate identities. These encounters led to social and cultural exchange, leading to stratification, and vast linguistic and cultural diversification, both within a given region and from one region to another.

The names attributed to these communities by outsiders are, like the names used by the communities themselves, also very diverse. They have acquired deep cultural significance, with political and administrative texts often using colloquial terms, or inventing paraphrases or metaphors encapsulating official policy at the time. For example, personnes d’origine nomade (people of nomadic origin), negates any reference to a state was attempting to organize and control them. Local state – even in the twentieth century.4

It is not mutually exclusive: they can operate side by side during the same period, in the same region, in the same city. As for the name ‘Rom’ or ‘Roma’, while it does not cover all of the groups concerned, it is increasingly being employed in political and administrative texts often using colloquial terms, or inventing paraprases or metaphors encapsulating official policy at the time. For example, personnes d’origine nomade (people of nomadic origin), negates any reference to
tive term for themselves and use these terms in the collective identity was deliberately stressed in order to serve as a basis for the classification of Roma/Gypsies in Europe.2

The politics of negation

Policies towards Roma/Gypsies have always been characterized by a one-size-fits-all approach. This rejection, localized at first, rapidly became a state affair with the passing of royal edicts condemning and banishing the Roma/Gypsies on pain of corporal punishment. Examples of exclusion policies are numerous: indeed all of the states under consideration have probably practised this at one time or another. For example, in France in 1504, Louis XII banned Roma/Gypsies altogether; by 1550 the penalty for defying the ban became death by burning or by strangulation. Subsequently, any Roma/Gypsy was forbidden, and eventually from 1647, simply being a Bohemian was a crime punishable by death. Similarly, in Spain and Portugal, Roma/Gypsies were simply shot. In 1942 and 1943 Roma/Gypsies and those of mixed race were interned, mainly in Auschwitz-Birkenau, Buchenwald and Buchenwald. Their extermination in Nazi-occupied countries was near-total, and there are virtually no Roma/Gypsy families in Central Europe unaffected by it. Some estimates put the number of Roma/Gypsy murders under the Nazi regime at 500,000, and systematic extermination is still going on: for example whole families have been wiped out in certain territories of the former Yugoslavia in the name of ‘ethnic cleansing’.5

Exclusion

From the time of their arrival in Western Europe in the fourteenth century, Roma/Gypsies have been seen as intruders, erupting into societies just as the state was attempting to organize and control them. Local communities had limited horizons, and faced with these newcomers, they reacted with mistrust, fear, and rejection. Despite their small numbers, peasants, princes, the Church and the guilds were threatened with the invasion of ‘foreigners’. This rejection, localized at first, rapidly became a state affair with the passing of royal edicts condemning and banishing the Roma/Gypsies on pain of corporal punishment. Various such policies were also pursued in Scandinavia. Despite Roma/Gypsies being clearly identified, they were never defined in historical legal documents. The stereotyped image presented in these texts never attempted to express the Roma/Gypsy’s social situation, or to define them in terms of their profession. Instead, they were defined by a series of characteristics associated with the Roma/Gypsy’s way of life: their clothing, their language, their customs, their behavioural patterns. These characteristics were used to distinguish the Roma/Gypsy from the ‘normal’ person, and to define the Roma/Gypsy as an ‘outsider’. Various such policies were also pursued in Scandinavia. Despite Roma/Gypsies being clearly identified, they were never defined in historical legal documents. The stereotyped image presented in these texts never attempted to express the Roma/Gypsy’s social situation, or to define them in terms of their profession. Instead, they were defined by a series of characteristics associated with the Roma/Gypsy’s way of life: their clothing, their language, their customs, their behavioural patterns. These characteristics were used to distinguish the Roma/Gypsy from the ‘normal’ person, and to define the Roma/Gypsy as an ‘outsider’. Various such policies were also pursued in Scandinavia.

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into one of assimilation, characterized by the goal of absorbing Roma/Gypsies, now redefined as misfits associated with social and psychological difficulties. Once again, cultural questions are transformed into ‘social problems’.

Every state in Europe has been involved in this type of policy, however it has been most evident under the socialist regimes of Central and Eastern Europe. It should therefore be borne in mind that if this report does not explicitly mention a given state as it outlines its analyses, these are nonetheless relevant to every country in Europe.

The implementation of this general policy takes many forms. First, there is control by means of a multitude of detailed regulations, dealing directly with every aspect of Roma/Gypsy life: travelling and settling, legal status, the exercise of itinerant and artisan trades, scrap collection, etc. The different elements of such regulations are not always legal, nor constitutional, in particular those dealing with personal legal status when it is negatively defined or treating Roma/Gypsies or nomadic peoples as an undifferentiated group (i.e. when they are subjected to automatic eviction or other discriminatory treatment).

Elements of this policy may be mutually contradictory: for example, legislation limiting the duration and location of stay in urban areas versus the legal obligation of children to attend school. Although these measures do not in a general rule apply specifically to nomads or Roma/Gypsies, it is important to consider the web they weave around those who are caught up in them, confronted in their day to day lives by regulations which prevent them from stopping, from travelling according to their wishes and needs, and curtailing their work possibilities. Roma/Gypsies form a population for whom these laws are mutually reinforcing in their negative effects. For example, a person who is forced to move on too quickly, or to stop in bad conditions, loses his or her sources of income and suffers reduced initiative and adaptability. Moreover these illegal practices, carried out by force and threat, thrive on Roma/Gypsies’ ignorance of their legal rights.

It is worth pointing out the selective manner in which in many laws are applied to Roma/Gypsies. For example, legislation controlling the location of caravans in built-up areas is enforced differently depending on whether the caravans belong to workers on a building site, tourists, or Roma/Gypsies. Caravans are not in fact working or are travelling as tourists at the time. In other words the sole fact of being a Roma/Gypsy, and being perceived as such, provokes discriminatory treatment which is backed up by law.

Regarding legislation, a new approach has developed which, in many states, consists almost exclusively of social welfare. Such social policies, fed by assimilationism, confer an important role on social work and on various official and voluntary bodies formed for, but not by, Roma/Gypsies. Thus control is made more humane, but at the same time tightened and, within the overall policy of absorption, the trend is towards the “normalization” of what is perceived as marginal or deviant. This control can act as a block to genuine aid which, if administered in accordance with Roma/Gypsy socio-cultural realities, could help them to adapt successfully to new situations.

From indecision to innovation?

The failure of assimilation policies is gradually being recognized. There are new general developments, notably that many states must now acknowledge that immigrant families, which they had assumed would eventually be returning to their countries of origin, are there to stay. Serious consideration of the changes required to improve coexistence in countries which have become multicultural is therefore required. New concepts, such as ‘intercultural education’, have emerged, spread, and are slowly, hesitant- ly, being translated into reality. Another very significant development has been the political and social upheaval in Central and Eastern Europe in the 1990s, bringing general destabilization and, for Roma/Gypsies, a further deterioration of their situation. In a number of states, East and West, Roma/Gypsies are once again being cast as scapegoats by politicians and the public.

The goal in most states is for the ‘social integration’ of the Roma/Gypsies. But the goal is an ambiguous one, and its realization fraught with difficulties. Is not integration, in the sociological sense of the term, the first step towards assimilation? Is this not merely a new, ‘politically correct’ formulation which has the advantage of being vague and thus open to interpretation and manipulation? And, between a governmental goal of integration which claims to be based on respect, and its effective realization, there are a number of obstacles.

Whatever policy is adopted with regard to Roma/Gypsies, there will always be two fundamental, inseparable questions: the first concerns the recognition of culture, language and lifestyle, and the second, ensuring that Roma/Gypsy citizens of a given state receive the full benefit of laws protecting their rights as a common group and as individuals. Or, to put it another way, is the Roma/Gypsy’s distinct identity taken into account? If so, how is this done, and what means are made available to support this identity once the debating stage is over? And, having decided on the means, are they actually implemented? Are they in fact compatible with the criteria of recognition and respect, and what sort of results do they produce? Particular attention should be paid to the content and application of national constitutions, and the gaps between theory, practice, and eventual realization. The present period is one of transition, indecision, hesitation and contradiction. On the whole, however, the general direction is a positive one: today’s indecision and the questions to which it gives rise, open the way to new ideas and approaches. Now that the opportunities exist, it is the responsibility, and the duty, of all concerned – politicians, administrators, and those involved both at the grassroots, Roma/Gypsy and non-Roma/Gypsy – to ensure that the new era will be one of innovation.

Accommodation, employment and health

Over a number of years the analyses presented in earlier reports compiled for numerous international institutions, as well as studies undertaken by various non-governmental organizations (NGOs), have converged in their exposure, and denunciation, of the difficult conditions in which Roma/Gypsy families live, and are forced to live. A hearing held by the European Commission in 1991 gave Roma/Gypsy delegations from 14 states an opportunity to express themselves, and a resumé of their statements subsequently issued by the Commission provides a succinct overview of their situation. These conclusions were recently restated at the Seminar on the Human Dimension of the Conference on Security and Co-operation in Europe (CSCE), ‘The Rom in the CSCE Region’, held in Warsaw, September 1994.

