

**THE TRANSITION IN CENTRAL AND EASTERN EUROPE:
A CASE STUDY OF THE ROMA COMMUNITY (1990-2010)**

*Dissertation Submitted to Jawaharlal Nehru University in partial
Fulfilment of the requirements for the award of the degree of*

MASTER OF PHILOSOPHY

BHAWNA CHOUDHARY



**CENTRE FOR EUROPEAN STUDIES
SCHOOL OF INTERNATIONAL STUDIES
JAWAHARLAL NEHRU UNIVERSITY**

NEW DELHI – 110067

2011



Date: 25/07/2011

DECLARATION

I declare that the dissertation entitled "THE TRANSITION IN CENTRAL AND EASTERN EUROPE: A CASE STUDY OF THE ROMA COMMUNITY (1990-2010)" submitted by me, in partial fulfilment of the requirement for the award of the degree of **MASTER OF PHILOSOPHY** of **Jawaharlal Nehru University** is my own work. The dissertation has not been submitted for any degree of this University or any other University to the best of my knowledge.


Bhawna Choudhary

CERTIFICATE

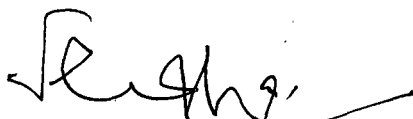
We recommend that this dissertation be placed before the examiners for evaluation.


Prof. Ummu Salma Bava

(Chairperson)

Prof. Ummu Salma Bava
Chairperson
Centre for European Studies
School of International Studies
Jawaharlal Nehru University
New Delhi-110067, India




Prof. Shashikant Jha

(Supervisor)

FOR YOU PA,

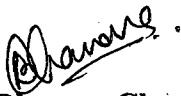
For your unconditional love, incredible sacrifices and inconceivable strength.

ACKNOWLEDGEMENT

I extend my sincere gratitude to my Supervisor Prof. Shashikant Jha, for this research was inconceivable without his invaluable guidance, feedback and encouragement. His advice not only helped in identifying the area of study but also in shaping the contours and substance of this research. I also thank the faculty members at Centre for European Studies for their selfless guidance and support.

My profound gratefulness to my grandma, Smt Kamla Dhaka, my parents, Sheetal and Suman Prakash Dhaka and my younger yet very wise siblings, Karnika and Shubham. Their absolute love, support and prayers have helped me tide through difficult times. No less important has been the support of my baba and badi mi, Kanta and Prem Prakash Dhaka, and my cousins Jhoomar, Nitin and Payal. Last, but certainly not the least, I acknowledge the unconditional love, support and motivation by my fiancé Prateek.

Also, many thanks to my friends who have been pillars of strength in my life as well as during this important phase. I am deeply indebted to Khushboo, Dechen, Divya, Muzaffar, Benietta, Juhi, Ruchi, Sweety, Kartik, Saponti, Laysang, SP, Nazifa, Nancy, Prerna di, Shreya di, Ritu, Rupam, Shriparna, Sugandha, Tulsi and Ahor.


Bhawna Choudhary

CONTENTS

Acknowledgment	Pages
Acronyms and Abbreviations	I-II
Chapter I	
Introduction	
1.0 Introduction	1-5
1.1 Review of literature	5-12
1.2 Definition , Rationale and Scope of Study	12-13
1.3 Research Questions	13
1.4 Hypotheses	13
1.5 Research Methods	13-14
1.6 Chapterisation	14-15
Chapter II	
Historical Background of the Roma	
2.0 Introduction	16
2.1 Nomenclature	16-17
2.2 Who are the Roma?	17-21
2.3 History of Roma: 14 th Century Onwards	21-22
2.4 Roma and the Nazi Period	22-27
2.5 Roma under Communist Rule	27-33
2.6 Conclusion	34

Chapter III

Roma and the Transition in Central and Eastern Europe

3.0 Political Liberalisation	35-42
3.1 Economic Liberalisation	42-55
3.2 Conclusion	55-56

Chapter IV

EU and the Protection of Roma Rights in Central and Eastern Europe

4.0 Introduction	57-58
4.1 OSCE	58-61
4.2 Council of Europe	61-63
4.3 EU: Influencing Minority Rights Policies in CEECs	63-65
4.4 Assessing EU Minority Conditionality	65-78
4.5 Minority Rights Protection: A Case of the Roma in CEECs	78-85
4.6 Conclusion	86

Chapter V

Conclusion	87-92
-------------------	--------------

References	93-103
-------------------	---------------

Abbreviations and Acronyms

ACs	Advisory Committees
AIDS	Acquired Immuno Deficiency Syndrome
ALMPs	Active Labour Market Programmes
CEE	Central and Eastern Europe
CEECs	Central and East European Countries
CoE	Council of Europe
EC	European Council
ECHR	European Convention of Human Rights
ECRML	European Charter for Regional and Minority Languages
EDAP	European Diversity and Autonomy Papers
EMU	Economic and Monetary Union
ERRC	European Roma Rights Centre
EU	European Union
EUMC	European Union Monitoring Centre on Racism and Xenophobia
FCNM	Framework Convention on National Minorities
FRA	Agency for Fundamental Rights
HCNM	High Commissioner on National Minorities
HIV	Human Immunodeficiency Virus
MEHO	Migrant and Ethnic Health Observatory
NGO	Non-Governmental Organisation
ODIHR	Office of Democratic Institutions and Human Rights
OSCE	Organisation for Security and Cooperation in Europe
PHARE	Poland and Hungary: Assistance for Restructuring Their Economies
RELEX	Directorate General for External Relations
STDs	Sexually Transmitted Diseases

UN

United Nations

UNDP

United Nations Development Programme

UNHCR

United Nations High Commissioner for Refugees

UNICEF

United Nations Children's Emergency Fund

Chapter I

Introduction

Roma, a non-territorial European nation, are a minority in practically every country of Europe. Not only are they the largest ethnic minority in Europe post - 2004 and 2007 enlargements of the EU, they are also the poorest and the most vulnerable group on the continent. The Roma population, since its arrival, has experienced widespread poverty, social exclusion, discrimination and occasionally, violence too. They were referred to as gypsies as they were believed to have come from Egypt. However, for the members of this community, the term has pejorative connotations and is representative of the negative stereotypes prevalent about them. Therefore, the use of this term in academic discourse and media has ceased. The term 'Roma' meaning 'the people' has become widely used as the politically correct term for the emerging unique ethnic identity of these people and their desire to be treated as equal members of the societies they live in.

It is difficult to gauge exact numbers of this community as many Roma do not identify themselves as such in questionnaires for fear of discrimination. However, Liegeois, the most quoted scholar on Romani numbers puts their population in Europe at 7 to 9 million; a large majority of this population is found in Central and Eastern Europe as well as the Balkans. Roma have no historical homeland and no state where they form a majority. They form 6 to 9% of the population in Romania, Slovak Republic, Macedonia and Bulgaria. Romania has the largest number of Roma numbering about 2 million. They number between 400,000 to 1 million in Bulgaria, Hungary, Serbia, Montenegro and Slovak Republic. They are also found in large numbers in Western European countries like Spain, France, Italy and Germany. Their share in the national population is likely to increase because of high growth rates in Roma and lowering growth rates of majority populations.

Between 9th and 14th century, the Roma are said to have migrated to Europe during the Islamic invasions in north west India. They are traced back to the Banjara tribes, Rajputs and Jats in Rajasthan, Punjab and Western Pakistan. They have been discriminated against since their very arrival because of their different looks, traditions, history, culture and language which posed problems in their integration with local populations. While the prejudices, attitudes and stereotypes suggest that

they are a single, homogeneous group, Roma, since the very beginning, were an assortment of different groups. They adopted the language, religion, customs of the places they migrated to. Therefore, Roma of different regions might differ from each other in terms of physical attributes, language, religion, standard of living and level of integration with the society.

While some regimes were a little more tolerant than others, Roma ever since their arrival in Europe have been subjected to prejudice, discrimination, exploitation, forced assimilation, slavery and torture. Initially welcomed and famed for their arts, from mid fifteenth century onwards Roma came to face anti-gypsy legislation and were expelled from most parts of Europe. They were traded as slaves in Moldavia and Wallachia (modern Romania). They were forced to sedentarize and give up their nomadic lifestyles in the Austro-Hungarian empire. Marginalisation, discrimination and anti- Roma policies have been common to all the Roma irrespective of the countries they migrated to.

The Nazi era however, forms the darkest hour for Roma in modern European history. The Roma call it Porrajmos meaning the “Devouring” as more than half a million Roma were exterminated under the “Final Solution”. Roma were stigmatized by the Nazi government and majority society as nomadic, socially marginal, unproductive, sexually licentious, genetically inclined towards committing crimes and racially inferior. These stereotypes were not gender differentiated and applied equally to women and men, to infants and the elderly; they defined Sinti and Roma as social outsiders, thereby facilitating their persecution by health, welfare, and police bureaucracies. The Nazis intensified the control and harassment pursued by the previous regimes, increased the intense scrutiny and put the gypsies in concentration camps. Lastly, they imposed the racial Nuremberg laws on Roma alongside the Jews to curb what they called the Zigeunerplage (gypsy plague). Roma, unlike the Jews, did not receive any compensation for the genocidal crimes committed against them till the late 80s.

Under the communist regime, no affiliations were encouraged other than class and as a result all attempts by the Roma to express their identity, culture, were suppressed. The Roma were subjected to repressive assimilation schemes which did not allow expression of Romani language or music in public. Roma and their way of life were

seen as an obstacle to the fulfilment of the socialist dream and the creation of the socialist man so they were forced to work in state enterprises which they resented. There were also efforts to control their birth rates through forced sterilisation of Roma women. In stark contrast to their ideology, the communists did not restrain nationalism, rather encouraged it to provide legitimacy to their regime thereby often making the Roma vulnerable to bias by the nationalist majority groups. However, during the communist rule, the Roma were better off economically, and their socio-cultural exclusion decreased because of better levels of education, free medical care, housing and guaranteed employment. Such socio-economic security came at a cost; Roma were at the risk of losing their distinct identity which they had preserved till then with great resilience.

The Roma of Central and Eastern Europe welcomed the transition of their societies from communist to liberal democratic setups with market driven economies. However soon, the harsh realities of the transition dawned on them; the Roma employed in low skilled jobs were the first ones to lose their jobs in the transition. Transition was accompanied by a steep decline in their living conditions, levels of education, employment, health and housing. Politically, the transformations in these post-communist countries ended the political marginality of the Roma who were now recognised as ethnic or national minorities. On one hand, the democratic transition gave them a variety of political freedoms including that of political organisation while on the other, there was an increase in discrimination, anti Roma prejudice and violence towards them. This is attributed to a multiplicity of reasons: the difficult times due to the economic transition, competition for scarce resources, the rise of nationalism and the decline of communism. Also important is the tendency to scapegoat minorities during difficult times. The fall of the Iron curtain also opened the CEE region to western scrutiny and the deplorable conditions of the Roma attracted significant international attention. Roma present a unique case as they are an ethnic minority with no historic homeland and no state where they form the majority. They have never been an active participant in any conflict yet remain the most discriminated against minority.

Post-1990, minority rights have gained unprecedented importance in the world at large and Europe, in particular. EU has become one of the foremost champions of human rights and minority rights not only in the domestic context but also

internationally. This is due to several reasons: firstly, Europe has been home to some of the worst HR violations of minorities, secondly, Europe comprises of states whose political borders do not correspond to the ethnic borders rendering it vulnerable to conflicts. Thirdly, the collapse of the Iron curtain led to an escalation in ethnic conflicts and the Balkans had been a bitter experience for Europe as well as the Balkan region. Fourthly, any conflict in this region would mean an outpour of refugees to the EU countries. Fifthly, rights of minorities were important not only from social justice concerns but also for peace and stability in the post-communist world which consisted of states deeply divided by ethnicity.

The enlargement of the EU in 2004 and 2007 took ten CEECs in its fold. The EU is said to be based on certain norms which are listed in the Copenhagen criteria as non negotiable criteria for entry into the EU. The post-communist states of Eastern Europe who were willing to become an integral part of the European Union were required to fulfil the Copenhagen Criteria put forth by the European Council in 1993 aimed at the de-economization of the EU. The conditions to be met by the states wishing to accede to the European Union included the presence of a functioning market economy, adherence to the aims of a political, economic and monetary union, appropriate adjustment of its administrative structures, stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities.

All the candidate countries therefore, had to put in substantial safeguards for their minorities which included observance of the principle of equality before law and in all areas of social, political and cultural life, freedom to develop their own culture, tolerance and intercultural dialogue, freedom of association, the right to manifest religious beliefs, free access to the media and use thereof, a series of language freedoms such as the right to use the minority language in private and public life, the right to use surnames and first names in the minority language, the right to education and the right to learn the minority language, the right to effective participation in cultural, social and economic life in public affairs, the prohibition of forced assimilation and the right to trans-frontier contacts.

The international and domestic efforts in CEE countries aimed at the amelioration of the conditions of the Roma have failed to address the so called Roma problem. In spite of all the EU safeguards and provisions for respect and protection of minority rights,

Romani people continue to be steeped in extreme poverty and social exclusion. Today, they present the missing link in the internationalisation of human and minority rights in Europe.

1.1 Review of Literature

Liberal Democracy and Minority Rights

There is a vigorous debate among contemporary political theorists regarding the compatibility of liberal democratic principles and group rights. While many argue that liberal democratic states should maintain their neutrality and abstain from offering group rights, there is an increasing number of scholars who opine that group-specific rights should be granted to national minorities. One such scholar is **Will Kymlicka (1995)**, who has advanced a liberal theory of group or minority rights and argues that group or collective rights for minorities are not incompatible with the basic values of liberalism and democracy. This multicultural model has gained wider acceptance 1990s onwards. **He (2001)** believes that classical liberal theory must be accommodative of the claims of minority groups. Also, group rights are needed to protect minorities in states which are never ethnoculturally neutral and invariably support a culture that is not necessarily the culture of the minorities. In a debate on whether group specific rights should be exported to Central and Eastern Europe, he argues **(2001)** that export of such norms to Eastern Europe is the right path for both normative reasons (creation of ethnoculturally just societies) as well as pragmatic reasons (achieving peaceful ethnic relations). This is a legitimate response to the actual or perceived injustices that may have arisen in the path towards nation building in the region.

On the other hand, scholars such as **Joppke (2003)** and **Wolff (2002)** argue that the state should maintain its ethnic neutrality and that politics should be de-ethnicised. A number of scholars have argued against the concept of group rights within liberal democracies on several other grounds: they believe that such rights will lead to crystallisation of ethnic political parties interested only in the benefits to their communities. Also, it will lead to ethnic mobilisation in an area which has seen many instances of violent ethnic mobilisation. It may lead to intolerant minority nationalism

and oppressive regimes at the sub national level. They might also hamper the process of democratic consolidation in democratic states (**Vermeersch 2003**).

Roma and the Transition

There has been a plethora of literature on Roma during and post transition. Democratisation allowed for two contradictory processes: on one hand Roma were able to make use of the political space to voice their concerns and on the other hand there was a rise of nationalistic forces in many of the states which for narrow political gains ostracised Roma. This has been well documented by several scholars like **Barany Zolton, Goldston (2002)** etc.

Csepeli and Simon (2000) have identified the increasing hostility towards Roma during the transitional period. There has been a rise in support of beliefs like Roma are lazy and irresponsible, Roma cannot be trusted and are genetically inclined to commit crimes. The newly granted freedom of the media has only aggravated the situation as newspapers often carry reports that encourage popular opinion or incite hate speech or warn of the gypsy danger. Gypsies are seen as a homogenous mass characterised by illiteracy, lack of work discipline, lack of respect for social and legal norms and that they live solely on charity and welfare. Political discourse in these countries is full of overt and covert manifestations of hate speech. Such image of the Roma people affects the relationship between Roma people and institutions of the state such as the police, courts, local governments and health services. They also point out the twin processes involved in creation of the Roma identity, one by non Roma and other is the self identification of the Roma.

Zolton D. Barany has argued that the problem of marginality in Eastern Europe is persistent and recurs under different political systems, regimes and economic conditions. Historically the states and societies of Eastern Europe, like most of their modern counterparts elsewhere, have failed to formulate realistic approaches to national integration: they have been unable to provide individuals and collectivities with choices other than the alternatives of total assimilation or total rejection and marginality. The problem is aggravated by deficiencies in state and economic development, subject as they have been to devastating interruptions and changes in modern times. Although political systems and their policies toward the Roma have changed, system, regime and policy variations have had little apparent effect on the

Roma's marginalization. The most important reasons for this appear to be the constancy of negative popular attitudes toward them and the Roma's own reluctance to conform to social expectations, let alone to be assimilated.

Peter Vermeersch and Melanie H. Ram (2009) point out that different states followed different models to accommodate interests of their minorities ranging like minority rights model which talks of group differentiated rights regarding culture, language, participation in social and economic concerns for the minorities like in Hungary or the undifferentiated citizenship model which seeks to separate minority issues from culture and treat them as socio-economic concerns. Most states from mid 1990s onwards however brought in special provisions to check discrimination and packages for amelioration of Roma's conditions. They also point out the problems in the mobilisation of the Roma. Roma activist and organisations have come up in large numbers and have been successful in propagation of the term Roma and in attracting the attention of national as well as international institutions. However, they have failed to make it a mass movement and are divided on issues of identity and interests. Roma movement is still in its initial stages. They have tried different routes of mobilisation ranging from electoral politics, to NGOs to consultations with state institutions. They have not been very successful due to lack of coordination, cooperation and support in dispersed populations.