Conditions in general

- Difficult living conditions, also deteriorating, sometimes sub-human living conditions.
- In these circumstances difficulty of retaining the Roma/Gypsy identity.
- Need for recognition, not criticism. Roma/Gypsies should receive the same treatment as other refugees.
- Opening up of Eastern European frontiers: Roma/Gypsies do not receive the same treatment as other refugees.

Rejection

- Racist clichés can be found everywhere, includ- ing the media, which all too often carries racist propaganda and encourages rejection in attitudes and conduct.
- Terminology should be reviewed: Roma/Gypsies are often stigmatized and their cultural character- istics are not recognized. Romantic clichés do not improve the image of Roma/Gypsies and Travellers, nor do negative stereotypes which put Roma/Gypsies on the same footing as beggars and outcasts, encouraging a stress on the misanthropy in analyses and government action.
- Many publications present a negative image of Roma/Gypsy communities.

Some aspects of the current situation
The most arduous work is often given to Roma/Gypsies. Problems caused by bans on door-to-door sales, as many Roma/Gypsies are involved in itinerant trades. Such restrictions are inconsistent with freedom of movement and free competition in the member states, and should be looked into.

Many shifts are undesired. Significant shortfalls in vocational training. Take-up in training establishments should be improved, particularly since the issue of work permits may be subject to a certain level of education.

*Health*

Life expectancy is poor. Older people are rare, while infant mortality remains significant. The birth-rate is very high. Roma/Gypsies form a very young and rapidly expanding population. There are numerous chronic illnesses (respiratory diseases, rheumatism, cognitive impairments), access to care is difficult, in many cases registration with health insurance schemes to qualify for reimbursement of medical expenses is problematic. Unbalanced nutrition, which led to deficiencies. Smoking is common among the very young and drugs are coming onto the scene. Some groups are thought to have no linguistic, cultural or ethnic roots. Roma/Gypsies are tending to settle, particularly since the issue of work permits may be subject to a certain level of education.

*Accommodation*

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*Prejudice and stereotypes*

Stereotyped images of Roma/Gypsies are used, whether consciously or not, to inspire and then to justify attitudes and behaviour towards them. Throughout Europe the whole set of imagery has been constructed and developed from the fifteenth and sixteenth centuries onwards, images which rapidly crystallize into stereotypes a formula reservoir into which anyone can dip at will and find something to back up their arguments and justify their policies – be they assimilationist or rejectionist. In describing exclusion policies, we should remember that there was no attempt to find out who the Roma/Gypsies were; it sufficed to designate those who ‘fed the life’ and to construct around them a brooding, repellent image, in order to undertake measures of rejection defined by the political mood of the moment.

The politics of assimilation have characterized Europe over the last few decades, and continue to do so. The emergence of the urge to assimilate Roma/Gypsies is another example of the fact that the image of the Roma/Gypsy stripped of cultural and ethnic distinctiveness. General measures aimed at Roma/Gypsies must retain an air of legitimacy. Without the implementation of covert assimilationist measures, norm that forced assimilation is no longer ideologically acceptable. As a rule the representations constructed in connection with this goal tend to blur all cultural characteristics in order to reveal a ‘social problem’. This is clearly illustrated in official modes of designation. Roma/Gypsies are defined through an arbitrary process which fixes upon a term and strips it of any ethnic or cultural connotations with which it may be associated for example in 1867 the High Court in London defined a ‘Gypsy’ as a person living a nomadic life, with no fixed employment and with no fixed abode. The following year a ruling was made indicating that anyone who buys a camel and acquires, all devoured of cultural connotations: for example, in France ‘people of nomadic origin’ (‘citizens of Gypsy origin’ in the former Czechoslovakia, ‘itinerants’ in Ireland and ‘HWAO’ in Britain) in order to avoid the stigma attached to pander to the expectations of whichever sector can provide the most votes.

*Education*

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*Discrimination and violation of rights*

Selective application of basic rights

The great majority of Roma/Gypsies are citizens of the European Union, and thereby enjoy the same rights, and bear the same duties, as any other citizen. Stipulating equality for all citizens, many countries also state that those who, for various reasons, require assistance in order to enjoy this equality, shall receive it; minority rights, particularly in connection with human rights, and the law of the European Union, is the same. Yet too often the concept of language is implicitly subsumed into that of territory, and it is extremely rare for Romophone regions to be subjected to legislation relating to public order and security, which in theory is applicable solely to the behaviour of the individual. No state is exempt when it comes to this sort of anti-Roma/Gypsy practice; in Italy, the Ministry of the Interior has repeatedly stated that prohibiting stopping rights to nomads is unconstitutional. Local authorities have responded by replacing the prohibition on nomads with a prohibition on their caravans, which neatly transfers the issue to one of traffic regulations. In many states, in the name of protection of the landscape, or agriculture, or wildlife, or any number of other reasons, the stopping of even a single caravan can be prohibited. Furthermore, in the Czech Republic and Romania, the authorities are imposing limitations on the travel and residence rights of Roma/Gypsies who have been established there for generations. Many acts of violence directed at Roma/Gypsies are the work of groups rather than individuals, which makes identifying and punishing the guilty difficult. Given that the victims are Roma/Gypsies, the perpetrators may frequently be of a different collective.

The notion of collective responsibility, and an appropriate legal response, require further work. Basic legal protection is essential for Roma/Gypsies, as much for the exercise of their trades as for their children schooling. It does not appear necessary to undertake major modifications of existing legislation in order to achieve this. Even if it stands as the law tends to favour Roma/Gypsies over those who inflict violence upon them. The problem arises in the case of state provision and mandate for Roma/Gypsies in free competition and perpetuating, inequalities. For example, the lack of suitable teaching materials and of properly trained teachers is cited as an explanation for the inequality of educational resources earmarked for Roma/Gypsy children compared with those for members of more acknowledged minorities. Instead of channelling the necessary means into developing teaching aids and teacher training, it is assumed that Roma/Gypsy children can make do with materials which have been produced with others in mind.

Even without going into the specific questions of recognition of minority linguistic and/or cultural rights, to consider the basic rights automatically conferred by citizenship, a number of mundane daily measures are anti-Roma/Gypsy. Roma/Gypsies are thought to have no linguistic, cultural or ethnic roots. Roma/Gypsies are tending to settle, particularly since the issue of work permits may be subject to a certain level of education.
Acts of violence

The litany of acts of violence against Roma/Gypsies throughout Europe is a lengthy one, and includes cases in many countries. Some cases have been highlighted by the media, others have been kept in the shadows. In view of the limitations of this report, we shall focus on a couple of cases from Romania, and the interested reader can consult the numerous reports compiled by human rights organizations for further details on the particular situation facing Roma/Gypsy communities there and elsewhere. It should also be emphasized that, while Romania has the highest concentration of Roma/Gypsies anywhere in Europe, which justifies singling it out for particular attention, its situation is far from unique: rejection of Roma/Gypsies, and violence against them, exists throughout Europe. While we focus on an event that occurred at Băcu, Romania, in early 1995, equally horrifying scenes were being enacted in: Austria, several Roma/Gypsy families had been accommodated for over a year on one of Europe’s major rubbish tips, in contact with highly toxic waste. Some other examples could be cited. The fact that certain events may be raised to the status of ‘incidents’ by media attention should not shield the violence and rejection suffered by Roma/Gypsies on a daily basis.

The events of January 1995, Băcu, Romania

In the village of Băcu, some 20 km from Bucharest, on the night of 7-8 January 1995 (the Orthodox festival of St John), following a confrontation between villagers and a group of Romanians, a violent scenario was set in motion. The authorities’ passive attitude in the face of repeated, collective violence directed at the Roma/Gypsies has made it impossible for a fair trial to be held. The#guilt of those involved in these crimes, and thus the criminal responsibility of the authorities, is, they feel, an implicit encouragement for the impunity of those involved. Such an attitude is reinforced by the ongoing period of transition, to project its malaise onto the Roma/Gypsies and make them its scapegoat.

Significant precedents

The conflict in Băcu is the latest in a series of some 30 similar incidents which have occurred in Romania in the last few years. Many of these, for reasons of space, have not been reported. The scenarios have been the same: acts of violence committed in conditions of no law, during dramatic events which have assembled to the sound of the church bell to attack Roma/Gypsy homes. These scenarios are the contemporary equivalents of the pogroms once common in Central and Eastern Europe. In the district of Giurgiu alone, five incidents of this type occurred during April-May 1991, all in villages close to Băcu, and all culminated in the burning of Roma/Gypsy homes and the expulsion of their occupants from the village. By this date, the perpetrators have not been brought to justice. Investigations and legal proceedings — launched in response to direct complaints from the victims rather than at the initiative of the authorities — have often failed due to lack of evidence because of village solidarity. The victims have been left to pick up the pieces by themselves, with no compensation.

The Federation of Romanian Roma and the Roma Centre-for Social Intervention – Romani CRISS, (members of the International Roma Union and of the Standing Conference for Cooperation and Coordination of Roma/Gypsy Associations in Europe), have denounced these attacks and protested against the authorities’ passive attitude in the face of repeated, collective violence directed at the Roma/Gypsies. These organizations fear that the current situation of mass violation of human rights may go on indefinitely unless those in power resolve to put an end to it. They also feel that the national and local authorities bear a direct responsibility for the impunity this entails both for internal security and for the process of establishing the rule of law. In this context, and with the support of associations in other countries, they also call on international organizations and national governments to reconsider their classification of Romania, and certain safe third countries regarding the repatriation of Roma/Gypsies; nationals, until a rule of law capable of protecting all citizens from acts of violence has been established.

These organizations, like so many other local and national Roma/Gypsy associations throughout Europe, have been working for years to bring about a lasting and resolve local conflict, to promote civic awareness among the children of their communities, to support grassroots economic initiatives and institute dialogues. In this they have worked to ensure that families who have been expelled from their villages to re-establish themselves there, and ease the repatriation process of families who have sought and found asylum abroad. The long-term aim of this community work is to build democracy at a local level, in Romania, it is being undertaken in close cooperation with the local authorities in a number of districts, as well as NGOs from several Western European countries. It is nonetheless imperative to emphasize that only sustained action on the part of the political authorities — aimed at integrating the institutions of the rule of law into the daily lives of all citizens, most of whom live in multi-ethnic, multicultural communities — will bring these efforts to fruition.

From to toleration to insecurity

The authorities’ apparent toleration of anti-Roma/Gypsy violence makes it impossible to enforce the civil and criminal liability of those involved in these crimes, and thus to bring them to justice — a state of affairs which cannot but encourage the population at large, bewildered and frustrated by the ongoing period of transition, to project its malaise onto the Roma/Gypsies and make them its scapegoat.

The authorities tend to justify the impunity of the guilty by citing peasant solidarity; the latter are quick to follow this reasoning by claiming that Roma/Gypsies’ collective culpability gives rise to collective reprisal. Of course such an attitude goes entirely against the letter and spirit of the law, but villagers claim that theirs is a ‘collective culpability’, and that their criminal responsibility is attenuated by the fact that their actions are merely a response to Roma provocation, and are a legitimate self-defence. In this context, it is sometimes claimed that an impunity operation stems from ‘law’ would be a spiral of violence far worse than the simple feelings of injustice aroused by the impunity of the guilty. On the contrary: the authorities’ passivity is perceived as tacit consent encouraging the development of an ideology opposing ‘locals’ and ‘outsiders’, finding concrete expression in every exercise geared towards the total and definitive expulsion of all Roma/Gypsies from the community, as was done in Bănuț Deal and Ogrezeni, both near Băcu.

Position of the experts and human rights organizations

International experts on human rights and inter-ethnic violence have indicated that the Romanian situation is characterized by:

- The low threshold of mob violence whereby individual (common criminal) offences may trigger the collective violence of a significant proportion of the local population.

A report by the Fédération Internationale des Ligues de Droits de l’Homme (FIDH), International Federation of Human Rights Leagues, also points out the serious risk of continued violent behaviour and attitudes of defiance towards the institutions of the law, and thus of a repetition of such incidents. The report from Human Rights Watch, goes so far as to say that:

Mob violence ... reveals a type of lynch law that is often supported by the local government. The local authorities are, in some cases, active participants in the violence, but more frequently are involved in creating the climate of extrajudicial abuse of Roma, and are active participants or accomplices of acts of justice where the crimes have been committed. This jeopardizes the safety of Roma in Romania and has set a dangerous precedent which may be repeated.

The report of the FIDH mission of inquiry, 28 February – 5 March 1994, by Robert Gelli and Jean Delay, states:

‘Judicial response to murder, arson, and the destruction of Roma/Gypsy homes are a logical conclusion to the incidents outlined below concern the events at Hadareni, 21 September 1993: four dead, three of them Roma, in a Roma housing zone, some 14 Roma homes burnt down, 15 additional Roma homes destroyed, despite the presence of police and firefighters’.

The report states that the following conclusions may be drawn from the mission carried out in Romania:

- Events in Hadareni were not followed up by forced expulsion of the Roma population there, thanks to the fact that – as the Romanian authorities assured us – the Law of 1973 is no longer enforced. At the same time, following consultation with the Hadareni village council, some families are still being prevented from returning.
- Up to the day of our departure, the perpetrators of the acts inflicted upon the Roma of Hadareni in 21 September 1993 had been neither arrested nor charged in connection with the judicial inquiry, despite the fact that evidence making it possible to identify the main participants had been obtained.
- The theme of public order and opportunity favoured by the hierarchial submission of those authorities charged with running the judicial inquiry, and the lack of power of the parties involved, must take precedence in the assessment of the legal response to the criminal violations committed.
- The difficulty – indeed, the impossibility – of identifying individual perpetrators of violence and advancing them as defendants by the judicial authorities in explanation of the state of their investigations, does not necessarily constitute an obstacle to assigning criminal responsibility to those identified as having taken part in, or having instigated, these acts; through complicity or criminal behaviour recognized under existing Romanian law (for example, failure to render assistance to a person in danger, riotous assembly, mob violence, incitement to racial hatred, provoking others to break the law, associating with criminals, etc.), none of which has been invoked or even examined.
- The events at Hadareni are part of a general context of repeated acts and a climate of rejection of Roma/Gypsies, exclusion and vilification, advanced by the media and certain politicians; the disproportionate, violent, collective response of non-Roma populations gives these
The lack of rapid judicial response to behaviour of this kind poses a challenge to the rule of law; as does the insistence that each such incident is an entirely isolated case – a strategy geared towards achieving an amicable settlement out of public dispute. Arsonists in such cases as it arises, with the effect that those responsible for these crimes are never called to answer for them under existing legislation. It is this policy risks condoning acts of violence and attitudes of defiance towards the institutions of the rule of law, and thus of encouraging such behaviour.

The establishment and degeneration of the principle of separation of powers and an independent judiciary, as affirmed in the constitution and in general texts outlines the organisation of the judiciary, should be further developed through legislative change and an increase in contacts, and exchange, with Romanian magistrates.

The tense overall situation and the multiple social, economic and cultural factors entailed necessitate the implementation of an overall preventative policy directly involving all concerned parties – police, justice, education, social services, representatives representatives – at national and local level.

The authorities’ positive measures – and their limitations

The Romanian authorities have responded to anti-Roma/Gypsy violence by putting new police measures into practice, notably through the setting up of a violence-prevention squad under the auspices of the General Inspectorate of Police. This was thanks to this squad that, in 1994, many tense situations involving villagers and their Roma/Gypsy neighbours met with quick intervention, preventing conflict from spreading throughout the community and escalating into violence. Police intervention also proved effective in an incident in Râșca, when amountis were arrested and brought to justice. These incidents were publicized by the associations of the Federation of Romanian Roma.

But the case of Băcu, like that of Hadareni in September 1993, where police presence proved ineffec- tive, shows that police measures are insufficient unless they are followed up by judicial pursuit of the perpetrators of these crimes, according to clear unequivocal political condemnation of their racist and xenophobic nature as well as sustained civic education programmes for the entire population. These are precisely the areas in which the shortcomings of the political authorities, characteristi- cally lacking in clarity and firmness, are most evident.

In Romania as elsewhere, the recent upsurge in vio- lence against the Roma/Gypsy and other ethnic, linguistic and religious minorities reveals the need to build democratic security for all citizens regardless of their sense of identity. This security must be founded in the institutions of the rule of law; and above all else, in justice.

As Max van den Stoel, High Commissioner for National Minorities, said on the occasion of the CSCE High-level Dimension Seminar, Romanians in the CSCE Region:

The problem of racially motivated attacks against Roma and their property is not a purely legal one. Certainly a proper legal framework is essenti- al for protecting persons against racially moti- vated attacks, but in most cases a basic framework already exists. There must, however, also be clear political will – from the highest to the lowest levels of the state – to combat racial violence.11

Migratory movements and refugees

It should be borne in mind that nomadism, sometimes in the form of ongoing migration is a fundamental fac- tor in the lifestyle of a significant number of Roma/Gypsy communities. Roma/Gypsy history is marked by migra- tion, some of it involving such large numbers that this appears as successive waves of migration generally in the sense of direction of West and Eastern Europe. Such a wave is occurring in the 1990s, a period during which migration has taken on a new meaning. Media and political parties combine to emphasize increasingly the threat, and the ongoing approach- ment of Roma/Gypsy and Traveller communities, regard- less of where they are based, is clearly expressed in the emergence of a transnational Roma/Gypsy identity, that of a non-territorial people whose members are linked by culture and language.