Nicolae Gheorghe (1991) points out that the process of democratisation has created contradictory processes for the Roma. On one hand, they are increasingly participating in political processes as political parties are trying to woo them. They have an increased presence in the media, experiments in teaching in Romani language are being conducted and they are able to organise themselves at the transnational and international level. All this has made them more visible in the public eye in a new light and allowed them to be more articulate in asking for respect for their rights and promotion of their cultural and political rights as a distinct minority. They are experiencing a process of ethnogenesis, which means they are moving from the status of a despised marginal community to the situation of an acknowledged minority at par with other groups. However at the same time, he points out that parallel to the increased articulation of Romani interests has been the increase in prejudice and conflict against Romanies. Freedom of speech to the press has brought more open

expressions of anti- gypsy prejudice and hostility and they are accused of being criminals and also black marketers responsible for shortage of goods. In many states, there have been violent attacks which have been described by human rights organisations as true pogroms, like the one in Eger, Hungary in 1990. It has become commonplace to collectively punish the Roma by burning their houses in order to force them to leave the towns.

UNICEF (2007) reports high levels of widespread poverty and social exclusion among the Roma children in South Eastern Europe which is home to roughly 4 million Roma. It reports poor housing, mostly slums and ghettos which lack proper sewage and are overcrowded. Roma women are discriminated against in employment opportunities, welfare benefits, are malnourished which then is transferred to the new born. They have low levels of education and high dropout rates. Child labour is widely prevalent and there are segregated schools for Roma children.

UNHCR (2008) reports continued criminalisation of Roma despite denials and that the pressure on the community is designed to make them move on and in so doing they lose rights to welfare, health care, education and housing. Roma/Gypsies usually do not have citizenship. Many long-term resident Roma in Germany only have temporary 'tolerated' status, or *duldung*, which provides a stop on expulsion and must be frequently renewed. It often includes restrictions on freedom of movement, access to employment and social assistance, depending on the particular state. In many Western European states also Roma continue to face violent racist attacks by right wing groups, anti Roma graffiti is a common sight.

Emerging reports indicate that the Roma have lost out the most in this transition with a sharp decline in their socio-economic status. **Ringold (2000)** identifies the most immediate impact of the transition for the Roma in terms of the labour market; Roma were mostly employed in low skilled jobs and were among the first ones to be laid off when restructuring began and subsidies for state owned enterprises were scaled back. Roma who had lost jobs found it difficult to re-enter or compete for jobs in the new market due to their low levels of education and skills as well as discrimination.

UNDP (2002) and UNICEF (2007) reports point to the steep decline in education levels and standard of living for the Roma.

EU and Roma Rights Protection

Hughes and Sasse (2003) argue that the issue of minority protection is an extreme case for analyzing the problem of linkage between EU membership conditionality and compliance by candidate countries. While EU law is virtually non-existent, EU practice is divergent, and international standards are ambiguous, the issue has been given high rhetorical prominence by the EU during enlargement.

James Goldston (2002) contends that the chances to have a more just world for the Roma have dramatically improved because of the presence of EU as Roma present a major test for EU's constitutional pretensions. Goldston also points out the fact that EU's emphasis on minority rights has awakened millions of European to the plight of Roma who till a decade ago were nothing more than a band of thieves and beggars. The prospect of being allowed to join the EU has become the single most important catalyst for changes in individual government policies toward the Roma. Today there is a much higher number of Roma pursuing higher education, an increased presence in the media and use of legal means at national and international levels to fight for their rights. They are also in many states challenging official policies of the state for example issue of segregated schools for Roma children or putting Roma children in schools meant for differently abled children. In spite of all these changes much needs to be done; popular attitudes are yet to change and at times the EU focus on Roma has also led to their scapegoating by national governments who blame them for being obstacles to their membership of the EU. Roma children are made to go to schools meant for mentally deficient, Roma people still face racist attacks and in most cases, the perpetrators go scot free. Roma are discriminated in all spheres ranging from education, employment, housing, entry into restaurants and bars and also from the police. EU's credibility is undermined by the fact that Roma in many of the Western EU countries undergo a similar treatment.

The economic crisis due to transition has only increased unemployment in the Roma and that coupled with high growth rates has led to widespread poverty and social

disorganisation. Transition and EU membership have led to increased migration of Roma from east to west and they claim it is on account of the persecution and discrimination they face in CEE countries. However, the west is not so welcoming anymore as most people feel they do it for economic reasons and they are a burden on social security service as well provide increasing competition for the already scarce resources. The image of a gypsy invasion has been skilfully manipulated in the western media.

Vermeersch and Ram (2004) have identified the key role played by EU in promoting Roma rights through continuous demands and declarations. Roma have been a top priority in minority concerns of the EU. EU has focussed on the violence and discrimination against the Roma and it has come out with country specific reports on the issue. However, EU recommended very vague solutions to the problems. For instance, a country needs to step up integration efforts towards the Roma but does not specify what kind of measures. In most states, implementation lags far behind policy formulation; the large amount of legislation that was required for EU membership meant that implementation would come at a later stage and at times could be ignored altogether. There is a lack of political and popular support for implementation of these policies and also very little or no participation by the Roma in policy formulation and implementation. Post accession, the EU cannot be as assertive as earlier, however the Race Directive adopted in 2000 continues to be a driver of change and is being used in courts now. EU still plays an important role in terms of funding Roma related projects and continued monitoring of improvement in their conditions.

Olivier De Schutter and Annalies Verstichel (2005) point out that the Race Equality Directive of EU in 2000 has gone a long way in protecting the rights of the minorities in CEE countries guaranteeing substantive equality but it has been found to be inadequate while dealing specifically with the Roma. For instance, to extend its scope of application to the delivery of administrative documents, in order to explicitly include segregation as a form of prohibited discrimination, or in order to adopt another instrument, complementary to the Racial Equality Directive, addressing in a more focused manner the specific needs of the Roma, while remaining attentive to the preservation of their traditional lifestyle for those wishing not to renounce it, and ensuring that such a measure is based on a consultation with the Roma themselves.

Bernd Rechel (2008) has stated that the European Union has had a decisively limited impact upon minority protection in Central and Eastern Europe on account of certain constraining factors such as internal minority rights standards, and emphasis on the *acquis communautaire*, missing expertise on minority issues, the superficial monitoring of candidate states, a lack of concern for human rights and a failure in addressing public attitudes towards minorities.

Minority Rights Group International (2010) and other organisations call for increased participation of the Roma in decisions that affect them. They also argue that since the problem of discrimination against Roma is a pan European problem as the recent eviction of hundreds of Roma from France proves so there should be a pan-European Roma policy to address the problem and a horizontal coordination between various enforcement and monitoring mechanisms. Any policy, programme or project launched at the European level should be based on fundamental rights and take into consideration the 10 common basic principles for Roma inclusion, namely: constructive, pragmatic and non-discriminatory policies, explicit but not exclusive targeting, inter-cultural approach; aiming for the mainstream, awareness of the gender dimension, transfer of evidence-based policies, use of community instruments, involvement of regional and local authorities, involvement of civil society, and active participation of the Roma.

The accession of ten CEE countries in 2004 and 2007 enlargements raises the issue of post accession compliance with minority conditionality of EU regarding the rights of the Roma. The carrot of membership to overcome domestic opposition is long gone; the limited competence of EU on internal minority rights issues means that new members cannot be readily criticised. Also, the dismal conditions of the Roma in older member states further limit any scope for further progress in this regard. Furthermore, persistent negative popular attitudes limit any scope for further reforms (**Ram 2007**).

The review of literature points to a substantial room for refinement of research undertaken on the subject. More often most studies on this subject matter do not take into account the fact that the Roma are not even constitutionally recognised as national minorities in a number of the CEE states. Also, there has been little research

on the linkages between the political cultures of these states and their impact on the Roma struggle for equality. More often, the research focuses on the Roma and how they are viewed by the majority populations however, increasing importance needs to be given to perspective of the Roma on key programmes and policies designed to alleviate their suffering. This can offer key insights into why major programmes for the amelioration of the conditions of Roma have not succeeded. This study has sought to collate the relevant data and information on the subject and present a critical assessment of the effects of the transition and the phenomena of minority rights protection of the Roma in the countries of Central and Eastern Europe.

1.2 Definition, Rationale and Scope of Study

This research has intended to study the nature and causes of discrimination against the Roma minorities of Central and Eastern Europe. It has focused on the impact of the transition on the conditions of the Roma. It also delves into the impact of EU conditionality that has been a simultaneous process in the transition. It attempts to see if the transition to a liberal democratic set up has actually improved the conditions of the Roma and what has the liberalisation of the economies meant for the Roma minority in these post-communist states. This study therefore, tries to examine the quality and credibility of minority protection available to the Roma in the countries of Central and Eastern Europe and critically analyze the changes brought about by the transition.

There has been a remarkable increase in the emphasis on the issue of minority protection in states of Central and Eastern Europe once they applied for EU membership. This has led to increasing assertiveness by the Roma at national and international level. This study looks at the various issues in discrimination against Roma, Roma mobilisation, role of national governments and popular attitudes, the programmes meant for amelioration of their conditions and the loopholes in such programmes which have retarded the rate of progress in this regard. Thus, there seems to be an urgent need to study the complex nature of the problem in its entirety. There is a need to study the factors that facilitate or hamper the process of complete minority protection for the Roma.

The research was desirable on account of the fact that there exists a need to study and analyze and address the issue of minority protection in a comprehensive and integrated manner.

1.3 Research Questions

This study has attempted to answer the following questions:

1. Has the often praised model of minority rights within a liberal framework been successful in ensuring adequate protection for Roma minorities?
2. What have been the causes and nature of discrimination against Roma?
3. What has the transition of the Central and Eastern European states to liberal democracies with market economies meant for the Roma?
4. Why has the EU given unprecedented salience to the rights of the Roma and how far has the enlargement and its conditionality helped the Roma?
5. Why are the Roma still the most discriminated minority in Europe, a critical analysis of the national and international efforts at ameliorating the conditions of the Roma?

1.4 Hypotheses

The following hypotheses have been tested in this study:

- 1.) Liberal democracy offers the most favourable environment for the protection and promotion of minority rights and cultures.
- 2.) The transition in CEE and the pro active role of the EU and its conditionality in accession negotiations have helped in improving the conditions of the Roma.

1.5 Research Methods

Reference to all the relevant material pertaining to the issue of Roma and their conditions has been made. This study is based on facts and supported by the theoretical premise that liberal democracy offers the most favourable environment for minorities to lead a dignified life since it allows for an eclectic mix and coexistence of

both collective as well as individual rights. This study is descriptive and analytical in nature.

The research undertaken involves the use of data collected both from primary and secondary sources. Primary sources include documents and reports released by governments and various organs of the European Union and other international organisations like the UNHCR, UNICEF, ERRC, OSCE, UNDP, UNICEF, Amnesty International and World Bank. Secondary sources include research work done by experts and organizations available in books and academic journals, commentaries and news items from newspapers and internet sources. The attempt to arrive at a conclusion has been made by beginning the study with certain general premises. Hence, the technique applied for the study is deductive in nature and consequently it does not involve the process of conjuring up new data.

1.6 Chapterisation

This study is organized in the following scheme of chapters:

Chapter 1: Introduction

This chapter gives an insight into the exact area of research delved into and enables one to decode the rationale, intent and purpose behind the research undertaken. It also sheds some light on the existing research in the area and the theoretical foundations on which the study is based.

Chapter 2: Historical Background of the Roma

The chapter briefly deals with “who are the Roma” and the historical evolution of their marginal status in Central and Eastern Europe. It deals with the history of Roma from 14th century until end of the communist rule in several stages. It examines factors that led to the cultivation and continuation of the marginal status of the Roma.

Chapter 3: Roma and the Transition in Central and Eastern Europe

The chapter makes an attempt to understand the complex set of factors at work during the transition that impact the lives of the Roma. It looks at the positive and negative consequences of the transition for the Roma. It examines the consequences of the liberalisation of the economies on the Roma and how the Roma are coping with the

tremendous changes around them. For a more systematised understanding, the chapter has been divided into two broad sections of Political and Economic Liberalisation which are further subdivided into several themes offering a detailed look into the lives of the Roma in the transition phase. The study aims to see if the democratic set up ensuring minority rights has actually been effective in protecting the rights of the most vulnerable minority of the region. It also seeks to understand the ways in which Roma have tried to make use of the opportunities that democratisation of their states has thrown up and the problems in mass mobilisation of the Roma.

Chapter 4: EU and the Protection of Roma Rights in Central and Eastern Europe

This chapter deals with the role of EU in minority rights protection in general and Roma rights in particular. It traces the development of international minority rights protection in Europe after the collapse of communism and offers a brief look into the roles of OSCE and CoE as well. It highlights the hard and soft security concerns that prompted the EU to give unprecedented importance to the protection of minorities especially Roma in the states of Central and Eastern Europe during the enlargement negotiations. There is critical examination of the role and efficacy of the EU conditionality in the enforcement of the norms and rules pertaining to the rights of the minorities. The factors promoting or inhibiting the success of EU conditionality also find a mention here.

Chapter 5: Conclusion

This chapter would consist of the summary of the findings of the study and the verification of the hypotheses.

Chapter II

Historical Background of the Roma

2.0 Introduction

The momentous events of 1991 have significantly altered the geopolitical landscape of Central and Eastern Europe and opened their societies and economies to the western world. All encompassing changes have taken place in the lives of the inhabitants of this region in a short span of time critically influencing the life of the people in general and minorities in particular. The question this study seeks to answer is 'how' and 'how much' have circumstances changed for the Roma, the poorest and the most vulnerable ethnic minority of the region. The fall of the Iron Curtain has increased international awareness of the conditions of the Roma and minority rights have come to fore as one of the key issues in this region with deep ethnic divisions. Concern over their human rights violations and rapidly deteriorating socio-economic conditions during the transition has been brought to the forefront by several international organisations and NGOs (Vermeersch, Ram 2009: 61). The EU accession negotiations for the former communist states of Central and Eastern Europe consisted of minority rights as one of the core conditionalities and Roma rights alone as one of the core political issues. The prospect of being allowed to join the EU has become the single most important catalyst for changes in individual government policies toward the Roma (Goldston 2002: 149). The reasons for such a heightened attention to the Roma issue are discussed in the latter part of the study. An understanding of the kind of discrimination, poverty, social exclusion and violence Roma face today requires a comprehensive analysis of the multidimensional problem in its historicity. This chapter therefore, offers a concise look into 'who are the Roma', their migration to Europe, causes of discrimination and policies enacted by various states and regimes towards the Roma.

2.1 Nomenclature

A wide variety of appellations are used to refer to Roma; Gypsies, Gitanos in Spain, Travellers and Romanichal of England and Ireland, Sinti in Germany and Italy, Manouche in France and Cigany in Hungary. Gheorghe points out an important aspect

of such nomenclature; all these are exonymes, names designated to the community by non-members or outsiders and have derogatory meanings. Roma were identified as gypsies as they were believed to have come from Egypt but for the Romani people, the term 'gypsy' has derogatory connotations and is symbolic of the historical stereotypes, prejudices and misconceptions prevalent about them. They prefer the use of the word Roma, derived from the Romani word 'Rom', it means man. The word Roma refers to both, a subgroup of Romani people in Central and Eastern Europe as well as all Romani people. Roma has become the favoured and the politically correct term in academic discourse on the Romani people. Today, Rom, Roma, Romani, Rroma are all acknowledged terms used to refer to this group.

For some, the word Roma reflects the rich heritage, cultural dignity and distinctiveness of an oppressed but also resisting people, as well as their common history and identity of interests. Though not all Romani people use this term; some are not even aware of what it denotes (Blasco nd).

2.2 Who are the Roma?

Roma are a pan-European ethnic minority; extreme poverty, vulnerability and social exclusion aptly describe the current conditions of the Romani people. They number about 8-10 million and are the largest ethnic minority of Europe.¹ Historical records and linguistic research indicate that Roma migrated to Europe from India in several waves. There is considerable debate regarding the causes and temporal aspect of the Romani migration to Europe. Many scholars put the time frame at around 14th century but roughly 9th to 14th century is taken as the period for Roma migration to Europe. Roma are said to have migrated from India during the time of Muslim invasions, what prompted their exodus is still unclear; explanations range from natural calamity, persecution to induction into the military (Tanner, 2005).

Scholars like Ian Hancock opine that the Roma were an assortment of different groups of Aryan society assembled into an army to fight the Muslim invaders. They fought the invaders all along the eastern limit of the Muslim world and reached Europe since Islam was extending into Europe as well. Roma generally moved around in extended

¹ http://www.fra.europa.eu/fraWebsite/roma/roma_en.htm

patriarchal families and numbered around hundreds (Tanner, 2005). They took different routes to reach Europe. Some travelled through Caucasus and China while others went through Middle East and Balkans.