Diversity is also operative, given that in international law, Roma/Gypsies moving from one state to another may be classified as immigrants, migrant workers, refugees, asylum seekers, displaced persons, stateless persons, etc., a situation further complicated by legislation and other reg- ulations at national level, with their own specificities and conditions, in terms of legal language with its own variants such as ‘itinerants’, ‘nomadic populations’, ‘populations of nomadic origin’, etc.

Current migration and its significance

Since the early 1990s, a new precondition with immi- gration in general, and fear of a Roma/Gypsy invasion from the East; in particular, have given rise to much dis- cussion, particularly in the media. Most international organizations have commissioned studies on the subject: The European Union, Council of Europe, OECD, OSCE, and the United Nations High Commissioner for Refugees (UNHCR) have all demonstrated a growing interest in this question, which is now high on the international politi- cal agenda. In fact, this interest is a reaction to the sudden increase in Roma/Gypsy visibility as a result of migration from the Balkans (Romania, Bulgaria, former Yugoslavian Slovenia, etc.) and the emergence of racism and xenophobia in Western Europe. The situation in which the Roma/Gypsy communities live – the deterioration of their social situation, violence, hatred, xenophobia, etc. – is perceived primarily from the angle of real or potential migration as a ‘problem’ which may give rise to different kinds of non-territorial dimensions.

In view of the seriousness of the situation of the Roma (Gypsies) in the CSCE region, the High Commissioner on National Minorities was requested at a meeting of the Committee of Senior Officials on 20-22 April 1993 “to study the social, economic and humanitarian problems relating to the Roma popu- lation in some participating states and the relevance of these problems to the Mandate of the High Commissioner and to report thereon to the Committee of Senior Officials through the Chairman-in-Office. In the discussion, it was fur- thermore stated that these problems, which fall into the larger category of migration problems, could also have an international dimension.”12

The ‘danger’ of massive Roma/Gypsy migration is often exaggerated, and little hard information is available as yet to provide a more accurate understanding of real movement. Existing statistics tend to treat Roma/Gypsy families as if they were illegal immigrants. Various reports have offered estimates, subsequently amalgamat- ed in the CSCE report which emphasized their provisional nature. Around 30,000 Roma/Gypsies from Bosnia and Serbia have sought refugee status in Austria, that Germany has taken in 70,000 Romanian Roma/Gypsies, and that the United States and Italy are still receiving considerable numbers of Roma/Gypsy immigrants. We are also aware of the pressures giving rise to mass migration, which are currently below a tolerable minimum act as a push factor, sometimes exacer- bated by racist attitudes and behaviour from surrounding populations. Such reports stress that the worst might indeed come to the worst.

It may, therefore, be useful to have in mind what a “scarcce case” scenario could look like. Should the Roma situation, as a result of falling human rights, further poverty, and racist attacks, lead them to attempt to flee from any one country, we can anticipate that they will encounter increasing numbers of fully armed border patrols along the frontiers of Central and Eastern Europe, and adjacent Western Europe, states, which in the end will limit their access to asylum. So we should the B�nda find themselves blocked in their flight, they may will believe that in order to survive they will have no alternative but to force their way across the borders or, despite the fact that they have no history of civil violence, to turn and fight those who have been attacking them.”13
Yet migrants of this type, in the popular image of refugees and asylum seekers, are not the only Roma/Gypsies Sysympathized with the plight of 1990s Europe. For example, significant numbers of Romanian Roma/Gypsies travel to Poland and the Czech Republic for the summer, and Roma/ Gypsies travel within the Balkan countries in connection with commerce and seasonal agricultural labour. Migration may also take place in highly organized forms. For example, Romanian Roma/Gypsies in the Banat region have tended to emigrate in family groups rather than individually. Groups of Roma/Gypsies from a given locality or region of Romania have congregated in the region of Austria and Germany, thus recreating their original kinship networks. The first Roma/Gypsy to travel to Germany from Romania came from the Banat region and went to the port of Hamburg in 1833, during the period of economic crises, for the purpose of working in the leather industry. The second phase of migration occurred on the 1950s, when many Roma/Gypsies from Romania migrated to Germany, a trend actively encouraged by the German government prior to the fall of communism, and resulting in massive population movements over the 1970s and 1980s. Families and groups with prior experience of forced displacement (for example Roma/Gypsies deported during the Second World War, or voluntary migration/nomadism within the state in connection with seasonal agricultural labour, the building trade and so on, demonstrate a greater disposition to emigrate abroad; travel practices developed within Romania were simply transferred to new territories. It is these groups which have experienced the most envy, hostility and violence from the local Romanian population from 1990 onwards, and which have suffered such negative reactions in the states to which they have emigrated. Over the 1970s and 1980s, a number of national administrations developed integration programmes for immigrant Roma/Gypsy communities, particularly those from Yugoslavia: this was the case in, for example, the Netherlands and Denmark, and in several German cities, among them Berlin, Düsseldorf, Hamburg and Cologne. The 1990s have seen the evolution of new policies, some of them expulsion tactics. For example, there is a Convention signed in September 1992 by the German government and the Republic of Romania, concerning the repatriation of Roma/Gypsies from Romania to the former Yugoslavia when they request asylum of refugee status, and must acquaint themselves with the real situation in any given country before classifying it as ‘safe’ for the repatriation of Roma/Gypsies.

In the former Yugoslavia there is simply nowhere left for the Roma in territories sliced up along ethnic lines without taking them into account. Their safety cannot be guaranteed due to their lack of clearly established citizenship. The Roma/Gypsy exodus of the 1990s is manifestly linked to the frequency with which they encounter violence, the paucity of local and national authorities, and the absence of an adequate judicial response. All of these forms of behaviour clearly defy the rule of law, as does the denial of any ethnic dimension to these recurrent episodes, which are presented as simple, isolated civic disturbances. In this context, international organizations have become increasingly conscious of the specific situation of Roma/Gypsies in relation to human rights, and in particular their vulnerability to violence of a racist or xenophobic nature.

From the early 1990s, European institutions have been drawing attention to the problems associated with the free movement and migration of Roma/Gypsies, etc. as a question on a European scale. Thus, in 1981, a group of MEPs submitted the motion to the European Parliament: ‘On a coordinated approach to reception arrangements for Gypsies residing in the Community. Whereas large groups of Gypsies without a home- land have been roaming for years around Western Europe wherever the Council of Europe has made repeated appeals for an international approach to the Gypsy problem, which is particularly acute in the case of stateless Gypsies (...), believing that only an international approach to the Gypsy problem in Western Europe can lead to its solution.’

This people does not enjoy the protection of its national laws; all these men, women and children bear the same rights, obligations and duties as other citizens of any member country. Under the law, just as under the international conventions, they are entitled to food, housing, education, health care, defence and protection of Roma and Sinti; and any further delay in the implementation of its national laws and the enforcement of the 1990 Convention will entail a failure to inspire and subsequently to justify attitudes and behaviour. It is difficult to remain immune from the effects of the treatment one is forced to endure. A small but growing number of those subjected to such treatment feel exhausted and crushed. The negative imagery surrounding Roma/Gypsies, the use of certain regulations as insidious instruments in undermining community cohesion, as well as false promises and pseudo-consultation indicating a lack of respect for protective values of human rights, all combine to erode the resilience of individual men, women and children, and that of the community as a whole. Extract from a letter by Socio-Pedagogic, zijde, President of the International Roma Union, November 1990.

The Romani Union, the standing organization of the World Roma (Gypsy) Congress, wishes to express its unease and concern and to register its disapproval. It is a dramatic, indeed tragical situation of Roma and Sinti in many countries of the world, particularly in the states of Eastern European and of newly independent states. For this reason the Romani Union has repeatedly addressed itself to the United Nations, as well as to the Council of Europe and the Commissariat of the European Communities, asking them to implement an initiative and to find ways and means of protecting the elementary collective rights and, in particular, to ensure the security and protection of Roma and Sinti will entail grave consequences for the men, women and children of our people.”

Consequences for the Roma/Gypsy

The current situation is a very grave one:

- Assimilationist policies have not led to integration, nor to adaptations and harmonious coexistence, but to the manipulation of Roma/Gypsies.
- Rejection remains the dominant attitude of society at large; tension develops into open conflict; escape routes are quickly identified, with the result that they are harshly treated in an atmosphere of constant insecurity.
- Reality is always effectively obscured by the imaginary, and prejudice and stereotypes continue to inspire and subsequently to justify attitudes and behaviour.

It is without doubt that because they have no home country and that they travel about without passport, that they are regarded as criminals by the authorities and expelled from one country to another. It is the duty of the Community to put an end to this. We, the Committee of Ministers, are calling the Community must show solidarity with this group.’

Within the Council of Europe, in 1981 the Standing Committee of Local and Regional Authorities of Europe (CLRAE) adopted a resolution: ‘On the role and responsibility of local and regional authorities with regard to the cultural and social problems of populations of nomadic origin’, in which it recommended that the Committee of Ministers, following a legal instrument providing that travelling people living in any member country shall have the possibility of obtaining identity papers enabling them to travel at least in all member country.

The Conference also called upon the governments of member states to sign and ratify the relevant conventions on the status of stateless persons and refugees. In 1983 the Committee of Ministers adopted its own resolution. On stateless nomads and nomads of undetermined nationality, outlining proposals for action and stressing that it is desirable to contribute to a European level to a harmonized solution of these problems. Particular for humanitarian reasons in a way consistent with the legislation of each member state, while at the same time respecting the nomads’ way of life.

Many more texts could be cited, but these few references suffice to indicate both the significance of this question at European level, and the existence of diverse institutions – proposals from diverse institutions – proposals which serve may to improve the situation.

The idea of a comprehensive, coordinated approach to the problems associated with migration was endorsed at the Warsaw Seminar on the Roma, organized by the CSECE and the Council of Europe in late 1984, where it clearly emerged that an effective response to these difficulties will require an international approach. In this context, the Convention of European and Bosnian States on the protection of the Roma and Sinti, which was signed in Brussels in 1990, is a significant step in this direction.

In the former Yugoslavia, significant numbers of Romanian Roma/Gypsies have tended to emigrate, particularly for humanitarian reasons in a way consistent with the legislation of each member state, while at the same time respecting the nomads’ way of life.

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In addition to the discriminatory, coercive treatment to which Roma/Gypsies are often subject, and the difficulties arising from the transformations currently rocking the states of Central and Eastern Europe, the present period is also characterized by significant change affecting the form and nature of contact between Roma/Gypsies and surrounding populations. This includes the changing needs in societies increasingly motivated by consumerism, linked with profound economic and technological change. These developments have both economic and psycho-cultural consequences, affecting Roma/Gypsies in very particular ways such as the deteriorating quality of life on the road, the increase in suburban nomadism and urban settlement, and the resulting population concentrations in poor conditions. Negative social, economic and health effects have resulted.20

This is a critical period in Roma/Gypsy history – but it is not only the Roma/Gypsies who are in crisis. Apart from the centuries-old discrimination to which they are subject, and the regulations by which they are encompassed, the present crisis is, for the large part (notably on the economic plane) the crisis of surrounding societies. They too are finding it difficult to adapt, and find expression in a mounting rejection of others. Yet there are no grounds for overall pessimism: the culture of most Roma/Gypsy groups is thriving, lived as a daily, complete and coherent reality, and age-old adaptive strategies are still being exercised. Moreover, the present period, with its characteristic indecision and the introduction of innovative approaches in certain states, the increasing support of international institutions and the emergence and activism of Roma/Gypsy political, social and cultural organizations, forms a context which may favour positive progress.

Among the encouraging signs already noted is the ratification by more and more states of international conventions, particularly those which open up possibilities for combating discrimination on ethnic and racial grounds (although Roma/Gypsies have yet to be recognized as something other than a social category). There is also a growing number of legal decisions, more and more often in Roma/Gypsies’ favour, which are all the more important in that they form the basis for further legislation (rulings by the Council of State in France, the Supreme Court in the Republic of Ireland, the Supreme Tribunal in Spain) and they are gradually providing a way out of the legal void surrounding Roma/Gypsies, despite the plethora of existing regulations. Reform of legislation, however, can have a twofaced effect: on the one hand, increasing the penalties for discriminatory behaviour – particularly on the part of the authorities, for example by prohibiting forced mass evictions and protecting groups from hindrance of their lifestyle for no particular reason (see the recent reform of the Spanish penal code, and in particular its articles 18, 137A, 165, and 181A) – and on the other, breaking the long tradition of stigmatizing nomadism, which is generally classed in the penal code as ‘vagabondage’, a disturbing way of life to be penalized, treated as an aggravating circumstance in case of transgression and a cause for suspicion at all times. In fact an examination of practice at national level with regard to the legal and administrative treatment of the Roma/Gypsies indicates a great variety of situations. This stems from the diversity of political traditions, especially with regard to public recognition of the cultural make-up of groups within society, and in particular the legal recognition or non-recognition of national, ethnic, linguistic and religious minorities. This diversity is further accentuated by the changes currently taking place in the states of Central and Eastern Europe. As we have noted, current policy is often marked by indecision, giving rise to transitional situations characterized by ambiguity and paradox, but which also sometimes favours the emergence of new ideas and innovative practices. To these considerations must be added significant positive development due to states’ ratifying more and more international declarations and conventions directly impacting on the political and administrative treatment of Roma/Gypsies.

Further study needs to be undertaken in this field, and may in fact be one of the first projects launched in the wake of the CSCE/Council of Europe meeting of September 1994 (see below); such analysis would also require frequent updating.21 The following is a brief catalogue of quotations from various national texts, with some of the measures taken. This classification is therefore solely illustrative covering only the legal situation. However, we can distinguish a number of broad categories:

- The neglect or non-recognition of Roma/Gypsies as a minority in legislative systems which fail to cover the particular rights of national and/or cultural minorities in general. In those states with a strong democratic tradition, the rights of ethnic and cultural (linguistic) minorities are covered within the provisions of common law, and Roma/Gypsies, as citizens (theoretically) enjoy these general rights with no supplementary, specific legal protection.
- Failure to recognize Roma/Gypsies as a minority through various legislative and other means, such as the inclusion of Roma/Gypsies as a minority in legislative systems which fail to cover the particular rights of national and/or cultural minorities in general. In those states with a strong democratic tradition, the rights of ethnic and cultural (linguistic) minorities are covered within the provisions of common law, and Roma/Gypsies, as citizens (theoretically) enjoy these general rights with no supplementary, specific legal protection.
- Legal recognition of Roma/Gypsies as a minority in two or more national states, which are clearly defined and recognized in the constitution and legislation, and/or in bilateral treaties covering political and cultural life. Non-recognition of Roma/Gypsies in connection with such provision is discriminatory; it is usually justified on the pretext that they fail to qualify under existing criteria for recognition of ‘historic’ national or linguistic minorities.
- Legal recognition of Roma/Gypsies as a minority through various legislative and other means, such as the inclusion of Roma/Gypsies in national laws and declarations specifically recognizing Roma/Gypsies as a national or ethnic minority. They may also be mentioned specifically, alongside other minorities, in the constitution itself and in laws adopted with regard to minorities. There may also, in addition to general provisions covering all national minorities, be legislation specifi-
The European Parliament, which regularly questions the Commission with regard to the action it undertakes, has a sustained interest, evident in oral and written questions, resolutions, and active support in the fields of European, national, and local policies, notably in connection with the national governments, regional and/or local authorities of the member states, in the fields of culture, education, health, and daily life, as well as general measures such as research, cooperation with the European Community, consultation with representative international Roma/Gypsy organizations, and designating mediators. This recommendation repeatedly emphasizes that, "as one of the very few non-territorial minorities in Europe, Gypsies need special protection.

Following a hearing in 1991, CLRAE organized a colloquium in Slovakia in 1992, bringing together local authorities, representatives of Roma/Gypsy communities, and experts. This confirmed the results of the 1991 hearing; its conclusions emphasized the necessity both of updating and of reactivating the 1981 resolution, and of putting into practice joint work proposals. CLRAE decided, on the basis of the combined conclusions of the hearing and the colloquium, to propose to the Committee of Ministers a resolution.

Resolution 255/13 (Concerning Recommendations on the Social Situation of Nomadic Populations in Europe, adopted by the Committee of Ministers on 22 May 1975) addresses questions of general policy, stopping, and of putting into practice joint work proposals. It was in direct response to the education-related section of this resolution that the Council for Cultural Cooperation (COCID) decided, in 1983, to organize an international seminar which was to be the first of a series. The Council of Europe has also provided both the original impetus and ongoing support for a number of publications, most of them education-related.

Consideration has not been confined to education-related matters. In 1985 the Committee of Ministers adopted Recommendation R(85) on Stateless Nomads and Nomads of Undetermined Nationality. The same Expert Committee for Identity Documents and the Circulation of Persons adopted its final activity report on the examination of the first draft of a recommendation on the circulation of nomads in 1986. The Committee of Ministers has, in response to members' questions, emphasized certain important points, for example at its meeting in April 1984, in reply to question no. 271. On the Recognition of the Roma/Gypsy Ethnic Minority."
The CDMG has intensified its work in relation to Roma/Gypsy-related issues, and their organizations have actively participated and emphasized the importance of the work being carried out by the European Community and the OSCE, as well as the necessity of ensuring the complementarity of their work. The telecommunications network was launched in 1995, and the Council for Cultural Cooperation has commissioned a preliminary study with a view to developing the European Roma/Gypsy television network.

The CDMG has intensified its work in relation to Roma/Gypsy communities in January 1994, it received a mandate from the Committee of Ministers to

**Carry out an in-depth study on the different aspects of the situation and living conditions of Gypsies in the new European context.** This work should be undertaken with due regard to Recommendation 1203 (1993) of the Parliamentary Assembly on Gypsies in Europe, and in close cooperation with work being pursued in other fields, notably within the European Union.