An ethnically and linguistically heterogeneous group, as they moved away from India, they adopted elements of the culture, language and customs of the regions they migrated to which gradually led to the evolution of a unique Romani identity. Therefore today, within the Romani people, there is great heterogeneity with respect to language, dialect, customs, religion, beliefs, occupation and class. Roma are divided into nations and tribes along these lines and further subdivided into countless groups in all countries of Central and Eastern Europe. These numerous divisions have been an obstacle in the growth of a single, unified political identity.

Romani, an Indo-Aryan language, descended from Sanskrit is the language of many Roma. There are several dialects in the Romani language reflecting the differing paths of dispersion among the wandering Roma. Not all Roma speak the Romani language; Romani speakers number about 2 million. Many Roma groups speak the native language of the regions they migrated to or a mix of both. A large number of Roma have also adopted the native religion of their countries of residence while retaining their older beliefs, customs and forms of worship. Therefore, today the religious denominations within the Roma in Europe range from Roman Catholic, Orthodox Christians and Muslims in Eastern Europe; Catholic, Protestant or Pentecostal in Western Europe and Muslims or Christians in the Balkans and Turkey.

There is considerable difference between self identification of the Roma and their identification by the 'Gadje' (non-Roma). Outsiders often see them as one homogenous group coupled with negative stereotypes about them. The Roma, as mentioned earlier, are not a single, coherent group. The existence of the Roma as a group is a result of the complex process of labelling, categorization and counter-categorization by political authorities, cultural elites, self-proclaimed representatives and the wider population (Vermeersch, 2006). Many Roma do not see themselves as belonging to one ethnic group or they do not consider other Roma as part of the Romani people. Often the only similarities between different Roma groups are their common ethnic origin, the fact that they are non-Gadje or common government policies targeting them. More recently, they are experiencing common problems and

hardships during the transition in the Central and East European countries and tend to be poorer than the majority populations (Rechel ed. 2009: 63).

Despite the great variation, there are certain practices and customs that are followed by or govern the behaviour of most Roma. Some of the prominent ones find mention here. Many of their practices are similar to those in Hinduism. Romani families are large with a patriarchal authority structure. Women gain respect and authority as they grow older or give birth to children. Roma society and conduct is governed by Hindu purity laws (marime). They lay great importance on sexual purity before marriage and often marry boys and girls at a young age. The boy's family pays a bride price to the girl's family, a practice which is diminishing gradually. Child marriage among the Roma has been a controversial issue as it often violates the law regarding marriageable age of the countries they dwell in. Genital organs, lower body, child birth, cats and death are among those considered impure. Contact with non-Roma is also considered impure and there are strict rules governing interaction with the Gadge. The limited interaction between the Roma and non-Roma has also only fuelled the stereotypes about Romani people as well as mistrust and misconceptions between the two.

While some Roma groups are still nomadic, a vast majority of Roma in Central and Eastern Europe have settled down, either willingly or as a result of forced sedentarisation. This happened either during the Austro-Hungarian and Ottoman empires or through the assimilationist policies of the socialist regime.

Roma are a unique pan-European minority because they have no historic homeland in Europe and no state where they form the majority; they do not wish to establish an independent state of Romani people. This has some serious implications; they have no mother country to champion their cause therefore, they are denied the status of 'nationality' in many countries. Their political demands are not seen as threatening since they lack the backing of a state; on the other hand, their complaints of human rights abuses are often ignored for the very same reason.

Roma population in Europe is concentrated more in Central and Eastern Europe; about 70 percent of European Roma live in this region and parts of former Soviet Union. Size estimates of Roma in this region put their number between 7-9 million.

They are the largest non-territorial ethnic minority of Central and Eastern Europe. About 70 percent of European Roma live in Central and Eastern Europe and 80 percent of the central and East European Roma live in the countries which gained EU membership 2004 onwards (Ringold, Orenstein, Wilkens 2005: 3-4). It is difficult to get accurate estimates of their numbers because most Roma do not identify themselves as such in questionnaires for fear of discrimination. However, Roma form 6 to 11% of the population in Romania, Slovak Republic, Macedonia Former Yugoslavia and Bulgaria. Romania has the largest number of Roma numbering between 1 to 2 million. They number between 400,000 to 1 million in Bulgaria, Hungary, Serbia, Montenegro, Slovak Republic. They are also found in large numbers in Western European countries like Spain, France, Italy and Germany. Their share in the national populations of these states is likely to increase because of high growth rates in Roma and lowering growth rates of majority populations.

Roma of Central and Eastern Europe are the poorest and the most discriminated minority in the region. They form the lowest rung of the society in terms of education, health, housing, employment, social integration, standard of living and life expectancy. Throughout history they have been enslaved, marginalised, discriminated and persecuted while their cultural identities have been suppressed. While earlier they were forced to sedentarise; in the twentieth century there are pressures built on them designed to make them move on which only exacerbates their impoverishment. Constant movement implies no citizenship for them or benefits meant for state citizens regarding health care, education and social security. Ever since their arrival, they have been victims to rumours, negative stereotyping, social exclusion, ghettoisation and racial violence. However, one must bear in mind that the great heterogeneity among Roma in terms of class, education, employment entails a resultant diversity among these groups in the level of their social integration.

This study looks at the conditions of the Roma and the treatment meted out to them through Zolton Barany's four stage model with a slight modification (Csepeli, Simon 2004:130). The first stage consists of history of European Roma until the 19th century rather than 18th. The second stage looks at Roma during the first half of the 20th century until the Second World War. The third and fourth stages will look at Roma under communist rule and Roma during the transition in Central and Eastern Europe respectively. This chapter deals with only the first three stages and the fourth will be

looked at in much greater detail in the next chapter of this study titled “Roma and The Transition in Central and Eastern Europe”. The scope of this study warrants only a brief look at the history of Central and East European Roma through the first three stages.

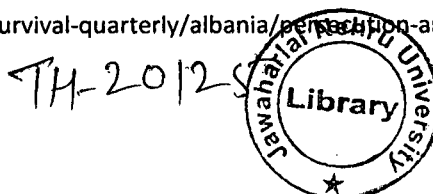
2.3 History of Roma: 14th Century Onwards

Since their arrival in Europe, Roma have been the most marginalised, maligned, discriminated and persecuted ethnic minority of Europe. They reached the fringes of Europe between 13th and 14th century. They were initially welcomed and as Tanner (2005) points out they even had letters of permission from the kings and the Pope permitting them to enter European towns. Gradually the curiosity and welcome turned to antagonism, exploitation and even persecution. This was mainly due to their darker skin, foreign language, alien hierarchy, different habits and their closed communities. Also, their non- adherence to Christian faith, lack of fixed religious beliefs and a rootless lifestyle contributed to the antagonism and suspicion.

Roma were enslaved in Moldavia and Wallachia (modern day Romania) for almost 500 years until slavery was abolished in 1856. As slaves, they were owned by the nobility, monasteries and the state; they were sold, bartered, flogged and dehumanized and their marriages were also regulated. They were an important source of labour and artisan work such as gold washing, bear training, blacksmithing, music etc. They continued to be exploited even after slavery was abolished. Europeans saw them as outcastes and threats; their entry coincided with the arrival of the Ottomans and became a reason for suspicion. Roma in almost all territories came to be subjected to prison sentences, torture including death, confiscation of property and children and various other forms of repression. ²

The Austro-Hungarian Empire under the reign of Maria Theresa and her son Joseph II outlawed any expression of Romani culture including music, attire, occupations and nomadism. Similar assimilationist legislation was passed in Spain as well from the 15th to the 19th centuries where Roma were forcibly sedentarised, men and women were sent to separate workhouses, their children were put into orphanages and the

² <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/albania/persecution-and-politicization-roma-gypsies-eastern>



Romani language was banned. In France, they were expelled from Paris in 1539; they had to leave England in 1563 for the fear of persecution. The Roma were better off in Czarist Russia (1547-1917) where their conditions were similar to other impoverished peasants. In the Balkans, under the Ottoman rule, many enjoyed special privileges by converting to Islam.

Shulamith Shahar adequately points out the shifting approaches towards the Roma since their arrival. On one hand, Roma were treated as an inferior ethnicity while others dismissed them as having no separate ethnic identity but being just an assortment of thieves, vagabonds and beggars (Cahn 2009:73).

2.4 Roma and the Nazi Period

Systemic discrimination and persecution of Roma were themes common to entire Europe and this continued into the 20th century Germany and Austria. In Germany, the word 'Zigeuner' was used for Gypsies; derived from a Greek word, it means untouchable. Roma population in Germany consists of two groups; Roma and the Sinti. Roma are the Romani speaking population from south-eastern Europe while Sinti are the largest group who are believed to be from the Sind region in India. They are subdivided further according to occupations.

Persecution of Roma and Sinti had been prevalent in Germany ever since their arrival. In pre-Nazi Germany, Roma were equal citizens under the Weimar constitution however, discriminatory laws violating the Weimar constitution like "Combatting Gypsies, Vagabonds, and the Work Shy" in Bavaria existed.³ These laws which became national in their area of application required registration of all Gypsies and prohibition of roaming or camping around in bands. They also had to provide proof of employment failing which they were sent for compulsory labour. Such registration of the Roma was a result of stereotyping and scapegoating their community as well as their criminalisation which was later used by Hitler to identify their community as "racially inferior social pariahs". During the last years of Weimar republic, arbitrary arrests and detention of Roma in order to 'prevent crime' became fairly routine (Milton 2000: 318-319).

³ Sinti and Roma: Victims of the Nazi Era (1933-45) , Unites States Holocaust Memorial Museum.

High unemployment and economic crisis during the interwar period led to increasing economic restrictions against the Roma, for instance, Roma were expelled from civil services and other jobs and licenses for itinerant trades were not renewed. Their freedom for movement was restricted as their trade routes were fixed. Those who could not provide proof of employment were made to work in houses of Germans or forced labour camps (Milton 2000: 319).

When Hitler captured power in 1933 and became the Chancellor of Germany, these laws continued to hold effect. The discrimination and persecution assumed unprecedented proportions when Hitler went ahead with his programme of ethnic homogenisation and rule of the Aryan race. Gypsies were branded by the Nazi government as 'nomadic, socially marginal, economically unproductive, sexually licentious, criminally "inclined," and racially inferior' (Milton 2000: 319). Roma presented a dilemma for the Nazis because they had Aryan origins yet they did not fit the Nazi description of an Aryan. Theories of criminal biology existed in pre-war Germany which often blamed criminality on certain unchanging biologically determined traits; later modified, these theories included biological traits of certain races. These played a major role in Nazi persecution of Roma aided by Dr. Ritter's racial research. In 1933, the "Law for the Prevention of Offspring with Hereditary Defects" was passed under which forced sterilisation of gypsy men and women were carried out. Similarly, in November 1933 "Law Against Dangerous Habitual Criminals" was passed under which many Roma were arrested and put into concentration camps (US Holocaust Memorial Museum 1991: 2-3).

From 1935, Roma and Sinti in Germany were stripped of their German nationality and rights under the Nuremburg racial laws along with the Jews and Blacks. Their inter-mixing with those of Aryan blood was prohibited and mixed marriages were not permitted. There are glaring parallels visible in the treatment meted out to Jews and 'gypsies'. There was pressure from state authorities to confine the increasing number of gypsies in municipal gypsy camps. In 1936, under Himmler's directive called "Combatting the Gypsy Nuisance" police conducted raids against gypsies and they were caught and put into Zigeunerlager (gypsy camps); outside Berlin; these were

overcrowded and unhygienic.⁴ Between 1935 and 1939, several of these camps opened up in other German cities like Cologne, Dusseldorf, Essen, Frankfurt, Hamburg etc. As Sybil Milton points out, these camps were a mixture of 'concentration camps and embryonic ghettos'. They later became assembly centres for deportation of Roma to the concentration camps and killing centres.

Between 1935-1938, many Roma fled to Austria to escape the Nazis however, the persecution followed them after the German occupation of Austria in 1938. Several concentration camps to round up German and Austrian gypsies were opened at Salzburg, Lachenbach, Dachau, Buchenwald, Sachsenhausen and Lietenburg.⁵

In 1941, Germany and all German occupied territories started a campaign to exterminate all those of non-Aryan blood. Between 200,000 and 1 million Roma and Sinti perished in the Holocaust because of gas chambers, exhaustion, disease, hunger, Dr. Mengele's experiments and firing squads.⁶ There is considerable debate about the number of Roma persecuted during the Nazi period in Europe because of the lack of reliable data regarding their numbers in the pre-Nazi period. Roma from Germany and all German occupied territories were interned at the Polish and Austrian concentration camps: German police deported some Roma from Hungary, Moravia, Bohemia, Belgium, Yugoslavia, Netherlands and Norway while the puppet regime in Vichy also transported thousands of French Roma.

When Germany attacked and occupied Soviet Union in 1941, thousands of Roma along with Jews and communists were killed in mass liquidations. The German military killed thousands of Roma in Serbia while German police murdered countless number of Roma in Poland. During this period, the condition of the Roma in non-German territories varied from country to country and depended on local conditions. In countries like Croatia and Romania which had satellite fascist rule of the German

⁴ Sinti and Roma: Victims of the Nazi Era (1933-45), United States Holocaust Memorial Museum. Sybil Milton: "Sinti and Roma in twentieth century Germany and Austria", *German Studies Review*, Vol 23, No 2, May 2000, pp317-331.

⁵ World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti, Refworld, UNHCR, April 2008.

⁶ World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti, Refworld, UNHCR, April 2008.

Reich, roughly more than 50, 000 Roma perished. Romania did not engage in systematic annihilation of Roma but forced them to migrate to western Ukraine where they are believed to have died of starvation. In Hungary, they were deported to the camps by the German police in 1944 and most were killed from 1944-45. In Slovakia, a concentration camp was built at Dubnica and Vahom where around 800 people were interned and later killed or deported. During the holocaust, a quarter of European Roma population is believed to have been persecuted.⁷

Many Roma and scholars use the term 'Porrajmos' to describe the persecution of the Roma; the term literally means 'the great devouring'. While the term is widely used, it remains contested and rejected by many Romani people. As Claude Cahn points out, the term in Romani language is associated with rape or something immoral and obscene. It cannot be used to describe the events and the mass murder of Romani people that took place before and during the First World War. During the Holocaust, maximum losses of Roma populations were from Hungary, Yugoslavia, Poland, Romania and the Soviet Union.⁸

While studies since 1960s have highlighted and increased awareness of the persecution of the Roma during the Second World War, there remains significant disagreement on discussion of whether the Porrajmos was a genocide comparable to the Holocaust? This debate hovers on certain key questions: whether the annihilation of the Roma intended to be total and was it carried out on racial grounds? Also, was it carried out everywhere according to a well thought out plan? Were technical and administrative resources allocated at all levels to proceed towards a single goal and finally were the Roma victims of the Holocaust. In their works, Sybil Milton, In Hancock and Brenda and James Lutz answer these questions in the positive. Those negating such claims are scholars such as Yehuda Bauer, Zimmerman, Gilad Margalit, Tyaglyy and Guenter Lewy. According to them, Nazi policies towards the Roma had no clearly expressed racist-ideological basis, they were not the

⁷ Gerhard Baumgartner: "Concentration Camps", Project Education of Roma Children in Europe, Council of Europe.

Holocaust Encyclopaedia, US Holocaust Memorial Museum.

⁸ Dena Ringold, Mitchel A Orenstein, Erika Wilkens: "Roma in an Expanding Europe: Breaking the Poverty Cycle", World Bank, 2005.

culmination of a single plan for all Roma, and did not aim at total extermination. The massacres that we know of resulted from a confluence of concrete circumstances and racist contempt for the Roma, leading to the destruction of individual communities against a background of total war (Tyaglyy nd : 26-27).

Post-war restitution did not include compensation and recognition for Roma as victims of the Holocaust. There were attempts by the post-war German governments to minimize the scale of crimes against the Sinti and Roma. Their claims were rejected as they were regarded by many as a criminal and unsocial group. Many historians also rejected the claims of the Roma and this lasted as far as the 1980s. However, since then there has been a change in stance and Germany's political and intellectual elites are increasingly accepting that Roma and Sinti were victims of the Holocaust and were at the receiving end of genocidal crimes by the Nazi government and police.

Sybil Milton has written extensively on the causes of the neglect of Roma in the post war restitution. The sheer number of Jews killed in the Holocaust over shadowed the plight of the Roma even though the percentage of mortality in both groups was the same. Also, Jews were better positioned to write about the crimes in the war period as few gypsies belonged to the intelligentsia. Post-war period therefore, was full of Jewish accounts and memoirs from the Nazi period. A number of incidents that happened in the camps were considered a taboo in the Roma community and therefore, many were unwilling to talk about what transpired with them. Surviving sources about the fate of the Jews were far more in number than those about the Jews and the Nuremburg trials were based on these records. The government laid stress on the exclusivity of Jews as victims as these could be blamed on Hitler and his Nazi officers but the crimes against Roma and Sinti were carried out by regular German officers and bureaucracy and acceptance of these crimes would implicate a larger section of German population. It would expose the general hatred and stereotypes prevalent about the Roma and Sinti among Germans (Milton 1991: 375-382).

The pre-war Germany and then Nazi legacy of hostility and discrimination against Roma and Sinti groups has not disappeared in post war Germany. This is evident from

the fact that all records created during the Nazi rule regarding “gypsies” were transferred to the post war government, the old laws to curb the “gypsy menace” continued. The post war government even stated that the Roma and Sinti groups were interned in camps not because of racial measures but as a “pre-emptive criminal measure”.⁹ This attitude continued till the 1980s.

Roma and Sinti were accorded the status of a national minority in 1997. However, many Roma people still don't have German citizenship despite having lived in Germany for ages. They are pressurised to move on from one place to another; consequently they lose benefits of housing, social welfare and health offered by the state to its citizens. The criminalisation of Roma and attacks and anti-Roma rhetoric is prevalent. The programmes aimed at ameliorating the conditions of the Roma like the housing schemes are often implemented without consultation with Roma and they often promote further segregation of Roma from the majority.

After the introduction of democracy and free markets in Central and Eastern Europe, the Roma there became increasingly vulnerable to xenophobic and racist attacks of the nationalist majorities in their countries and they migrated westwards to countries like Germany as asylum seekers. German government then signed repatriation agreements with many Central and Eastern European countries despite the conditions that awaited the Roma in countries like Romania, Bulgaria and former Yugoslavia.

2.5 Roma under Communist Rule

The end of the Second World War and the subsequent Soviet control over Central and Eastern Europe meant far-reaching consequences for the economic, cultural and social life of the people, minorities included. The Roma were at the receiving end of not only these sweeping changes but also of active government policy. Soviet control over this entire region did not mean homogenous rule or a monolithic set of minority policies in all the socialist republics. There were significant regional variations in implementation of policies towards minorities in general and Roma in particular. However, a certain set of common themes, principles or regularities can be ascertained on examination of these policies. A careful and close analysis of these

⁹ World Directory of Minorities and Indigenous Peoples - Germany: Roma/Gypsies/Sinti, Refworld, UNHCR, April 2008.

policies is warranted by the fact that they considerably altered the socio-economic status and role of the Roma minority which has serious implications for the coming generations of Roma.

The Soviet policies laid thrust on integration of the Roma but integration was only a euphemism for the assimilationist measures of the state. The state took it as its responsibility to take care of groups that were socially and economically backward due to 'capitalist exploitation in the past'. The state aimed at improving the conditions of backward minorities, modernizing them and bringing them 'at par with the most developed ones in a matter of 10-20 years' (Csepeli, Simon 2004: 130). The Roma fit the socialist description of socially and economically backward minorities.

The state undertook series of measures in order to realise its aim; sedentarising the nomadic Roma, free and compulsory education and employment for all. All these measures were imposed with a heavy hand. Under the communist regime, any expression of religious or ethnic affiliation was discouraged and this had a considerable effect on the Roma who had preserved their distinct identity with great resilience. This section attempts to discuss the impact of these measures on the lives of the Roma of Central and Eastern Europe.

Sedentarisation and Housing of Roma

The lifestyles of the Roma were seen as an obstacle to the realisation of the socialist dream. Curbing nomadism, in other words, settling the itinerant Roma was considered as essential to the modernisation of the Roma. This happened through various common and country specific policies throughout Eastern Europe.

Sedentarisation of the Roma varied in these countries in terms of the time periods of initiation, policies, effects and number of Roma affected. Soviet Union was the first to bring about a policy outlawing nomadism in 1956, officially called "The inclusion of itinerant Roma in labour activities". This model was replicated and similar laws were passed in Bulgaria and Czechoslovakia in 1958, in Poland in 1964 and 1977 onwards in Romania.¹⁰

¹⁰ EU factsheets on Roma.

Czechoslovakia started a violent campaign against nomadism in 1958. A series of drastic measures were taken in Czechoslovakia and Poland such as, removing the wheels from the caravans, shooting down of horses, prohibiting gatherings etc. The regime planned a 'dispersal and transfer' scheme to settle Slovak Roma in Czech lands but this could not be implemented. Conditions were relaxed somewhat during the Prague Spring but re-imposed after the Soviet crackdown on the reformists (Ringold, Orenstein, Wilkens, 2005: 7). In many other countries, settlement and resettlement was enforced by tearing down old ghettos and assigning state housing to the Roma which dispersed the extended families for instance, in Hungary in 1964. At times, ghettos were torn down only to be recreated in more isolated locations; one such case happened in 1988 in Hungary when the regime planned to relocate the Roma of Miskolc to a remote location however, public outcry led to abandonment of the project.

The systematisation programme in Romania under Ceausescu involved resettling of entire villages and urban neighbourhoods. Though this programme was not explicitly aimed at the Roma, both Roma and non-Roma settlements were destroyed (Crowe, 1994).

The issue of sedentarisation of itinerant Roma evokes varied responses from scholars; some believe that Roma benefitted from these policies because they came at a time when a nomadic lifestyle was becoming increasingly difficult to sustain in light of the socio economic changes taking place in Eastern Europe. The process of sedentarisation actually facilitated the transition of nomadic Roma to settled citizens. There are others who believe that these policies exemplify the kind of repression the Soviet regime unleashed on its people. EU Factsheets on Roma¹¹ point out that the process of sedentarisation was least accepted where it was accompanied by other repressive measures like that in Czechoslovakia and Poland while Roma of other countries had a more positive attitude towards the process like that in Bulgaria.

<http://romafacts.uni-graz.at/index.php/history/prolonged-discrimination-struggle-for-human-rights/state-policies-under-communism>

¹¹ <http://romafacts.uni-graz.at/index.php/history/prolonged-discrimination-struggle-for-human-rights/state-policies-under-communism>

Employment

Traditionally, the Romani people till then engaged in non-agricultural vocations and earned their living through commercial relationships with agrarian sectors. There was a complimentary relation between the two and the geographic mobility of the Roma increased the demand for their crafts. Most Roma had settled and there was a small chunk that still subsisted with a *nomadic lifestyle*. The complementarity between settled Roma and the agrarian cultures was greatly reduced by the advent of the socialist system (UNDP 2002: 13). The demands for their crafts and vocations fell sharply and consequently, the Roma were pulled out of their traditional occupations and coerced into working for the giant state industries and collectivised farms. These measures met with some success as the material conditions, and levels of education and employment in the Roma improved and lands were allotted to them. The Roma were enjoying somewhat better standards of living than they had ever before. However, Roma because of their low education levels and skills were usually employed in heavy industries, mining and agriculture. Soon, most Roma came to be employed in the most dangerous, onerous and least paying jobs¹². In a sense, the socialist policies helped perpetuate inequities of the past and relay them to the future.

Working class homogenisation was expected to reduce ethnic differences and the Roma with no land ownership were seen as ideal candidates for this experiment (UNDP 2002: 14).

Education

Under the communist regime, schools were a tool for socialization and indoctrination of socialist ideas into the young minds. Education was made free and compulsory for all and there were political pressures to comply. Zolton Barany (2002) points out that many Roma parents saw the free education as a bargain as the children were provided with free education, free teaching materials, full care and meals. The result was a higher school enrolment and literacy rate among Roma. These parents let their

¹² <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/albania/persecution-and-politicization-roma-gypsies-eastern>

children go to school but did not include education in their value system. As a result, education whenever something important happened in the family like taking care of younger children or visiting relatives, the children were not sent to school.

The education system did not account for migrations and medium for classroom instruction was not Romani language; this coupled with infrequency in class attendance and lack of pre-school education for Roma affected the performance of these children. By, 1980s a large section of Roma children were not even functionally literate. The socialist regime assumed that the difference in performance of Roma and non-Roma children was a result of disability rather than environment. Hence, they developed a parallel school system for the mentally and physically challenged where most Roma children were admitted. Even today, this legacy continues in former communist states like Czech and Slovak republics, Hungary etc and Roma children form a large chunk of the student population in these schools. Only one percent of Roma children cleared college while only ten percent passed secondary school while the figures for non-Roma in these categories were much higher in most of these socialist states.

Repression: Cultural and Political

Communist states apart from improving the material conditions and reducing inequities between Roma and non-Roma (Csepeli and Simon, 2004) also protected them from overt discrimination and violence from the majority. However communist states were intolerant of gypsy identity or any expression of gypsy culture; the only affiliation officially encouraged was that of class.

In stark contrast to their ideology, the communists did not restrain nationalism, rather advanced it to provide legitimacy to their regime thereby, often making the Roma vulnerable to bias by the nationalist majority groups.

In many of these former communist states, the Roma were not given the status of a nation or a nationality; they were seen as a social group. Cultural rights such as radio broadcasts, schooling and newspapers in minority language were accorded only to those groups which had the status of a nation or nationality. Roma were a part of the “socially degraded stratum” in Czechoslovakia, the “disadvantaged social stratum” in

Hungary, “other nationalities” in Romania and “population of gypsy origin” in Poland.¹³ Ian Hancock has aptly pointed out the reasons for such deliberate categorization; he argues that as a social group Roma were responsible for their own condition while as a nationality the state would have to bear some responsibility. Also, as a social group, the state could easily intervene in the matters regarding gypsy which is not the case with nationalities.

The backwardness of Roma and their proliferating numbers were seen as an obstacle in the success of the socialist regime. One of the most unnerving solutions to the regime’s problem was practised in Czechoslovakia; the forced sterilisation of Roma women. Thousands of Roma women were sterilised in the 1970s and 80s and many Roma children were placed in orphanages. Many women were lured through monetary incentives while for many others, it was done without consent. By 1989, more than half of the women sterilised were Romani.

Bulgarian government on the one hand, denied the existence of the Roma and on the other, it pursued assimilationist policies towards them and the Turkish minority. The state imposed a process of Bulgarisation for its gypsies. They were forced to adopt Bulgarian names and Romani language was banned from public use. From 1970s onwards, Romani music, instruments and language were prohibited from media and public performances. Licenses to perform were revoked; fines and jail sentences were imposed on the violators. Roma however, continued to speak Romani and their culture and music thrived in private settings and through black market cassette distribution.

Scholars often commend the Yugoslavian model for its tolerance towards the Roma unlike most erstwhile communist states of Central and Eastern Europe. However, the Roma were still the most oppressed group in Yugoslavia. The government did take some positive steps like abolition of the word ‘tsigan’ from print and media and replacing it with Rom. The word tsigan continued to be used in unofficial exchanges.

¹³ <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/albania/persecution-and-politicization-roma-gypsies-eastern>

The Roma culture, music and arts thrived while Roma were comparatively better off economically and politically. Radio broadcasts and classroom instruction in Romani existed in some parts of Yugoslavia. Discrimination also continued in social services and employment.

On the whole, the socialist policies improved the material conditions of the Roma by improving access to education, employment and housing. However, these initiatives were often forced and repressive which led to increasing mistrust and divisions between the Roma and the non-Roma as well as the state. These policies left 'little scope for participatory process, authentic self-government and Roma involvement in policy development and implementation' (Ringold et al 2005). The state provisions of from birth to death for all its people in terms of jobs, housing, health care etc inculcated a culture of dependency which did not prepare them for the harsh realities of the transition.

Efforts to decrease educational, social and economic gaps between the Roma and non-Roma through coercive means and avoiding Roma participation in decision making often had negative consequences. The process of social engineering undertaken by the socialist governments reduced the indigenous capabilities of dealing with the problems in Roma families and communities. In many countries, Roma were seen as a disadvantaged social group without a culture of its own and their total assimilation was openly discussed by communist parties throughout the region. The assimilationist schemes encouraged the Roma to not identify themselves as such, for the fear and mistrust of their governments. The low social status of the Roma was seen as another incentive to replace their identity with a 'more prestigious one'. However, Roma were not easily accepted by non-Roma and only those Roma with adequate education and jobs succeeded in attaining integration with the society. The Roma also experienced high birth rates between 1950 and 1990 and the rapid increase in their numbers as compared to non-Roma populations was seen as a 'demographic invasion' by the local populations in these countries (Csepeli, Simon 2004: 131-132).

2.6 Conclusion

Roma, therefore, have continued to suffer discrimination, marginalisation, social exclusion and poverty ever since their arrival on the European soil. This chronic problem has persisted and survived volatile changes in regimes and socio-economic systems. Zolton D. Barany has aptly summed up the problem regarding the continued marginalisation and poverty of the Roma. He argues that the problem of marginality in Eastern Europe is persistent and recurs under different political systems, regimes and economic conditions. Historically, the states and societies of Eastern Europe, like most of their modern counterparts elsewhere, have failed to formulate realistic approaches to national integration: they have been unable to provide individuals and collectivities with choices other than the alternatives of total assimilation or total rejection and marginality. The problem is aggravated by deficiencies in state and economic development, subject as they have been to devastating interruptions and changes in modern times. The changes in regimes, systems, policies have had little apparent effect on Romani marginalisation. This enduring phenomenon can be explained by the constancy of negative popular attitudes toward them and the Roma's own reluctance to conform to social expectations, let alone to be assimilated.

Chapter III

Roma and the Transition in Central and Eastern Europe

The profound changes accompanying the fall of the Iron Curtain significantly altered the lives of the people in this region. The initial period was marked by a sense of jubilation and anticipation and most Roma at the outset welcomed the changes. However, soon the grim realities of the transition dawned on a vast chunk of the populace, the Roma in particular. For a more systematic understanding, the democratic transition to market economies in CEE countries and their impact on the Roma can be studied under two sections: political liberalisation and economic liberalisation. However, one must bear in mind that these two sections are not impermeable divisions, they often overlap in terms of how they impinge on the Roma. For instance, the economic costs of social welfare benefits for unemployed Roma have led to majority expression of anti-Roma sentiment in the political sphere in many CEE as well as western European countries.

3.0 Political Liberalisation

This section attempts to look at the various aspects of political liberalisation in Central and Eastern Europe and their impact on the Roma. The section has been studied under various themes within political liberalisation such as, political recognition and minority rights, freedom of speech and role of media, political organisation and representation, rise of anti-Roma racism and nationalism and lastly, the presence of EU and other international organisations.

Political Recognition and Minority Rights

The political changes in the transition have unleashed parallel and contradictory processes for the Roma (Gheorghe 1991: 830). On the brighter side, minority rights issues have gained unprecedented importance in Europe. Historically associated with individualism, an increasing emphasis on the importance of group/ minority rights is a significant development for this part of the world. EU has become the foremost

champion of human rights domestically as well as internationally. Several reasons account for such a heightened focus on Roma rights. Europe has been home to the worst kind of human rights violations and has witnessed the consequences of extreme nationalism and suppression of minorities. The continent comprises of states where political and ethnic borders are not coterminous rendering states vulnerable to conflicts and minorities to suppression and persecution at the hands of the majorities. The collapse of the Iron Curtain and the ideological vacuum created by the demise of socialism in CEE countries led to the resurfacing of ethnic conflicts; Balkans was a bitter reminder of the consequences of extreme nationalism. Conflict in one country would impact others through the outpour of refugees as observed in the Balkan crisis. Minority and human rights were important from social justice perspectives. Also, CEE countries were deeply divided by ethnicity and peaceful co-existence of minorities was essential to peace and stability in the post communist period.

The presence of EU and the desire for EU membership in CEECs has been the most important influence in fashioning the approach of these countries towards their minorities. The European Council in 1993 listed the Copenhagen criteria, a set of non-negotiable conditions to be fulfilled for EU membership. The Copenhagen Criteria included the presence of a functioning market economy, adherence to the aims of a political, economic and monetary union, appropriate adjustment of its administrative structures, stability of institutions guaranteeing democracy, the rule of law, human rights and respect for and protection of minorities. This unparalleled focus and appreciation of the importance of minority rights proved to be a blessing for the Roma.

All the candidate countries therefore, had to put in substantial safeguards for their minorities which included observance of the principle of equality before law and in all areas of social, political and cultural life, freedom to develop their own culture, tolerance and intercultural dialogue, freedom of association, the right to manifest religious beliefs, free access to the media and use thereof, a series of language freedoms such as the right to use the minority language in private and public life, the right to use surnames and first names in the minority language, the right to education and the right to learn the minority language, the right to effective participation in

cultural, social and economic life in public affairs, the prohibition of forced assimilation and the right to trans-frontier contacts.

Other than providing specific minority rights, these states became signatories to the anti-discrimination legislation aimed at providing equal opportunities for members of minority groups and to combat discrimination and social exclusion. Two directives were passed regarding anti-discrimination in 2000: 'Framework Directive on equal treatment in employment and occupation', and, more significantly, a 'Directive on equal treatment between persons irrespective of racial or ethnic origin' (often called 'Race Equality Directive'). While the former covered only employment and occupational fields, the latter was a more comprehensive document providing for equal opportunities and protection from discrimination in all fields, including education, social protection and housing (Rechel ed. 2009: 32-34). All ten accession countries from CEE are also party to the Council of Europe 'Framework Convention on Protection of National Minorities' that came into force in 1998 (Rechel ed. 2009:46).

The minority rights and protection mentioned above have ended the long standing political marginality of Roma in CEE countries. Roma have been recognised as a distinct ethnic group and accorded minority status in most of these states except Bulgaria. Almost all the countries of this region have established separate departments and legislation to deal with minority affairs and issues. Furthermore, most of them have specific legislation exclusively targeting the problems of their Romani minorities.