**Organization for Security and Cooperation in Europe (OSCE)** (Formerly the Conference on Security and Cooperation in Europe, CSCE).

At the conclusion of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, in June 1990, an important document was adopted by the participating states. This final document says that these states have come together to reinforce respect for and enjoyment of all human rights and fundamental freedoms, the development of human contacts and the resolution of the issues of a related humanitarian character. Chapter IV of the CSCE is devoted to national minorities: its Article 40 concentrates on the Romani language (for which it cannot, however, be covered in depth).

The CSCE has given moral support to a number of short-term projects related to research, teaching, and/or publication, and its International Child Development Project Development in Central and Eastern Europe; conservation and networking of certain projects has been undertaken and will be intensified over the course of 1995. In this context, too, the experience accumulated by the European Community projects may be of direct benefit to project development in Central and Eastern Europe; conversely, the West has a great deal to learn from activities developed in these parts of Europe.

The development of political action by Roma/Gypsies

The history of Roma/Gypsy organizations goes back a long way, and has passed through a number of stages which cannot, however, be covered in depth.29 In the 1920s Roma/Gypsy associations were set up in Russia, Belarus, and Romania, and in other countries in the 1930s. In the aftermath of the Second World War, there is hardly a state in Europe in which Roma/Gypsy organizations have not emerged. Meetings – local, regional, national, sometimes international – are being held. In conjunction with the profound transformations taking place in the states of
Central and Eastern Europe since 1989, there has been a mushrooming of Roma/Gypsy associations there, and these taking their place in the political arena, the number of associations is on the rise in Western Europe too.

At international level, the Comité International Tsigane (CIT) was founded in 1967, and organized the first World Gypsy Congress (London, 1971) with delegates from 14 countries and a number of other countries. The presidential address by Slobodan Berberis encaptured the spirit behind the Congress:

*The goal of this Congress is to bring the Rom together and to encourage each other to reach out to the world, to bring about our emancipation in accordance with our own intuition and ideals – to go forward to a rhythm that suits us … Everything we do will bear the mark of our own particularity, it will be amaro Romano drom, our own Gypsy way … Our people must plan and organize action at local, national, and international level. Our problems are the same everywhere: we must make use of our own models of education, maintain and develop our own culture, encourage new dynamism in our communities and forge a future compatible with our lifestyle and beliefs. We have been passive for long enough, and I believe that we can succeed – starting today.*

Delegates rejected the terms ‘Tzigane, Zigeuner, Gitano, Gypsy,’ which are not their own, and opted instead for the term ‘Roma’. In a strong feeling of unity, they declared that ‘all Gypsies are Roma’ – reference to the old Romani proverb, ‘va a Rroma phrala’. They felt that their aspirations were the same in the various countries; and as organizations came together, they became increasingly aware of their shared identity, just as they were asserting their presence to the world at large. The International Gypsy Congress Committee, became the standing secretariat and executive organ, providing delegates to national and international bodies to represent this Congress, which remains a permanent body. Flag and anthem were adopted, and on some occasions, the Congress convened in international level. Its purpose concerned the practical goal of organizing preparatory work for the September seminar, a desire was expressed for the Conference to remain in existence as a means of consolidating this self help movement, a development largely favorable to such a development, and the openness and flexibility of the ‘standing conference’ formula should enable it to fulfill this role.

Developing political strategies

The development of Roma/Gypsy political organizations indicates political maturity, diversity, and plurality. The current blossoming of Roma/Gypsy ethno-politics is being achieved by groups emerging from migration, refugee and ethnic status of the Roma/Gypsy people, all of which are the subject of wide debate within Roma/Gypsy associations, particularly regarding prioritization setting up of a Standing Conference for the Cooperation and Coordination of Roma Associations in Europe. The concept was clarified over the course of preparatory meetings and at the seminar itself. This Conference is not intended as a new organization, nor does it replace any existing body at national or international level. Its purpose concerned the practical goal of organizing preparatory work for the September seminar, a desire was expressed for the Conference to remain in existence as a means of consolidating this self help movement, a development largely favorable to such a development, and the openness and flexibility of the ‘standing conference’ formula should enable it to fulfill this role.

The reaffirmation and reclaiming of Roma/Gypsy identity by migrants and asylum seekers

As they undergo the experiences associated with migration and the seeking of refuge, individuals, families, and entire groups of Roma/Gypsies discover and assert the fact that they themselves facing forced repatriation; etc.

Roma/Gypsy groups and families: those who travel out of interest of refugees or human rights in Germany, have mobilized around administrative issues and the specific demands raised by diverse Roma/Gypsy groups and families: those who travel out of interest of refugees or human rights in Germany, have mobilized around administrative situations faced by those who are confronted with the requirements of the law in order to prove their status as ‘Gypsies.’30

In outlining Roma/Gypsy organizations’ current lines of action, mention should also be made of their relations with NGOs, as well as a growing militancy in opposition to expulsion measures taken against Roma/Gypsy asylum seekers, and in response to the situations prevailing in different states regarding Roma/Gypsy families’ accommodation. A variety of groups are particularly concerned that NGOs should be added their developing partnership with national institutions and international organizations.

The transformation of the Roma/Gypsy movement. The ‘transformation’ began by developments in the early 1970s is currently being consolidated. In fact the interest of the movement in improving freedom of movement; the right of asylum for refugees, etc., is one of the above, have been unsuccessful, and who find themselves facing forced deportation, etc. In outline, the current lines of action, mention should also be made of their relations with NGOs, as well as a growing militancy in opposition to expulsion measures taken against Roma/Gypsy asylum seekers, and in response to the situations prevailing in different states regarding Roma/Gypsy families’ accommodation. A variety of groups are particularly concerned that NGOs should be added their developing partnership with national institutions and international organizations.

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In summary, the development of Roma/Gypsy organizations’ current lines of action, mention should also be made of their relations with NGOs, as well as a growing militancy in opposition to expulsion measures taken against Roma/Gypsy asylum seekers, and in response to the situations prevailing in different states regarding Roma/Gypsy families’ accommodation. A variety of groups are particularly concerned that NGOs should be added their developing partnership with national institutions and international organizations.
The ethno-political discourse and practice of Roma/Gypsy associations in their defence of Roma/Gypsies on international migration routes, may involve human and minority rights. Alternatively, a growing awareness of ethno-political identity may lead to the assertion of the 'Roma/Gypsy exception', an insistence on Roma/Gypsy specificity which renders their situation unique in comparison to other cultural and ethnic minorities competing for resources and stability within the migratory movement. Here we have a new stage in ‘Roma/Gypsy transformation’, different Roma/Gypsy groups, their separate identities forged in the diverse ‘waves’ of migration characterizing their history, defining and redefining their various stances with regard to such questions, both in relation to each other and in their relations with the authorities of the states on whose territory they find themselves. Examples include:

- A demand for the protection of Roma/Gypsy rights and for special legal status at European level, as defined in the ‘European Charter for Roma Rights’ (position of the Roma National Congress).
- A demand that Roma/Gypsy and Sinti be protected from discrimination and enjoy their full rights as citizens of their respective countries; in other words, no legislation specifically for Roma/Gypsies, and no specific mention of Roma/Gypsies in general legislation (position of the Zentralrat Deutscher Sinti und Roma).
- The middle ground between these options is to be found in the demand for protection of Roma/Gypsies through, adapted implementation of general legislation, human rights and minority rights, at local, national and transnational levels. As previously noted, the law in general (and specific legislation where it exists) is generally on the Roma/Gypsies’ side, but it is often selectively applied, hence the necessity for enforcing it by various means, notably through developing partnerships between Roma/Gypsy organizations and international, national and regional bodies.

Confirming a cultural space for Roma/Gypsies

The variety of Roma/Gypsy groups and the construction of a cultural identity

Roma/Gypsy reality is enormously varied. The historical experience of various groups, their encounters, stopping places, routes travelled and intersected, and the diversity of their contacts with constantly changing surroundings, have given rise to a great variety of cultural and social characteristics within various groups – and continue to do so. Always immersed in other cultures, Roma/Gypsy life is characterized by continuous adjustment and adaptation to a changing environment. Roma/Gypsy society has thus been characterized, throughout its history, by the invention and development of strategies of adaptation and negotiation. The result is a tradition of change and innovation. Public misunderstanding of Roma/Gypsies – and even research concerning them – by seeking to establish constancy and uniformity where in fact there is only change and variety – have contributed to popular misconceptions and prejudices based on total inaccuracy – which have a very direct impact on policies affecting the Roma/Gypsies themselves. After all, it is argued, Roma/Gypsies are changing; they are not what they were in the past, so they are no longer ‘real Roma/Gypsies’, i.e. they are no longer themselves, so they need to be helped to ‘integrate’. A different analysis is required, recognizing the permanence of lifestyle and profound sense of identity characterizing Roma/Gypsy culture.