Largely, states have followed two approaches towards their minorities: first, the minority rights model and secondly, the undifferentiated citizenship model. The minority rights model provides for group-differentiated rights for minorities with regard to culture, language, traditions, and participation in the social and economic domain. Hungary is a classic example of this model. The 'undifferentiated citizenship model' is based on the idea that nobody should be exempted from generally applicable laws. Problems of minorities need to be disassociated from culture and be seen as problems arising out of socio-economic concerns. With regards to culture, it maintains that the neutral attitude of the state will help different cultures to co-exist.

The rights and minority legislations mentioned above do not imply a wholly optimistic and promising scenario as the process of political recognition, protection and minority rights has been influenced by internal factors in all these CEE states. These states have agreed to the specific minority rights and legislations mentioned above formally and substantively. However, the fundamentals of implementation are not dictated by the EU, rather they are deeply influenced by an amalgam of domestic factors. Some of those issues at hand include popular opinion, political culture, size, ethnic self identification, socio-economic standing and political clout of the minorities, interpretation of Roma problems, minority-majority relations and so on. Often, there have been delays in introduction of laws and piecemeal changes through several legislations. For instance, negative popular opinion led to a ten year delay in Latvia's signing of the Framework Convention on Protection of National Minorities. Similarly, Bulgaria hardly has any positive rights for any minority while it has no rights for Macedonians and Pomaks minorities at all (Rechel ed 2009:77). The anti-discrimination measures have produced mixed results as a lack of information and awareness has led to little litigation with regards to discrimination against the Roma. Similarly, while there has been progress with regard to anti-discrimination measures, many states have only made half-hearted attempts at ensuring positive minority rights such as ensuring equal opportunities in services such as education, health, housing and employment. In a nutshell, political agreement has not translated into effective political action.

Political Organisation and Representation

Democratisation and political freedoms meant that the Roma could organise themselves more freely at national and international levels (Gheorghe 1991: 830). There has been a flowering of Roma community and advocacy groups, political parties and independent associations; their representatives are promoting their causes in their respective national assemblies while the new non-Roma parties also look to woo Roma for their votes. Romani people despite social exclusion have high rate of participation in elections in most states.

Political organisation of Roma however, has suffered on various accounts; the immense heterogeneity among Roma groups means there has been a proliferation in

the number of Roma political parties, organisations and NGOs who are divided on various issues. The large numbers of political parties and the absence of a loose electoral alliance between them have worked to the detriment of the Roma. The programmes of these parties are more determined by individual aspirations which need not necessarily be beneficial for the Roma and there is little cohesion; this coupled with general apathy prevalent among the Roma has led to a general inefficacy in utilisation of the political opportunities presented by the transition (Barany 1994: 332).

The Romani people are not represented in political bodies in proportion to their numbers. The non-Roma parties once elected often forget about concerns of the Romani people. Most of the countries have minimum electoral thresholds required for political parties to enter the parliament, given the fact that Roma don't make up a large percentage of national population, their parties might not get elected even if they vote overwhelmingly for one party. Romani people have a better chance of representation at the local levels in areas where they have a substantial electorate (UNDP 2002: 75). Decentralisation in these states, a move contrary to centralisation promoted under socialism, has provided this opportunity and consequently, improved chances for their participation in policy making.

Most states in the CEE region have instituted some form of political organisation to ensure enhanced Roma participation in programmes and policies that affect them; they range from minority self government in Hungary to consultative bodies at the national level in Czech and Slovak republics. In UNDP country surveys in several CEE countries, results however, indicate that Roma value employment and freedom from poverty (economic concerns) as the main criteria of political equality rather than political representation in the parliament, media and newspapers.

International Attention to Roma Rights

The fall of the Iron Curtain has led to greater international attention to the plight of the Romani people; they, in absence of effective and sincere state action towards their concerns have moved to international organisations and NGOs for a better focus on their plight. This and the developments mentioned above have helped Roma become more visible in public life as well as more articulate and vocal in asking for respect for their human rights. There is also better organisation and articulation of Romani

interests as a political and cultural minority group (Gheorghe 1991: 830). Roma are increasingly using legal recourse to seek redressal in cases of discrimination. They are more visible in media and there has been a proliferation of Romani newspapers in many states.

As mentioned above, the process of political and economic integration with the EU has offered the prospect of improved legal protection for the Roma and other minorities, through human rights laws and strict conditions imposed on countries that joined or were eager to join EU (Goldston 2002: 147). The role of EU is mentioned here only fleetingly as the reasons for EU's involvement in minority rights protection in general and Roma rights in particular, along with specific EU role and policies in the area are dealt in detail in the next chapter titled "EU and the Protection of Roma Rights in Central and Eastern Europe". The chapter will also briefly summarise the role of other international organisations involved in protection and promotion of Roma rights.

Political Liberalisation and Anti-Roma Sentiment

Democratisation and political liberalisation, on the other hand, have exposed the latent tensions of a region deeply divided along ethnic lines. Democratisation has allowed for resurfacing of anti-Roma prejudice and the entry of extremist parties and opportunistic leaders onto the political scene thereby, opening up avenues for more public discrimination against the Roma (Ringold 2005: 10).

There has been an increase in prejudice and conflict against the Roma in most countries. There are also reports of overt violence or physical attacks on Roma in all the post communist countries especially erstwhile Czechoslovakia, Romania, Hungary and Bulgaria. Most states did not counter attacks by extremist nationalist elements on the Romani people nor gave them adequate protection; violent physical attacks and collective punishment of Roma by burning their houses and designed to put pressure on them to leave became commonplace (Amnesty International, 2009). The perpetrators of the attacks are extremist groups and skin heads, at times supported by the local populations (Stauber 2009: 1). On most occasions, they were not indicted for their crimes or were let off with minimal punishments (Barany 1994: 332). Roma, on

the other hand, are disproportionately represented in the prisons and are often given harsh punishments as well as subject to arbitrary arrests.

This resurgence in nationalism, anti-Roma prejudice and violence can be explained by the simultaneous occurrence of several propelling factors; firstly, the demise of Marxism-Leninism and end of Soviet military and political control over this region. The socialist regime though not very tolerant of Roma identity, protected them from overt discrimination. Other factors that contributed to the same were the revocation of restrictions on state media and freedom of speech and association, increasing competition for scarce resources as well as jobs and lastly, the tendency to scapegoat during difficult times (Barany 1994: 321).

The anti-Roma sentiment has not decreased with time, rather, the harsh realities of the recent economic crisis that began in the fall of 2008 only served to intensify it. Extreme right parties that emerged before the crisis have used anti-Roma rhetoric to serve their narrow agendas in these difficult times; their growing influence can be attributed to the growing popular support for them and the severe unemployment and cuts in public spending that accompanied the economic crisis. The nationalistic and anti-Semitic Jobbik party in Hungary is one such case; the party recorded significant electoral gains in the June 2009 elections to the European Parliament securing 3 out of 22 Hungarian seats. This party has served to intensify anti-Roma extremist racial activity and their election time rhetoric consisted of stereotyping Roma as a criminally inclined and parasitic foreign group. A similar case has been that of the Workers Party in Czech Republic which also recorded significant gains in the Euro Parliamentary elections. Anti-Roma violence has increased in the last few years by enforcing age old stereotypes providing a rationale for increased discrimination and violence against Romani groups. Many paramilitary groups like the outlawed Magyar Garda (Hungarian Guard) as well as other extremist groups have resorted to vigilante violence and intimidation against the Roma (Stauber 2009: 3-4).

Freedom of Speech and the Media

The new freedom of speech for the media in these countries brought to the fore more frequent and more vehement expression of anti-gypsy prejudice and hostility; the newspapers often carry reports that encourage popular opinion or incite hate speech or warn of the gypsy danger. Gypsies are seen as a homogenous mass characterised by

illiteracy, lack of work discipline, lack of respect for social and legal norms and that they live solely on charity and welfare (Csepeli and Simon 2004: 133). The Roma were often projected as black marketers responsible for shortage of goods, draining goods out of the country and accused of criminality (Gheorghe 1991: 832). Political discourse in these countries is full of overt and covert manifestations of hate speech. Such image of the Roma people affects the relationship between Roma people and institutions of the state such as the police, courts, local governments and health services. There were twin processes involved in creation of the Roma identity, one is by non Roma and other is the self identification of the Roma (Csepeli and Simon 2000:134).

Another trend witnessed in many of these post communist states is that of overestimation of the number of Romani people. State censuses in several countries show exaggerated numbers of Romani people implying much higher growth rates for Roma than non-Roma. Though Romani people have a higher growth rate than non-Romani people but these censuses exaggerate the growth rate and numbers in a bid to provoke fears of a Romani 'take over'. This exaggeration is most where anti-Roma groups are strong.

3.1 Economic Liberalisation

The shift from central planning to market economies has led to unprecedented changes in the economic and social life of the inhabitants of this region. The Roma, as reports indicate, have lost out the most in this transition with a sharp decline in their socio-economic status. This section endeavours to assess the impact of economic liberalisation on the Roma under several themes¹⁴

Employment

The most immediate change for the Roma during the transition was in terms of the labour market; Roma were mostly employed in low skilled jobs and were among the first ones to be laid off when restructuring began and subsidies for state owned

¹⁴ Categorisation is based on indicators of Human development Index and derived from various, World Bank, UNDP, UNICEF, OSCE reports.

enterprises were scaled back. Roma who had lost jobs found it difficult to re-enter or compete for jobs in the new market due to their low levels of education and skills (Ringold 2000: 14). As a result, unemployment rates grew significantly and in some places the rates of unemployment in Roma settlements were as high as eighty-five to hundred percent. This unemployment should be seen in context of the legacy of the socialist system which often employed Roma in the least paid, most dangerous and onerous jobs due to their low levels of education. Their re-entry into the labour market was also obstructed due to widespread ethnic and racial discrimination against them.

There was a wide gap between the levels of unemployment between Roma and non-Roma in the transition countries. According to UNDP report in 2002, the rates of unemployment for Roma are far more than non-Roma and they are eight times more likely to be unemployed in the long run than non-Roma. For further illustration, the Hungarian government's census in 2003 put their national employment level for men at 72 percent while the employment rate for Roma men in the same year was a mere 32 percent. One must bear in mind that the employment levels for Roma were as high as 85 percent under the communist regime in Hungary till 1985 when differences began to emerge (Kertesi, Kézdi nd: 7). The employment rates for Roma men and women had been the same as non-Roma men and women throughout the communist rule; the state offered guaranteed employment to all its citizens. However, the job security offered by the state disappeared with the collapse of the communist systems.

It must be noted that a large number of Roma are employed in the informal sector which is not taken into account in official statistics on unemployment. According to UNDP report in 2002, a large number of Roma are employed in the informal sector and unemployment rates excluding them put their unemployment rate at about 25 percent aggregate for the CEE region. However, this number is still large when compared with the unemployment rates of non-Roma in the region and this rate implies that one out of every four Roma does not find employment in both formal and informal sectors.

The high levels of unemployment made the Roma dependent not only on informal sector jobs but also poorly funded state assistance and working abroad (Ringold,

Orenstein, Wilkens 2005: 9). Their dependence on social assistance led to a widespread public belief that the Roma are living solely on state welfare funds and charity and a major portion of state's social expenditure is spent on them at the cost of other old and vulnerable members of the majority. This further fuelled public hostility against the Romani people (Csepeli and Simon 2000: 134).

Housing

Roma also fare low on proper housing; the houses of Roma in these CEE states are generally of a much lower standard than the non-Roma. In many countries like Romania, Bulgaria, Slovakia, Macedonia and Hungary, they live in overcrowded conditions and their houses lack proper sanitation, drainage, heating, electricity and telephone services¹⁵. These Roma neighbourhoods have ghetto like conditions; they are impoverished and unhygienic.

The great diversity in Roma communities consequently implies equivalent diversity in housing patterns of different Roma groups across these states and regions. Sedentary Roma share some of the housing problems with other non-Roma groups however, some problems are unique to the Roma; the housing policies of regimes before the Second World War, the communist government and the successor regimes have led to regional and geographic isolation and segregation of the Roma (Ringold, Orenstein, Wilkens 2005: 34).

Segregated settlements create barriers in access to public services as well as employment opportunities. Roma, wanting to move from these isolated settlements often encounter obstacles and discrimination by the public officials. Some settlements, like those in south-eastern Europe were created under the Ottoman Empire that divided settlement areas according to ethnicity; the divisions have disappeared but many of those settlements remain in countries like Bulgaria.

Many of these settlements have their roots in the socialist housing policies. The socialist state provided free or subsidised housing along with employment, often near the site of work; Roma living in those quarters were evicted when these state owned enterprises were shut down and housing subsidies were withdrawn. Many lost jobs

¹⁵ <http://www.culturalsurvival.org/publications/cultural-survival-quarterly/albania/persecution-and-politicization-roma-gypsies-eastern>

leading to deteriorating conditions within these settlements, coupled with little attention from state and municipal authorities (Ringold 2000: 12).

The transition created legal troubles for Roma as lack of clear property rights during the socialist regime meant few Roma could file claims to these lands and houses as they were transferred to their former owners or privatised. (Ringold, Orenstein, Wilkens 2005: 35). Due to deteriorating economic conditions, many Roma sold their homes and moved into already crowded flats of relatives. Illegal tenancies, ignored by the communist regime, were no longer tolerated. (OSCE 2000: 102).

Many dispossessed Roma had difficulty in finding rented accommodation as most non-Roma did not want them as tenants or neighbours while several others were unemployed and were unable to afford housing. Under these circumstances, many Roma moved into unoccupied property rendering them vulnerable to evictions as well as evoking antipathy from the non-Roma in those areas (OSCE 2000: 103).

Another trend noted with regard to housing during the transitional phase was the migration of Roma to urban areas to look for employment as many lost their jobs in state owned enterprises leading to the growth of large scale ghettos and the consequent problems of crime, drugs and diseases in most cities of the region (Ringold 2000: 12).

In some countries like Slovakia, Spain and others, the local governments have sought to solve the problems of housing, illegal occupancy and non-payment of rent by Roma through their relocation to segregated settlements on the outskirts of the towns. This move has been controversial and has evoked a lot of criticism from international, European and human rights organisations. Several local municipalities have also expelled Roma from their areas either through formal policy or informally. For instance, Roma willing to purchase houses are driven away by some excuse while non-Roma are encouraged to purchase properties in the same area (OSCE 2000: 106).

European Roma Rights Centre (ERRC) in its reports, raises the issue of adequacy of halting sites for nomadic and semi-nomadic Roma. The ERRC highlights the fact that many of the sedentarised Roma are at the risk of being subjected to housing policies based on the presumption that all Roma are nomadic. These sites are being used to

relocate sedentarised Roma far away from the city centres and public services. Such segregation in degrading and inhuman environment, as pointed out earlier, leads to marginalisation of the Roma from political, social and economic life of the area.

Health

Poor socio-economic status of the Roma has a direct impact on their health status. The unprecedented collapse in their living conditions in the transitional phase due to high rates of long term unemployment has led to deterioration in their health status as well. There is very limited literature available on the health of Roma, especially during the transitional phase as most of them live below the poverty line and their access to preventive and curative medical services in most of these CEE countries is limited. However, even the limited research indicates wide disparities between the health outcomes for Roma and non-Roma in the CEE countries (Walsh, Kreig 2007: 173).

Roma are highly susceptible to many diseases on the account of poor nutritional standards, poor living standards and poverty which cause and exacerbate illness and poor health by limiting access to preventive health care, medication, hygienic material and proper nutrition. Discrimination along with several other factors can limit the success of various programmes regarding health education, testing and treatment. The most common health problems in Roma are smoking, alcohol drinking, physical inactivity, stress or mental ill-health, obesity, heart and asthmatic predisposition.(MEHO 2010: 45). OSCE report in 2002 indicates that Roma across the OSCE region have higher than average incidence of infant mortality, lower than average life expectancy and higher rates of malnourishment and disease.

The substandard living conditions, pointed out in the section on Roma housing, make Roma more prone to communicable diseases like tuberculosis and hepatitis. Discriminatory and prejudicial attitudes are one of the key factors in marginalisation and exclusion of Roma from public health campaigns and programmes. For instance, the immunization programmes in many of these states do not reach out to all the Roma population, in some cases, rates of non-immunisation have been found to be as high as 20 percent. There has been higher incidence of some of these communicable diseases in the transitional phase as living standards deteriorate with most Roma settlements lacking proper sanitation, running water and electricity.

Demographic trends indicate that Roma have a higher growth rate than non-Roma groups and consequently, Roma population is younger than other groups. This is mostly due to the fact that Roma women marry younger and their reproductive span begins in their teenage years. They are less likely to use contraception than non-Roma women and consequently have more live births; socio-economic factors including poverty, lack of education and cultural preferences account for the high fertility rate (MEHO 2010: 47). There have been contrasting reports as to whether fertility rates in Roma have increased or declined during the transition period however, they continue to be higher than that of non-Roma populations in the region (Ringold, Orenstein, Wilkens 2005: 49).

Romani women are the most disadvantaged when health issues are concerned. They are less likely to have access to preventive, reproductive and sexual health information and care. Cultural factors and Romani concerns about purity and modesty meant that most Roma women don't get proper prenatal care during pregnancies (MEHO 2010: 47). Unhealthy lifestyles and poor living standards coupled with high abortion and birth rates account for more pregnancy related complications in Roma women than non-Roma women in the region. Poor and negative pregnancies and newborn outcomes have a higher incidence among Roma women. Maternal health is a serious issue; a large number of Roma women continue to smoke through their pregnancies and use of contraception continues to be limited (Ringold 2000: 21). Poor maternal health and weight also implicates the health of the future generation; Roma have more babies with low birth weight than non-Roma populations across the region. Roma have a higher rate of infant mortality; the rates had experienced some decline during the socialist period from 1960s to 1989 however, the numbers for Roma were still higher than non-Roma populations in most countries. For instance, in Bulgaria, the rate of infant mortality in 1989 among Roma was 600 percent more than non-Roma.

Roma communities are at a higher risk of genetic disorders because of a higher level of intermarriages and consequently a higher level of inbreeding. There has been little documentation on the prevalence of non-communicable diseases within the Roma however, limited research indicates that mortality rates due to non-communicable diseases were high, particularly due to conditions associated with poor diet, smoking and alcoholism (Ringold, Orenstein, Wilkens 2005: 52, Ringold 2000: 21).

Employment in hazardous occupations, a legacy of the Soviet era, puts Roma at a higher risk of illness and health concerns. Roma in the 1960s and 1970s came to face health hazards due to employment in heavy industry as low skilled or semi skilled labour. In the transition phase, due to an increasingly tight labour market, Roma accepted jobs as seasonal or day labourers lacking health or social insurance. Others are employed as cleaners, sweepers, sewer maintainers which require additional public health measures, often ignored. Many Roma live near work sites, abandoned mines and factories and waste dumps putting Roma at the risk of exposure to hazardous materials and highly polluted environments (Ringold, Orenstein, Wilkens 2005: 52, OSCE 2000: 122).

There is little research available on the incidence of sexually transmitted diseases among the Romani people in this region. However, there has been a rise in the number of Roma women employed in prostitution due to lack of employment opportunities which increases the risk of STDs and HIV/AIDS among these women. Also there has been increasing reports of drug addiction among Romani youth; exact numbers are difficult to ascertain as very few Roma undertake counselling and testing at clinics (Ringold, Orenstein, Wilkens 2005: 53).

One must be able to establish a correlation between education, health and employment. Low level of education means poor living standards, poor hygiene and poor health. Conversely, it has been established through research that a higher level of education often leads to a longer life expectancy and better health. Illiteracy often means that Romani people cannot access public health services, read public health notices and are consequently, unaware of the public health programmes. Lack of education implies that many Romani communities do not realise the importance of various health programmes such as immunisation. These people are also at times distrustful of such programmes, various beliefs like the vaccination will lead to spread of diseases and experiences like the forced sterilisations during the socialist period have made the Roma wary of the state authorities and their intent. Education among Romani community, especially among the young people, will not only help in improving their employment and living conditions but also help in ensuring the success of preventive health programmes like immunisation. It can help the Romani people better appreciate the dangers of intravenous drug use, the measures needed to

check the spread of HIV/AIDS and other sexually transmitted diseases and increase the social approval of contraception.

The transitional phase has led to reduced access to health services for Romani people as public funding for such services has been scaled back. State provides health care for those who are employed, pay social security and those unemployed who are registered with the state. However, many of the unemployed among the Romani people are not registered with the state and do not have birth certificates, identification proofs and proof of registered residence required for accessing public health care services. Many Roma communities cannot access public health care services on the account that their segregated settlements are often not connected by public transport and they cannot afford to pay the fares. In many cases these settlements do not have a resident doctor and are not visited by public health officials; such a scenario implies that Roma visit the clinics and state hospitals only under the most pressing circumstances (OSCE 2000: 124, UNICEF 2007: 23).

Education

The most pressing challenge in long term development of the Roma community is perhaps, their low levels of education. Historically, Romani people have had low education levels ever since their arrival on the European continent. In the previous sections, the importance of education and its relation to other aspects of Romani development have been emphasised. Lack of education means Romani community is poorly placed in the job market and consequently more vulnerable to poverty and unhealthy lifestyles as witnessed in the transition.

The problems Romani children face in education differ across states and regions however, certain commonalities can be ascertained. Romani people across the region experience low education levels and wide disparities with the non-Roma populations of these states. A complex set of factors restrict access to education in general and quality education in particular for Roma children. Several of these factors owe their origin to the socialist rule in this region. As pointed out in the previous chapter in a brief look on the history of the Roma under communist rule, education levels and literacy among Roma improved in the communist period. This happened as the state made provisions for free and compulsory education for all; there were political pressures to comply. The state provided for all the educational and teaching material

along with free meals. However, the Roma children often did not fare as well as non-Roma children due to various reasons: the schools did not account for migration in Roma, the medium of instruction was often a language foreign to the Romani children and this coupled with infrequency of class attendance and lack of pre-school education affected the performance of the Romani children. By 1980s, a large chunk of Romani students were not even functionally literate and only one out of ten students cleared college. The socialist state assumed that the difference in performance of Roma and non-Roma children was due to disability and not environment. As a result, Roma children in many socialist states like erstwhile Czechoslovakia came to be put in schools for children with mental disabilities, a legacy that has survived the transition in many states.

At transition, Roma therefore, had lower educational levels than non-Roma and the situation only aggravated as Roma experienced a steeper decline than non-Roma populations in their education levels. There have been reports of declining school enrolment as state funding and subsidies for schools were withdrawn and fees were introduced. Romani, already facing harsh realities of the transition were unable to pay the costs of school education (Ringold 2000: 18). Most Roma in these countries only have primary education or less and the number of school dropouts has increased. Such a grim scenario demands a look at the set of complex and intertwined factors that restrict the Romani people's access to education, especially quality education.

Pre-school education is important in preparing children for school and Romani children in most of these countries form a miniscule percentage of the children going to kindergartens and nurseries. Pre-school education can be extremely helpful for Romani children who have been socially excluded and prepare them for primary schools in a better way. It can help break language and other learning barriers. Pre-schools can also at times mean additional institutional discrimination for Romani speaking children. During the socialist period, most of these pre schools were funded or subsidised by the state and attached to state owned enterprises. The collapse of communism, as pointed out earlier, led to a cut in public funding for schools, this had a particularly harsh effect on pre schools as many of them were either shut down or handed to municipalities which were already in dire financial conditions. (UNICEF 2007: 46-49, UNDP 2002: 60-61).

In terms of primary education, as pointed out earlier, there has been a sharp decline in the number of Roma children being enrolled for primary education in most countries even where education is free. This can be accounted for by the fact that Roma families cannot even afford the additional requirements for sending their children to school such as textbooks, uniforms, equipment and travel (UNICEF 2007: 49-50).

Contrary to popular perception that Roma do not value education, Romani people believe in the importance of education however, poverty and discrimination are colossal barriers to education. However, the negative experiences of Romani parents in schools as well as bleak employment opportunities for educated Roma act as a deterrent in this regard.

Lack of access to quality education is yet another key problem affecting the educational status of Romani people. Most schools do not have an intercultural understanding and Romani language is not taught in most schools. Only recently, some progress has been made in that regard. Most schools do not appreciate the Romani culture and they see nothing of value in the culture or the language. Romani students often encounter discrimination because of this negative perception of their backgrounds. Romani parents complain that their children face discrimination, ostracism, bullying, harsh treatment or lack of attention (UNICEF 2007: 51).

Segregated schools for Roma present another barrier to quality education as these schools are overcrowded, poorly resourced with shortage of equipment, poor facilities and less skilled and motivated teachers. These schools are of two types: firstly, the majority schools where there are separate classes for the Roma and schools with majority of Roma populations. The second type is generally located near Roma settlements and the number of students completing primary and secondary school here is low. However, in some states like Bulgaria, Romania and Serbia, this policy is gradually decreasing with active state intervention and plans aimed at integration of Roma children. In many south east European states, schools for teaching basic skills to adults are filled with Roma children, thus constituting another variant of these segregated schools (UNDP 2002:55, UNICEF 2007: 53, Ringold, Orenstein, Wilkens 2005: 45-46).

As mentioned earlier, the socialist regime in these states instituted special needs schools for mentally retarded children where most Roma children came to be

enrolled. The regime believed that Romani children lagged in their performance due to their disability rather than environmental reasons. These schools are a form of discrimination, segregation and exclusion of Roma children. Even today, Romani children are grossly over-represented in these schools. In all CEE countries, Romani children outnumber non-Romani children in these special schools. These schools have low quality education, modified curriculums and children from these schools can hardly contemplate higher education elsewhere. Another reason for overwhelming Roma representation in these schools is that most of these schools receive some sort of subsidies and poor Roma families can only afford these. Most of them are assigned these schools not on health related grounds but because either they are not prepared for primary school or they don't know the language of instruction. Education from these schools implies there is little chance of higher education or employment in the formal sector (UNICEF 2007: 54-55, Ringold, Orenstein, Wilkens 2000: 45-46, UNDP 2002:55).

Another problem that needs rectification is the high primary school dropout rate among the Roma children especially girls. The primary reason given for these is the cost of education that the poor Romani families cannot afford. There are other reasons too, for instance, in countries like Serbia, Romani females have a higher dropout rate because of the traditional roles of a female in a patriarchal Romani household. Early marriage is the norm and taking care of the children and the household is a female's responsibility. Also when there are too many children and lesser money for education, often the education of the girl child gets curtailed. Roma families also blame the high dropout rate on illnesses, discrimination by teachers and peers, lack of decent clothing and the fact that their children have learnt what they needed to learn. Roma children have to care for younger siblings and engage in income generating activities. The number of dropouts between primary and secondary education is also high implying that only a miniscule number of Romani children will go for secondary education and an even lesser number will finish college. A large number of dropouts mean most of them will be employed in the same jobs as their parents however, they will face a market with an ever increasing emphasis on skills. (UNDP 2002: 53-54, UNICEF 2007: 54-57).

The education levels of the Roma have therefore, worsened during the transition leading to declining school enrolment and rising dropout rates. More and more Roma

children have come to be assigned to segregated classes and special schools. The lack of well educated and successful models in the community as well as lack of employment for skilled and educated Roma continues to discourage Romani parents. As the high unemployment rates in CEE countries illustrate, even higher education has not been a guarantee for employment in the tight labour markets. There have been various programmes at national and international level involving the governments of CEE countries, UN, EU, World Bank and several other NGOs and international organisations to rectify the scenario however, a lot remains to be done. Meanwhile, the Romani community is trapped in a vicious circle, low education levels mean unemployment which in turn leads to poverty and lack of good education coupled with discrimination in the education systems and labour markets.

Access to Social Services

Long term unemployment and poverty implies Roma dependency on state social services including health, education and social protection in case of unemployment. The sections dealing with health and education highlight the unique problems restricting Roma access to health and education. During the transition, the Roma facing ever higher rates of long term unemployment have become dependent on state unemployment benefits as well as labour market programmes aimed at facilitating their re-entry into the labour market. As Roma are over represented in the unemployed population, the popular perception is that most Roma are dependent on state welfare and that they have easy access to social services. However, this is a myth as several problems limit or restrict Romani access to these benefits just as in case of health and education. These factors include lack of documentation such as proof of residence and identification, discrimination, poor communications with the service providers and also, in general, the limitations of national resources and protection programmes. Though these programmes are critical in poverty alleviation, their impact for poor households is often limited by problems with coverage, target efficiency and benefit adequacy (Ringold 2000: 31-34).

These CEE countries under socialist system maintained incomes through guaranteed employment and state subsidies on housing, consumer goods and utilities. Therefore, social assistance in the form of cash payments for poor households was a new concept

in these countries; the coverage of this assistance has been limited due to financial constraints in the transition period.

Social assistance is a new concept in these countries as the socialist regimes maintained incomes through guaranteed employment and state subsidies consumer good, housing and utilities. Most of the post -communist states introduced cash payments for the poorest households; the coverage of this assistance has been limited due to fiscal constraints in the difficult times of the transition. For instance in Bulgaria, less than 12 percent poor households were covered under social assistance programmes in 1997 while the figure for Hungary was even lower at 6 percent (Ringold 2000: 31-32).

World Bank report in 2002 stressed the need for child allowances for poor Roma households with a large number of children emphasising the close link between poverty and family size. All CEE countries have child support in some form or the other; the efficacy of these programmes is affected by the level which determines qualification for such support. For instance, in Romania the child support decreases with the third child onwards. However, it has been proved that larger households have a higher incidence of poverty.

An important outcome of welfare benefits is over reliance on these in some cases thereby, promoting a culture of dependency. It has created disincentives for work in cases where the payment in social assistance has exceeded the minimum income for poor households. Roma run a risk of falling into the dependency trap if the level of income they expect in the market is lower than other workers. The issue has been dealt differently in CEE states, some states have required participation in public works or job counselling services.

Popular perception often holds that payment of cash benefits promotes reliance on social benefits and stigmatizes social assistance as well as promotes negative stereotypes against the beneficiaries (Csepeli, Simon 2004: 133). Another form of care is residential institutions for the marginalised and disadvantages sections like old people or children who are in great difficulty and Romani children in several states are over represented in such institutions. Active Labour Market Programmes (ALMPs) aimed at facilitating the re-entry of unemployed Roma into the labour market are yet another form of social assistance. They range from job search

assistance, training and retraining programmes, support for small businesses, public works and employment subsidies for employers (Ringold 2000: 33-34).

3.2 Conclusion

The ouster of the communist regimes in Central and Eastern Europe was seen as ushering in an era of democracy, human rights and market economies. However, for the Roma groups of the region, this transition has neither meant enjoyment of democratic rights nor has it improved their living conditions. Rather, it is ironical that the transformations to liberal democracies with market economies in CEE countries has led to dire living conditions and worsened the political, social and economic exclusion of the Romanies.

Politically, the transition brought in new opportunities for ethnic minorities in terms of expressing their identity and participation in society. It led to recognition of minorities as distinct ethnic groups and national minorities. Consequently, there was a flowering of Roma political parties, NGOs, community and advocacy groups at both national and international levels. However, the transition also brought in new hardships for this vulnerable community; political liberalisation allowed for entry of extremist and xenophobic elements on to the political scene and opened new avenues of discrimination against the Roma. Growing anti-Roma violence and speech have been recorded in all the countries of this region.

Roma, today are in the throes of an economic crisis; transition has brought in mass unemployment and rising prices leading to unprecedented levels of poverty and deprivation in Roma groups across the region. A multiplicity of reasons in close interconnection are responsible for such a grim scenario: the legacy of communist policies in the areas of education and unemployment, the policies of the post communist states and the widespread stereotyping and discrimination against the Roma.

In a nutshell, as a World Bank Report states,

“The situation of the Roma, or gypsies, in Central and Eastern Europe is one of the most challenging issues to emerge during the transition from socialism. While living conditions have deteriorated for many across the region, perhaps no single

ethnic group has been so consistently excluded from the opportunities brought about by the transition than the Roma.”(Ringold, 2000:1)

Chapter IV

EU and the Protection of

Roma rights in Central and Eastern Europe

4.0 Introduction

The end of the Cold war and the resurfacing of ethnic conflicts coupled with emerging reports of genocides and expulsion led to an ever increased international concern with rights of minorities in the world at large and Europe in particular. The works of several international organisations such as Organisation For Security and Cooperation in Europe (OSCE¹⁶), EU and Council Of Europe (CoE) throughout the 90s led to the emergence of common European standards regarding minority rights (Ringold 2005: 19). The EU, historically not engaged in the field of minority rights and a late entrant, drew heavily from the work done by OSCE and CoE. This section of the study therefore, attempts to look at the work done by these international organisations, the consequent emergence of international norms and key trends regarding minority rights. Furthermore, it looks at the role of EU conditionality in influencing minority rights policies in candidate states of CEE, especially the policies towards Roma minorities.

The collapse of the Soviet Union and transformations in Central and Eastern Europe were accompanied by an impetus on minority rights. Several reasons accounted for a heightened focus on minority rights in Europe. As mentioned in the previous chapter, Europe had witnessed serious cases of human rights violations and consequences of extreme nationalism and suppression of minorities. The continent comprises of states where political and ethnic borders are not coterminous rendering states vulnerable to conflicts and minorities to suppression and persecution. The collapse of the Iron Curtain and the ideological vacuum created by the demise of socialism in CEE countries led to the resurfacing of ethnic conflicts; Balkans was a bitter reminder of the consequences of extreme nationalism. Conflict in one country would also impact others through the outpour of refugees as observed in the Balkan crisis. Minority and

¹⁶ referred to as Conference on Security and Cooperation in Europe, CSCE till 1994. In order to avoid confusion, the term OSCE has been used throughout.

human rights were also important from social justice perspectives. Furthermore, CEE countries were deeply divided by ethnicity and peaceful co-existence of minorities was essential to peace and stability in the post communist period.