Social organization is one of the elements which sustain this lifestyle and enable it to adapt to changing circumstances. Roma/Gypsies form a ‘worldwide mosaic of diversified groups’. This is to say, on the one hand, that a mosaic constitutes a whole, the elements of which are in some respects linked to each other, and that the connections permeating the whole contribute to its organization and structure; and, yet, each element of the whole possesses its own individual characteristics which, taken in isolation, make it appear to be different from every other component. Out of the differences which arise and develop (affecting trades, travelling practices, language, various rituals etc.) emanates a complementarity, and it is this complementarity which constitutes the whole.

The variety of ethnic self-identifications are an obvious sign of diversity. Hundreds of names formed by a wide range of diverse criteria cover hundreds of groups, each of which insists on its own uniqueness. Generally, these groups comprise extended families, however, no group can be understood in isolation. Family groups are part of wider social groups and thus, like a series of Chinese boxes, sets and subsets are formed, taking in more and more groups. It is the group system itself which must be taken into account in any comprehensive, dynamic approach to Roma/Gypsy society: groups exist because of, and for, one another, and it is within this framework that a balance is established, applying to alliances by marriage as much as to business deals. Roma/Gypsy political life is in flux, an inextricable presence in every social act and in all relations, be they of association or opposition. It sometimes crystallizes in connection with certain mechanisms such as the kris, an organ of justice and social regulation in certain Roma/Gypsy groups. While there are certainly families whose fortunes have, in one way or another, detached them from this great group network, these generally maintain an awareness of such relations in preceding generations.

The interlinking of these groups, and their adherence to common values, are maintained through encounter and exchange; links are woven day by day, reinforced, refined, sometimes discontinued. This organization is entirely adaptable to circumstance, to the variety and challenge of the encounters and conditions which come its way. Groups may draw closer together or even merge, while others retreat, subdivide, or even fragment down to the individual level if they are absorbed by their environment: the whole is capable of encompassing all of these processes, and it is regulated by mechanisms of social control, thus guaranteeing the continuity and cohesion of social structures. While the relative distance between groups is felt in a wide variety of ways, and is sometimes significant, a feeling of closeness and community nonetheless exists; for example, in some groups the saying ‘sem Rroma sam’ (‘we are Roma, after all’) is frequently cited to emphasize Roma/Gypsy identity and in praise of cherished group values (hospitality, generosity, friendship), to soothe inter-family tensions or as an expression of a desire to unite in the face of adversity brought about by non-Roma/Gypsy.

Cultural wealth

Contribution to European cultural heritage

As previously discussed, one of the most important tests ever issued by an international organization with regard to Roma/Gypsy people is the Resolution of 22 May 1989 on school provision for Roma/Gypsy children, adopted by the Council and the Ministers of Education of the member states of the European Union. Its significance is far-reach-
ing, particularly because it acknowledges and recognizes that Roma/Gypsy culture has formed part of the European heritage, and this places a duty on the international community and the institutions and governments of the member states to provide this culture and language with the means, not merely to survive, but to develop, giving short shrift to the assertion that such cultural inputs will only be of the greatest benefit to those who impose them. Indeed, the quality of such cultural inputs will very much in evidence in these cases.31

The Council of Europe, for its part, is working on a ‘European Gypsy Cultural Itinerary’ as a feature of its European Cultural Itineraries programme. This will provide invaluable support for Roma/Gypsy culture, from any number of different angles (recognition, validation, visibility etc. – 32

Education policies: a concrete hope

In the course of confirming a cultural space for Roma/Gypsies, scholastic questions as well as those of a broad educational nature, figure prominently. It is these which have occupied pride of place in the attentions of the European Union, the Council of Europe, and a number of national governments over the past decade, and which continue to do so. These are delicate and sensitive issues, but among the most crucial in developing a positive future, and several points should be noted.

First, the gap between in-family education and the school world as it is most often proposed, must be taken into account. To date, too little attention has been paid to ascertaining the educative values and dynamics operating within the Roma/Gypsy family. As a result, teaching practice is all too often in opposition to in-family education, instead of complementing it. Second, the question remains as to whether the Roma/Gypsy parents educate their children must not be judged according to the criteria employed by surrounding societies in educating theirs; to do so is to adopt a cultural, ethnic or racial point of view, the supposed that the school as an institution is often part of what Roma/Gypsy parents perceive to be an aggressive environment, education may be seen as yet another imposition, and one which is much to be desired. Parents may feel that the school’s proposed ‘formation’ of their children may de-form, that is, culturally estrange, them. And for many, this analysis is well-founded. Parental resistance and the persistence of these communities is a sign of the strength of Roma/Gypsy culture and of parents’ capacity to educate their children over the generations.

As a consequence, we must not take the effects of the overall situation (disinterest, absenteeism, outright refusal) as the causes of scholastic failure. As long as relations between Roma/Gypsy communities and surrounding society remain conflictual, parents’, and children’s, relations with the school will remain largely determined by the negative profile of these broader relations.

We have thus identified a very strong primary link between the general situation, and that pertaining in the schools. In the member states of the European Community in the late 1980s, only 30-40 per cent of Roma/Gypsy children attended school with a degree of regularity, over half received no schooling at all; a very small percentage get as far as, or entered into, secondary level. Scholastic achievement, particularly as regards the attainment of functional literacy, is not in keeping with the amount of time spent in school.

Study and reflection indicate the existence of a second link, just as strong as the first, between the general situation, and that pertaining in the schools. Roma/Gypsy children have almost no access to, or knowledge of, the main events in the economic, social, political and cultural life of any of the countries in which they live. In this context, school and what is taught there, but becomes a serious handicap in an environment in which the written word is an omnipresent, unavoidable reality. Lack of schooling is a serious handicap for economic reasons. But equally serious for social reasons. The children must have the opportunity to present changes, and to future ones, than other sections of the population, due to their economic flexibility, geographic mobility, in-family education, and then they will write, enriching European culture with their contributions. These children must have the opportunity to get into school, to stay in school, and to be personally and culturally respected while there. There are possibilities for action. After centuries in Western Europe, Roma/Gypsies are still waiting for a cultural link, just as strong as the first, between the general situation and the schools: the transformation of living conditions for economic activities, establishing the necessity for basic schooling, and with parental desire to ensure that their children receive it. At present, there is a widening rift between Roma/Gypsy children and those of surrounding society, and many already difficult situations will deteriorate rapidly and dramatically with the concomitant risk of certain forms of marginality and/or delinquency.

The analyses carried out nonetheless emphasize that it is possible to envisage a more positive future:

- Measures associated with intercultural education, open the way to new practices validating the different cultures present in the classroom, taking each child’s own capabilities and experiences as their starting-point. Such measures make it possible to adapt the school to Roma/Gypsy children.

The state has attempted, through diverse experiments and/or programmes, to respond to Roma/Gypsy parents’ wishes regarding school provision for their children. Some aspects of these efforts have been successful, others less so. It is important to identify, analyze, and publicize those approaches which have demonstrated their value, to support innovative projects implemented in partnership, and to suggest new ones. The broad evaluation made possible by the study prepared for the European Commission clearly demonstrates that the recommended holistic, structural approach (through cooperation, coordination, and information) has a significant impact in overcoming the major obstacles blocking Roma/Gypsy children’s access to school.

In many ways Roma/Gypsies demonstrate better adaptation to present changes, and to future ones, than other sections of the population, due to their economic flexibility, geographic mobility, in-family education, and then they will write, enriching European culture with their contributions.
Conclusion

A great deal – indeed, nearly everything – remains to be done in order to achieve respect for the rights of the Roma/Gypsy minority. The proposing of working guidelines lies outside the remit of this report; however, if one considers the body of texts put together at the initiative of various international organizations (European Union, Council of Europe, OSCE, UN), one realizes that many such proposals have already been formulated.9 The time has come to implement them through a practical approach taking into account the dynamics of the different communities involved, as well as a realistic recognition of the diverse socio-political and socio-economic parameters involved. A detailed outline of the practicalities of such an approach has been undertaken elsewhere,” briefly, it is a question of:

- flexibility in diversity,
- precision in clarity,
- internal dynamics as the baseline,
- dialogue,
- coordination,
- study and reflection,
- information and documentation.

We shall only stop to focus, in this text on minority rights, on the development of partnership within a framework of intensifying dialogue. Consultation and cooperation can lay the foundations for respect for rights, and the demand for such a partnership has long been expressed by Roma/Gypsy organizations. It is now shared by international institutions (see the numerous texts issued on this subject, and their proposals), and concrete advances are occasionally being achieved at state level. We stress that a consensus is currently emerging, and with it the potential for establishing real partnership. The authors of this report have, over a number of years, repeatedly submitted proposals along these lines to the European Commission, Council of Europe, and OSCE; conditions are now ripe – provided existing will is transformed into action – for establishing concrete working methods characterized by a relationship of true partnership. The different ‘actors’ have taken their place on the political stage, the instruments of knowledge and the working tools have been developed, at the service of all, and each of the partners is directly concerned with promoting the rights of the Roma/Gypsy communities both at national and international levels.