This period, therefore, saw the emergence of three key trends: firstly, mounting international concern with minority rights issues. Secondly, a growing emphasis on minority *group* rights as opposed to individual rights model practised in Europe since Second World War. Minority rights approach had been abandoned after the Second World War due to inter war politics and failure of League of Nations in the favour of a new universalism to promote individual human rights (Hughes, Sasse 2003: 4). The resurgent minority rights approach acknowledges the legitimacy of group consciousness and focuses on the protection of the group rather than the individual. It stresses on the importance of cultural preservation. This approach is based on the premise that conditions of marginalised groups, such as Roma cannot improve merely with the integration policies followed since Second World War, they also need opportunities for group empowerment and cultural self-determination. Empowerment here refers to their capacity to participate in and negotiate with influence, control and hold accountable institutions that affect their lives (Ringold 2005: 19). Lastly, the security scenario described above led to a shift in the minority rights approach culminating in securitisation of minority issues. In other words, a shift from concerns of minority freedoms to security concerns posed by minorities could be discerned. This approach has been criticised for ignoring the genuine issue at hand and projecting a negative image of the minorities as a source of conflict (Chandler 1999: 4-7).

4.1 OSCE:

The OSCE, preceding the EU in this realm, is regarded to have been the most successful as far as norm setting in national minority rights was concerned. OSCE was also a leader as far as addressing the Roma issue was concerned. A concise look at some of the trends and norms set by OSCE in the field of minority issues in general and Roma issues in particular will help in better comprehension and contextualisation of EU activism in this realm.

The only provision in OSCE for national minorities before the end of the cold war was the Helsinki Act of the OSCE in 1975 that called for 'respect of minority rights, equality before law and full opportunity to enjoy human rights and fundamental freedoms'. A change in outlook came with the collapse of communism in Eastern Europe. OSCE, between 1989 and 1991, took qualitative steps towards norm setting in minority rights issues and their internationalisation. The Copenhagen document of the OSCE (1990) was a landmark in establishing normative standards of minority rights protection. Going beyond previous anti-discrimination and equal treatment provisions, it argued for positive rights such as autonomous administrations and the use of mother tongue in official matters (Chandler 1999: 3-4). States were obliged to protect the 'ethnic, cultural, linguistic and religious identity of national minorities on their territory and to create conditions for the promotion of that identity' (par.33) including provision of instruction in mother tongue and the use of mother tongue 'wherever possible or necessary' before public authorities' (par.34) (OSCE 1995:9).

The emerging group rights approach was further stressed in the Paris Charter which stated that 'peace, justice, stability and democracy, require that the ethnic, cultural, linguistic and religious identity of national minorities be protected and conditions for the promotion of that identity be created'. The shift to a group rights formula was also apparent in the Opinions of the Badinter Arbitration Committee, which was established by the EU in August 1991 to provide a legal view on how the dissolution of Yugoslavia should be managed. Its emphasis on the rights of 'peoples and minorities' was affirmed by the EU Foreign Ministers' Declaration on the Guidelines on Recognition of New States in Eastern Europe and the Soviet Union and the Declaration on Yugoslavia of 16 December 1991, which made recognition conditional upon, amongst other things: "guarantees for the rights of ethnic and national groups and minorities in accordance with the commitments subscribed to in the framework of the OSCE (Hughe, Sasse 2003: 6-9).

The divisive negotiations over the breakup of former Yugoslavia discouraged any further encouragement to national minorities in terms of assertion of their identities as well as recognition of existence of new 'nations' and renegotiating the boundaries of the East European states (Guerra 1996:20). In terms of minority rights issues, the focus moved from standard setting to conflict regulation as a part of securitisation.

Therefore, the Copenhagen Document of 1990 was seen as the limit as far as minority rights were concerned. However, two important changes were noted in the next OSCE Meeting of Experts on Minorities in Geneva (1991): firstly, it was outlined that minority issues were an international concern, thereby increasing the regulative authority of international institutions. Secondly, it sought to rein in minority claims that threatened the geo-political status-quo of Europe. Therefore, provisions of the Copenhagen document such as autonomous administration were replaced by less threatening options (Chandler 1999: 2).

The OSCE was also faced with the questions of double standards from the East as many of the norms were not applied to minorities in the western democracies. Western democracies on the other hand, raised objection to the increased regulative authority that restricted their sovereignty. Therefore, certain clauses were added which would exempt western states from many of these norms. For instance, Geneva Report had to include a statement that not all *ethnic, cultural, linguistic or religious differences necessarily lead to creation of national minorities*. Germany forced the exclusion of *new minorities* such as migrant workers to avoid questioning of its treatment of Turkish minority while United States added *indigenous people* to the list. Furthermore, minority question would be out of the remit of the OSCE where terrorism was involved, this put Irish, Kurdish or Basque questions off the international agenda (Chandler 1999:4-6). With these clauses in place, it was clear that the focus of both the CoE and OSCE would be the East.

With Balkan wars, securitisation of minority issues entailed an increasing emphasis on maintenance of cordial inter ethnic relations in these post communist states out of concerns for international security. This was evident in the job profile of the HCNM (Helsinki Final Act, 1992) which was not to focus on safeguarding minority rights or become an ombudsman on these issues which could encourage minorities to make greater demands leading to conflict. The HCNM was created to be an early warning mechanism through monitoring developments and select specific situations for preventative diplomacy and secondly, to facilitate appropriate 'early action' by OSCE. This mandate warranted that OSCE could be involved in the affairs of a state without the consent of the state thereby limiting challenging the concept of state sovereignty prevalent after the Second World War. Such a role for HCNM implied

that minority rights issues were only paid attention when they had the potential to develop into violent conflict while minority rights issues in general became sidelined. There could be serious cases of minority rights violations which may not classify as potential conflicts but would not fall under the remit of the HCNM (Chandler 1999: 4-7).

4.2 Council of Europe

The council of Europe, an intergovernmental organisation, working to promote democratisation, human rights and rule of law, has also played a significant role in promoting awareness and encouragement of Europe's cultural identity and diversity. It seeks to find solutions to challenges facing European society, such as, inter alia, discrimination against minorities, xenophobia, intolerance, drugs, violence, HIV/AIDS and so on. It also promotes consolidation of democratic stability in Europe by backing political, constitutional and legislative reform. Its earliest intervention in the field of human rights was in the form of the European Convention of Human Rights (ECHR) which was adopted by all CoE member states which included all the older members of the EU.

The CoE has been more successful in codification of minority rights in Europe than OSCE. The first step in this direction was the Council's European Charter for Regional or Minority Languages in 1992. It requires protection and promotion of regional or minority languages; the provision for inclusion of non-territorial languages, minority languages which cannot be identified with a particular region provides for some protection for minority groups such as the Roma¹⁷.

In 1995, the CoE's Framework Convention on National Minorities (FCNM), the first legally binding multilateral document, was opened for signature and came into force in 1998. The EU with no uniform minority protection framework of its own encourages its existing as well as aspiring members to sign this convention. It was signed by all the ten member states from CEE that joined the EU in 2004 and 2007¹⁸. The Convention is largely derived from the 1990 Copenhagen Document of the

¹⁷ <http://conventions.coe.int/treaty/en/Treaties/Html/148.htm>

¹⁸ Latvia was the only candidate country that signed the FCNM after accession in 2005.

OSCE. It is by far the most comprehensive standard setting document in the field of minority rights.

The Convention consists of principles and objectives that should guide states in protecting their minorities. The definition of “national minority” and groups that fall under this category was left to signatory states. The Convention provides for equality before law, non-discrimination (Art 4.1) and affirmative action for minorities since abstention from discrimination may not be enough and additional measures might be required to promote equality between different groups (Art 4.2). Such affirmative action and measures are not tantamount to discrimination (Art 4.3). Signatories are obligated to take various other measures, such as (Article 5-17) promotion of minority cultures and identity, facilitate their access to mainstream media, promotion of minority languages through creation of minority media, classroom instruction in minority languages, minority educational institutions, use of minority languages in official communications and road signs, protection of their right to speech, association, expression, religion and so on (Art 5-17)¹⁹. FCNM also under articles 24-26, provided for a monitoring mechanism led by the Council of Ministers assisted by the Advisory Committees (ACs) whereby states have to submit periodic progress reports (Hofman 2009: 46-47).

Although there are important differences in terms of strategy and aims between the initiatives of the OSCE and that of the Council of Europe, they have been part of the same trend in international politics to increase awareness of the predicament of minority citizens in Europe. Consequently, efforts of both the organisations have shared common trends and problems. The minority rights norms and legislation that emerged post 1989 did not lead to a consensus on what constitutes a minority. Also, the focus in legally binding documents continued to be persons belonging to minority groups rather than the group. However, their achievement lay in the fact that the norms and legislation that emerged due to the efforts of these organisations were pan-European in nature (Hughes, Sasse 2003: 7-10). The works of both these organisations have been hampered by the reluctance of many states to set clear legal

¹⁹ Pamphlet No. 8 of the UN Guide For Minorities-The Council Of Europe’s Framework Convention For The Protection Of National Minorities, pp-3-4.

standards and subject themselves voluntarily to international monitoring (Vermeersch 2003: 6).

Moreover, EU drew heavily from these organisations in terms of standard setting as it considered them to be best practices in this field. EU also relied on these organisations for evaluating and benchmarking of candidates. For instance, EU encourages all its member states to ratify Council of Europe's European Convention on Human Rights as well as Framework Convention on National Minorities. The Council of Europe verifies its members' constitutions, laws on human rights and record on minorities thereby performing a prior screening for EU candidates (Hughes, Sasse 2003: 7-10). The overarching trends such as, inter alia, the securitisation of minority rights issues as well as focus on CEE region despite lack of such normative standards within Western Europe also informed EU's approach.

4.3 EU: Influencing Minority Rights Policies in CEECs

Before the end of the cold war and collapse of communism, concerns with minority rights in the EU were largely propelled by endogenous factors i.e. factors emanating from within the EU. This concern stemmed largely from groups within the European Parliament concerned with the destiny of minority cultures within the EU. However, this concern did not result in political instruments of minority protection at state level; few instruments were signed at the EU level and that too mainly in the field of minority language protection such as the EC budget line for minority languages, European Bureau for Lesser Used Languages and so on (Toggenburg 2004: 6, Pentassuglia 2001: 6). The factors driving EU's concern with minority rights protection after the collapse of communism has been largely been external and guided by EU's aims to enlarge eastwards and the security scenario mentioned above.

The EU, in the process of de-economisation, by establishing itself as a political and economic union and aiming at eastward enlargement, was entering the sphere of minority rights protection. The emerging standards of minority rights protection in Europe found expression in the EU's Copenhagen Criteria of 1993. The 'respect for and protection of minorities' acquired unprecedented importance as it became one of

the core conditions for membership of the Union. The Copenhagen Criteria of 1993, required inter alia, stability of institutions guaranteeing democracy, rule of law, human rights and respect for and protection of minorities²⁰.

The next important step in minority rights legislation came with the Amsterdam Treaty of the EU. With the coming into effect of the Amsterdam Treaty (1997) in 1999, the EU Council acquired the competence to introduce legislation to combat discrimination on a number of grounds, including racial or ethnic origin²¹. Article 13 of the treaty authorised the Union to “take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation”. Accordingly, in 2000, the ‘Directive on Equal Treatment Between Persons Irrespective of Racial or Ethnic Origin’ (Directive/2000/EC), popularly known as the Race Directive or the Race Equality Directive and the Directive 2000/78/EC- ‘Framework Directive on Equal Treatment in Employment and Occupation’ were adopted. These expanded the scope of anti-discrimination legislation in EU from gender and nationality to include, inter alia, ethnicity and race.

The Race Directive (2000) is the most important piece of legislation in EU law as far as minority rights protection is concerned²². It features detailed and innovative provisions, such as definition of direct and indirect discrimination, legal concepts of harassment, victimization, and instruction to discriminate and provisions regarding reversal of burden of proof and the creation of specialised bodies for equal treatment of all persons. This document, unlike the Framework directive, is not limited to employment and includes the fields of education, social protection and housing. It also encourages positive measures by the states to support or compensate disadvantaged groups. The Commission has shown a strong preference towards the adoption of unified comprehensive anti-discrimination legislation, although the Directive allows for adoption through several acts.

²⁰ The Conclusions of the Presidency –Copenhagen, June 21-23, 1993, pp-13.

²¹ The Treaty Of Amsterdam: Amending The Treaty On European Union, The Treaties Establishing The European Communities And Certain Related Acts, 2 October, 1997.

²² Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, Official Journal L 180 , 19/07/2000 P. 0022 – 0026.

Lastly, the European Charter on Fundamental rights (2000)²³ lays down for the first time in the European Union's history, the whole range of civil, political, economic and social rights of European citizens and all persons resident in the EU. It states equality before law of all people and prohibits discrimination. It requests the EU to protect cultural, religious and linguistic diversity. This Charter became a binding document once the Lisbon Treaty was ratified in 2009.

The international organisations mentioned in the previous sections, have employed a variety of techniques to influence policy direction in these Central and East European states. Dolowitz and Marsh (2000) have devised a framework to locate different types of policy transfers on a continuum from voluntary adoption (lesson-drawing) to coercive transfer (direct imposition). They argue that pure voluntary and pure coercive forms of policy transfer should be considered ideal-types; they are not expected to occur in reality. Lesson-drawing which might seem as a process of complete voluntary learning could, in practice, be driven by perceived necessity while, what appears to be a purely coercive transfer, on the other hand, is in reality very often the result of negotiation. While OSCE and CoE have largely focussed on voluntary adaptation, EU has relied on this approach coupled with direct imposition through membership conditionality late 1990s onwards (Vermeersch 2003: 5-6).

4.4 Assessing EU Minority Conditionality

Key Trends and Problems

“The issue of minority protection is an extreme case for analyzing the problem of linkage between EU membership conditionality and compliance by candidate countries. While EU law is virtually non-existent, EU practice is divergent, and international standards are ambiguous, the issue has been given high rhetorical prominence by the EU during enlargement” (Hughes, Sasse 2003:1).

²³ Charter of Fundamental Rights Of The European Union:
http://www.europarl.europa.eu/charter/default_en.htm

The EU's inclusion of minority rights in the political criteria and the *acquis*, a set of non-negotiable conditions, resulted in making membership contingent on the fulfilling of these conditions. This coupled with financial resources at EU's disposal and strong motivation among Central and East European states to join the EU led to the latter acquiring a powerful mechanism in the form of *membership conditionality* to influence minority rights policies in these states. This section therefore, attempts to look at the various aspects of minority conditionality of the EU such as: trends, problems and transformative effect on candidate countries.

EU conditionality is set in a way that it contributes to EU's success in influencing policy. EU uses a merit based system and candidates move closer to membership on the basis of the progress achieved in meeting the membership criteria. The progress by candidate states in meeting the membership conditionality is monitored and evaluated through the Regular Reports of the Commission following the Opinion on membership applications. These reports are compiled from various sources such as the candidate countries, OSCE, CoE, international financial institutions, NGOs and assessments made by member states. Also, EU uses other mechanisms such as funding distribution, and specific programmes, to influence policy in candidate states. The Commission also encourages the acceptance of certain international norms and cooperation with other international organizations such as the OSCE and the Council of Europe in the area of minority rights provision (Spirova, Budd 2008: 81-84). Conditionality, however, is widely regarded as the most potent instrument with the EU in influencing the domestic policies of the candidate states.

A succinct look at the key trends and problems in EU's role in minority rights protection would help in better contextualization and comprehension of the EU's role in protection of Roma rights. EU's inclusion of the 'respect for and the protection of minorities' in its Copenhagen Criteria (1993) for accession gave rise to discussions about the EU's double standards. There is discrepancy between the EU's promotion of minority rights norms in CEECs and their implementation within the older member states. Minority rights as a norm remains contested among the pre 2004 members of the EU and still lacks a firm foundation in EU law. Article 6 (1) of the 1992 Maastricht Treaty on the European Union lists the values of the political accession criterion with the notable exception of the reference to minorities. This implied setting

a much higher standard for candidate countries than EU had ever been able to agree for its own members. (Hughes, Sasse 2003: 10, Sasse 2009: 17, Toggenburg 2004: 4). Such internal diversity entailed that minority rights continued to be in the remit of states and outside the reach of Commission.

Minority conditionality of the EU with regards to candidate states of the CEE region suffered from inherent problems that affected its success and credibility. Firstly, minority conditionality for candidate countries of CEE region can be studied under two themes: anti-discrimination measures and positive minority rights, which can be further differentiated into individual and collective minority rights. While only a formal and narrow interpretation of non-discrimination excludes special minority rights, a more substantive interpretation focusing on de facto equality allows for accommodation of special minority rights. They are complimentary and their simultaneous co-existence in the legal system of a country can ensure comprehensive protection for the minorities. However, in the European context, a tension is assumed between the two concepts so that those favouring anti-discrimination can be expected to be reluctant or negligent to develop norms of positive discrimination (Schwellnus 2002: 8-13). The EU is perceived as promoting both antidiscrimination and minority protection objectives, but the extent to which anti-discrimination policies may achieve or replace sufficient minority protection is not clear. The EU does not expressly support group rights as an approach to minority protection, but does not show a clear preference for individual rights either (Brusis 2003: 6). While there is overwhelming consensus on the principle of anti-discrimination, one of the cornerstones of EU community law and political conditionality in enlargement, positive minority rights are deeply contested within EU as well as some of the candidate states that joined EU in 2004 and 2007 despite increasing efforts by EU, OSCE, CoE and other international and regional organisations.