Annexe

Romna/Gypsy women’s manifesto, Seville, May 1994

The Gypsy women coming together on the occasion of the ‘First Gypsy Congress of the European Union’, driven by their concern over the condition of Gypsy women in the European Union, and in particular by the problems associated with the education and schooling of their children, reached the following conclusions:

Given the gravity of the social, educational and cultural situation of Gypsy women and their children, we state the need for:

1. The establishment of urgent measures in the political, social and economic fields with the aim of eliminating poverty, marginalization and ethnic discrimination.
2. The strengthening and developing of measures in the field of education so that girls and boys will have the same educational opportunities, and for their social adaptation, and for their acceptance as full citizens of the European Union;
3. The enabling of the Gypsy woman to fully take on and develop the cultural role and traditional values defined by Gypsy culture, including in contexts which curtail such expression. We feel:

- That one of the main problems that we, as Gypsy women, face, is low self-esteem. There is an urgent need to strengthen our awareness of our own value and of our ability to resolve our own problems.
- There is no doubt that such self-awareness would lift our social, educational, political and cultural awareness. It would also lead to our undertaking social and educational action ourselves. We therefore propose:
1. To hold European-level meetings of Gypsy women, with the aim of analyzing the social, political and educational problems we face,
2. To encourage the formation of communication and socio-educational programme coordination networks among Gypsy women,
3. In order to achieve this, we propose setting up a communication and coordination infrastructure at European level, establishing ourselves as a reflection, opinion, and action group in which Gypsy women from the European Union and other countries will participate.

Finally, we launch an appeal for Gypsy solidarity to alleviate our anguish and anxiety for the Gypsy people in the former Yugoslavia and in particular for the women and children suffering the atrocities of war. We demand that all Gypsy and humanitarian organizations redouble their efforts to remedy this appalling situation. Similarly, we demand a stop to the expulsion of Gypsy men, women and children from one country to another, one region to another, one village to another; this traumatic situation is hampering the social, cultural, educational and human development of our people.

As a consequence, and in full awareness of the importance of intercultural education – the foundation for Gypsy/non-Gypsy existence – we appeal to the European Commission, the various Ministries and international, national and local organizations, for their support and assistance in our pursuit of these objectives.
Recommendations

Recognition of identity

The UN Declaration on the Rights of Minorities makes it clear that states have a duty to protect the existence, and the national or ethnic, cultural, religious and linguistic identity, of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

Non-discrimination

Roma/Gypsies are entitled to equal treatment before the law and have the right to expect that those guilty of crimes directed against them be subject to investigation in accordance with the law. They should enjoy full and equal rights both as citizens of a given state and as a recognized minority group.

Equality of treatment

Roma/Gypsies should receive the same treatment as other refugees when seeking asylum. The basic principles of the Convention on the Reduction of Statelessness should be applied to Roma/Gypsies when they do not have the nationality of the state in which they reside.

Participation

Roma/Gypsy-based NGOs should receive financial and moral support. Their work should be promoted and recognized as a way to enhance participation of the Roma/Gypsy in devising and implementing policies which affect them. Information and documentation should be sought before entering into implementation phases of projects.

Education

Multicultural approaches to Roma/Gypsy education and to the education of young people as a whole should be fostered and encouraged throughout Europe as a vital component in combating prejudice and negative stereotypes. Better vocational training and educational opportunities, including the encouragement of traditional occupations are also required.

Need for comprehensive approaches at the international level

An integrated approach to the various measures adopted by a variety of European institutions should now be adopted. MRG welcomes the creation of a Roma/Gypsy contact point under the auspices of the OSCE and calls for cooperation of all institutions and NGOs in the sharing of information and expertise.

Right to self-designation

All minority communities have the right to choose their own identity. No country has the right to change the appellation of a particular community without their consent.

NOTES

1 For further details on this point see Kenrick, D., Gypsies, From India to the Mediterranean, Gypsy Research Centre- CRDP Midi-Pyrénées, Interface Collection, Toulouse 1994.
2 For more in-depth treatment of the topics covered in this chapter, see Liégeois, J-P., Roma, Gypsies, Travellers, Council of Europe Publications, Strasbourg, 1994.
3 Source: Gypsy Research Centre, René Descartes University, Paris, 1994, this table gives 'stable' numbers more indicative of the long-term picture than of recent population movements; the inclusion of new arrivals would entail a significant rise in the figures given for several Western European states such as Sweden, Italy, Germany, Austria, etc.
4 This typology and the examples illustrating it have been developed by Jean-Pierre Liégeois in a number of works, for example 'Le discours de l’ordre: pòvoirs publics et minorité culturales', in Esprit, Paris, 1980 and Traînées, Maspero, Paris, 1983. A synopsis is presented in Roma, Gypsies, Travellers, Op. Cit.
5 The Interface Collection has a number of works on this tragic period of Roma/Gypsy history (see Bibliography).
8 Extracts from the report on the hearing held in May 1994 by the European Committee on Co-operation, General Directorate for Employment, Industrial Relations and Social Affairs, Directorate for Social Security, Social Protection, and Living Conditions.
9 For more detailed analysis see Roma, Gypsies, Travellers, Op. Cit.
15 For a more detailed analysis see Roma, Gypsies, Travellers, Op. Cit.
16 Ibid. In addition, the OECD compiled a report in 1996: Benaim, A., Evaluation of Gypsy Populations and of their Movements in Central and Eastern Europe and in some OECD Countries, focusing on the issues of migration, application for asylum, demography and employment.
19 The full test of this resolution proposal is reproduced in On Gypsies. Texts issued by international institutions, documents compiled by Marielle Danbayki, Gypsy Research Centre – CRDP, Interface Collection, 1994.
20 Ibid.
21 See also Roma, Gypsies, Travellers, Op. Cit.
22 Certain texts issued by international institutions have expressed a demand that such a study be undertaken, see for example: Resolution 1203 (1993) of the Parliamentary Assembly of the Council of Europe, which, under ‘General measures’, recommends that ‘independent research should be initiated into the national legislation and regulations concerning Gypsies, and their application in practice, and regular reports on this research presented to the Assembly’ (Article xvi).
24 See bibliography for reference details.
25 See bibliography.
26 The proceedings of this seminar were published: Gypsies in the Locality, Strasbourg, Council of Europe Press, Studies and Texts Series, 1994.
27 For further details see the quarterly information newsletter Interface, published by the Gypsy Research Centre, René Descartes University, Paris.
32 Ibid
33 We remind the reader that a detailed report on the implementation of the resolution subsequently adopted by the Ministers of Education is in existence: see Liégeois, J-P., School Provision for Gypsy and Traveller Children, Ibíd.
34 In connection with compiling School Provision for Gypsy and Traveller Children, a specially commissioned report on Gypsy in-family education was written.
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General

The Interface Collection:
A European collection of reference works developed with the support of the European Commission by the Gypsy Research Centre of René Descartes University, Paris, in collaboration with expert groups (of historians, linguists, anthropologists, education specialists etc.) and a network of publishers in several countries. Some titles receive Council of Europe support for distribution in Central and Eastern Europe. The following titles are currently (August 1995) available:
10. Interface, free quarterly newsletter published by the Gypsy Research Centre with the support of the European Commission in connection with the implementation of the Resolution of the Council and the Ministers of Education, 22 May 1989, on school provision for Roma/Gypsy children, with Council of Europe support for distribution in Central and Eastern Europe, and the participation of the Kultusministerium Nordrhein-Westfalen for the German-language edition. Available in English, French, German and Spanish from the Gypsy Research Centre, Université René Desartes, 106 quai de Clichy, 92110, Clichy, France.

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1 – Liégeois, J-P., School Provision for Gypsy and Traveller Children, synthesis report of studies undertaken in the member states of the European Community, Commission of the European Communities, Office for Official Publications of the European Communities, Documents Series, first edition, 1986 (currently available in English, French, German, Italian and Spanish).*
10 – Interface, free quarterly newsletter published by the Gypsy Research Centre with the support of the European Commission in connection with the implementation of the Resolution of the Council and the Ministers of Education, 22 May 1989, on school provision for Roma/Gypsy children, with Council of Europe support for distribution in Central and Eastern Europe, and the participation of the Kultusministerium Nordrhein-Westfalen for the German-language edition. Available in English, French, German and Spanish from the Gypsy Research Centre, Université René Desartes, 106 quai de Clichy, 92110, Clichy, France. * Available throughout Europe via sales agents for official publications of the European Communities, or direct from the Office for Official Publications of the European Communities, 2 rue Mercier, 0585, Luxembourg. ** Available throughout Europe via sales agents for Council of Europe publications, or direct from Publications Section, Council of Europe, 67075 Strasbourg Cedex, France. *** Available from Council of Europe Publications, or direct from Publications Section, Council of Europe, 67075 Strasbourg Cézex, France.
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Minority Rights Group
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UK

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