Such a scenario has multiple implications: first is the full acceptance of the anti-discrimination clause by all the then candidate states of the CEE. All the ten states have transposed the anti-discrimination legislation of EU such as the Race Directive and the Framework Convention on National Minorities of the CoE into their national legal systems. Secondly, the internal diversity and contestation on the issue of positive minority rights within the EU led to not only accusations of double standards but also

resulted in EU's reluctance in promoting specific models when it comes to its fundamental political criteria, especially minority rights. EU's condition on minority protection is vague and open to interpretation; most of the acquis law that needs to be transposed consist of economic and administrative law. There is a need for explicit demands, concrete solutions or specific models that candidate countries should be emulating. The thinness of the acquis in terms of political criteria has given the states plenty of freedom to interpret the accession criteria therefore, limiting the success of conditionality in terms of ensuring norm compliance and policy convergence. Conditionality is then effective in only checking blatant violations and deciding when it comes to actual accession. In a nutshell, such vagueness makes real changes difficult to effectuate (Schwellnus 2002: 3-4).

Regular Reports of the EU, aimed at monitoring and evaluating the progress of candidate countries in meeting the accession criteria focussed on two aspects: focus on the adoption of requisite laws mentioned in the acquis and monitor systemic adaption by assessing implementation and capacity of the candidate states to meet the obligations of membership. A thorough analysis of these reports by Hughes and Sasse (Hughes, Sasse 2003: 14-20, Sasse 2009: 20-24) reveals key elements of the EU's minority conditionality. Regular reports of the EU highlight a hierarchy in minority issues. There were significant minority groups in all the candidate countries that joined EU in 2004 and 2007 however, EU Reports stressed particularly on the conditions of the Russophone minority in Estonia and Latvia and the Roma minorities in Czech Republic, Hungary, Romania and Slovakia. This hierarchy reflects the EU's interest in maintaining good relations with Russia, its most powerful neighbour and energy supplier and its own concerns with migration. Otherwise, a territorially marginalised group like the Roma is a less politically sensitive group to focus on. Also, The Roma face severe problems of systematic discrimination, political and social exclusion, segregation, and poverty but this is not a feature specific to candidate countries. This serves to illustrate that EU's concerns with minority rights issues is heavily influenced by its hard and soft security concerns rather than with norm protection per se. EU's minority conditionality and pressures for compliance on states has differed across states and intra state as well depending upon the political sensitivity of the minority question at hand (Vermeersch 2003: 10). The change in EU

attitude towards the Roma question mentioned in the next section is an apt illustration of this trend.

An analysis of Regular Reports reveals that these reports often take the progress in candidate countries at face value and offer generic praise to countries through vague statements such as ‘considerable progress’ and ‘continuing commitment to protection of minority rights’. The countries were evaluated on the basis of transposition of the *acquis* rather than proper implementation of those measures. The reports were designed to make each case seem like a cumulative success story and positive developments were recorded even if no problems were detailed these areas in the previous reports. Economic and administrative changes were easier to track but the thinness of the *acquis* with regards to the political criteria led to EU’s difficulties in evaluation in the absence of clear benchmarks. Reports tracked the adoption and amendment of laws on citizenship, naturalisation, language and elections, establishment of institutions to manage minority issues and launch of government programmes to address minority needs. Trends are evaluated by numerical benchmarks, such as the number of requests for naturalisation, pass rate for language or citizenship tests, number of schools or classes taught in state or minority languages, number of teachers trained to teach in minority languages, extent of media broadcasting in minority languages. Rather than setting benchmarks, these reports make references to international or European standards without proper elaboration and cross reference to recommendation, activities and documents of CoE and OSCE.

Often these reports gloss over cases of weak or non-compliance, for instance, the Report on Latvia in 2001 noted EU and OSCE concerns over naturalisation and effective political participation by minorities due to restrictive language laws, including the fact that Latvia was found in violation of ECHR during 2001. Yet, the report concluded that Latvia “has made considerable progress in further consolidating and deepening ... respect for and protection of minorities”.

EU funding for candidate states to aid them in meeting accession criteria is largely channelled through PHARE programme as mentioned above. But statistics reveal that the realm of minority issues and programmes has been a low priority area for EU funding. There was no separate budget line for these issues and it was subsumed

under the heading of 'civil society and democratisation'. Regular reports state most states as fulfilling EU conditionality except in the field of minority issues especially in the case of Roma community. Such a scenario demonstrates the lax attention paid to minority issues during accession negotiations.

Impact

The success of EU conditionality, its linkage with domestic policy outcomes has been a vigorously debated concept within the scholarship on the subject. Bernd Rechel points out the theoretical divide between the rational choice and the constructivist approaches in the discussion of conditionality. Schimmelfennig elucidates that in a rational choice approach, actors are rational, goal-oriented and purposeful and conditionality only works when it brings benefits to national governments (Rechel 2009: 3, Schimmelfennig and Trauner 2009: 1). His prominent 'external incentives model', built on rationalist cost-benefit calculations relates 'effective conditionality' to basic requisites such as: consistent and credible conditions and low domestic adoption costs (Sasse 2009: 18). The constructivist approach, on the other hand, emphasizes the processes of persuasion and socialisation and the sharing of norms and values. At times, these different types of influences were complimentary, such as the EU conditionality was often tied to the socialisation based efforts of the OSCE and CoE providing these organisations with additional leverage. The policy solutions promoted by EU were often shaped by OSCE and CoE. Scholars such as Schimmelfennig and Kelley emphasise the viewpoint that socialisation without conditionality may not be able to overcome domestic opposition. However, socialisation is important in guiding policy change in these states. Without socialisation based efforts, the implementation of rationally adopted laws and policies conditionality may remain patchy (Sasse 2009:28).

The rationalist external incentives model is contested in a discussion of minority conditionality because it assumes that domestic adoption costs are always more than zero. High adoption costs according to this model prevent rule adoption while moderate political costs may result in compliance due to effective conditionality. It is assumed that governments are not expected to gain from rule adoption in absence of external incentives. This model acknowledges domestically driven rule adoption but

only in countries where conditions were favourable before the onset of EU conditionality however, it is based on the premise that candidate countries incur at least moderate costs for compliance. This model might lead to overestimation of effectiveness of minority conditionality in cases where it was applied and rule adoption took place, but where domestic change led to conditions with positive gains for rule adoption. Positive gains might arise for governments representing national minorities or government that view them as an important electorate or ideologically lean towards a pro-minority position. Domestic factors can inhibit or promote such rule adoption through three conditions: first, the government position which can be in favour, indifferent or in opposition to minority protection measures, second, the existence of veto players that might depending on their policy preferences, block either positive proposals or attempt revocation of existing rules. Thirdly, the size of minorities can be interpreted as an indicator of the salience as well as financial implications of minority protection (Schwellnus, Balázs, Mikalayeva 2009: 1-2). This approach therefore, considers domestic factors as the most important in rule adoption, complimented by external incentives as a necessary condition.

Minority policies and politics in the member states were shaped by a complex set of domestic and international factors. At domestic level, these factors include the historical legacy, the pattern of transition from communism, domestic political scene, process of state nation building, state capacity, public attitudes towards minorities and minority rights, political organisation and representation of minorities. International factors include conditionality, interest and pressure of Western organisations, minority kin states and international NGOs. International factors do not directly influence minority rights policies and politics in the region but are mediated and filtered by domestic politics, which themselves can be influenced by international factors (Rechel 2009: 5-6).

Scholars are divided on the impact EU accession has had on the minorities in the region. For scholars like Bokulic, research shows that “EU accession process has induced change and served as a catalyst at a domestic level in candidate states and has had a positive impact on the status of minorities”. Kelley (2004), as pointed out earlier, argues that socialisation based efforts of EU without minority conditionality would not have made the EU policy a successful one. Based on her research, she

concludes that instances where EU bodies used merely socialisation based efforts rarely altered government behaviour in the candidate countries (Spirova, Budd 2008: 85-86).

Melanie H. Ram's (2003: 28-52, 2009:180-192) study of democratisation through European integration in **Czech Republic** and **Romania** demonstrates how EU pressures for reforms and repealing of discriminatory laws have been successful despite tremendous domestic opposition. The repeal of discriminatory clauses of Citizenship Law in Czech Republic and reforms in the Education Law in Romania are glaring illustrations of the impact of EU conditionality. Further, she adds that domestic factors have an important role to play and they can either limit or enhance EU's impact. In her research on minority rights regime in Czech Republic, Sobotka (2009: 90-101) offers a somewhat different analysis. While domestic factors have been important in limiting the impact of external factors such as EU, CoE and OSCE, the role of EU policy in Czech Republic suffers from certain defects that have impacted its success. For instance, conditionality has worked only when it was seriously pursued and in several cases the implementation and transposition of the *acquis* as well as anti-discrimination measures remains incomplete or limited. There is immense scope for improvement, especially with regards to the conditions of the Roma minority.

Similarly, Bernd Rechel (2009: 78-86) as pointed out earlier, argues that minority policies in candidate countries were shaped by a mix of both domestic and external factors. Based on a case study of **Bulgaria**, Rechel argues that most of the policy changes in Bulgaria happened in early 90s without the influence of EU and were guided by internal factors. One of the most restrictive minority regimes in new member states, Bulgaria accords no positive minority rights and no minority rights at all to its Macedonian and Pomak minorities. This illiberal regime was largely due to an illiberal past and the reliance on assimilationism under the communist regime which "shaped public attitudes, minority rights demands, and accommodations by the state in the post-communist period". However, since 1990s, external pressure by EU conditionality led to Bulgaria signing key instruments of minority rights protection by the country such as the re-introduction of minority language education, the ratification of the Framework Convention for the Protection of National Minorities in 1999, the

adoption of a programme for the integration of the Roma minority (the 'Framework Programme') in 1999, and the adoption of a comprehensive anti-discrimination law in 2003. A number of issues are highlighted by the Bulgarian case: on one hand, it points to EU's success in pressurising Bulgaria to sign several anti-discrimination measures as well pro-minority reforms. On the other hand, it reveals the limitations of EU policy in absence of popular domestic support and political will. For instance, Bulgaria, despite tremendous international criticism, refused to amend its constitutional provisions directed against political participation of the minorities. The success of EU conditionality was also affected by its flaws mentioned in the section above such as, ignoring weak or non-compliance with EU conditionality as well as public attitudes towards minorities, focus on security concerns rather than a genuine concern with minority rights and lack of positive rights for minorities. The EU focussed only on formal compliance and often ignored their implementation as substantive changes in domestic policies.

The impact of EU conditionality on **Estonian** minority policy evokes varied responses among scholars. For those like Papagianni, Estonia and Latvia represent cases with substantial evidence to link the progress in minority policy with EU conditionality (Spirova, Budd 2008: 85-86). Estonia followed a logic of legal restorationism in its redefinition of the Estonian statehood which pre-defined a number of fundamental conditions with regards to its Russian speaking minority including citizenship and collective minority rights. The post Second World War Russian speaking minority became illegal settlers who could only be naturalised on terms set by the Estonian state. It encouraged emigration of Russian speaking minority to Russia and other republics while simultaneously tightening the naturalisation requirements. Many refer to this as the evolution of Estonian state into an ethnic democracy; the state offered individual civil rights without recognition of minorities. The minority integration policy followed after 1997 has focussed on integration with a strong emphasis on things in common and Estonian language. EU rather than altering Estonia's fundamental policies has backed OSCE's assertion of softening the state's stance towards its minorities. It has focussed on pressurising Estonia into repealing laws or clauses that are found in violation of international and European norms and standards, for instance, the language requirements for employment in the public and private sector. EU guidelines have stressed on

facilitating the naturalisation process and better integration of non-citizens. This coupled with the funding EU provided for such programmes played a key role in moderating the ethno-political situation (Pettai, Kallas 2009: 104-115). The EU played a similar role in liberalising minority policy of **Latvia** where the state followed an almost identical restorationist logic (Galbreath, Muiznieks 2009: 135-147).

Another important case is that of **Hungary**, a front runner among the new member states in ensuring legal protection for its minorities. The Minority Law passed in 1993 granted a broad range of rights to the minorities. By passing its minority law in 1993, Hungary was not only providing an institutional structure for its own minorities but also a political justification for its support to the Hungarian minorities in other countries. EU conditionality, though not consistent, played a key role in influencing policies towards the Roma as well as the adoption of anti-discrimination legislation. The lack of a legal basis for minority rights within EU and low priority accorded to it during the accession process meant that EU added little in terms of direct policy or norm transfer. Also, EU conditionality shaped government priorities in the field; in the first half of 1990s there was pressure for improving specific minority rights and their implementation while during the accession period greater emphasis was laid on integration of the Roma (Vizi 2009: 119-132).

Vermeersch (2003: 21- 24) argues that though EU conditionality has led to limited forms of policy transfer in case of Hungary, Poland and Czech Republic, minority policies have largely been motivated by short term political and regional considerations.

EU did not play a major role in shaping minority rights policy of **Lithuania** which had largely been instituted before it applied for EU membership. Lithuania's Language Law which declares Lithuanian as the national language, provides for protection of constitutional guarantees for all minorities and promised state support for teaching minority languages. The communist era policy provides cultural rights largely to the Russian and Polish minority. Limited cultural rights also fail to address the issues of discrimination and ethnic intolerance. EU has raised the question of discrimination and minority rights of Lithuania's Roma and Jewish community; EU influence can be seen in implementation of programmes for alleviation of the

conditions of the Roma and in the transposition of the anti-discrimination clauses of the acquis and the Race Directive. However, various flaws in the programmes implemented to address Roma issues have led to persistent discrimination, poverty and social exclusion among this group. This can be attributed to the lax attitude of the EU with regards to the minority conditionality, lack of domestic political will, funding and prosecutions in cases of discrimination and violence. Also, important are the lack of effective consultation with the Roma community as well as a vague minority conditionality which leaves substantial room for interpretation. The EU's power to influence the development of Lithuania's minority rights regime is limited as the domestic refusal to include sexual orientation in the Law on Equal Opportunities illustrated. It is difficult to integrate EU norms into the national legal system if there is no social culture supporting such norms (Budryte, Sotirovic 2009: 151-163).

EU conditionality in **Poland** provided the minority groups with an important tool to pressurise the country into making the demands of minority groups a political priority. EU conditionality succeeding in making Poland sign a number of legally binding texts such as the FCNM, European Charter on Regional and Minority Languages which in turn put a moral pressure on the state to develop its domestic minority protection framework. The small number of the country's minorities and the low potential for ethnic violence meant that the EU's role in Poland was rather low key. EU was critical of Poland largely due to the conditions of its Roma minority; its influence can be discerned clearly in the response of the Polish state which came up with special programmes to address the needs and issues of the Roma. However, EU did not specify clear policy solutions or engage in substantive criticism of the Polish approach. Other organisations such as OSCE identified the flaws in the Polish response which was seen as incoherent and lacking consultation with the Polish Roma (Vermeersch 2009: 166-177).

Scholars present differing opinions on whether EU conditionality in **Slovakia** was a success or a failure. EU's influence proved extremely limited till the end of Meciar's regime (until 1998); however, Meciar's downfall is also attributed to his defiance of and criticism from the EU. EU exercised much more influence in the period from 1998-2006 when its salience on the governing political parties and their electorate was high. A strong support for EU membership has ensured that the populist and

nationalist government of Fico has not gone back on Slovakia's commitment to European norm regarding fundamental human rights and rights of the minorities. However, EU membership and influence has not been successful in preventing the entry of nationalist and xenophobic elements in the political scene of Slovakia.

Slovenia offers better protection and more clearly defined rights to its Italian and Hungarian minorities than the Roma groups in the country. Unlike the Italian and Hungarian minorities, Roma are not accorded the status of a national minority but recognised only as an ethnic community. Slovenia also has new minorities from the former multinational state of Yugoslavia. Its minority policies are shaped by the legacy of minority policies of erstwhile Yugoslavia and policies of the new Slovene state which developed in the context of accession to the EU and a feeling of anti Balkanism (discrimination against and marginalisation of individuals from the former Yugoslavia). A strong support for EU membership among all major parliamentary parties and majority of the populace ensured that the country signed all the major European documents on human rights and rights of minorities. EU accession reports highlight key problems with the Slovene minority policy; they identified discriminatory clauses in the Citizenship law, the discrimination and exclusion of the Roma and the lacking protection of minorities from former Yugoslavia and the status of refugees from Bosnia and Herzegovina. It is noteworthy that Slovenia acquired EU membership in 2004 and gained Presidency in 2008 without fully complying with most issues mentioned in the Regular Reports (Zorn 2002: 210- 221).

A different analysis is offered by Brusis (2003) in a study of evidence from Bulgaria, Romania and Slovakia. He argues that the European accession process has promoted consociational power-sharing arrangements regarding minority protection in accession countries since the minority policy has been guided by a security approach that prioritizes consensual settlement of disputes over application of universalist norms. Guglielmo points to the great potential of the EU in influencing change in domestic policies towards minorities but remains doubtful about its lasting effect 'unless corresponding changes in contextual attitudes, behaviors, social norms, and political culture take place.

Post accession compliance

The accession of the ten CEE countries into EU in 2004 and 2007 has raised the issue of post accession compliance with minority conditionality of the EU. Pre accession compliance, as mentioned earlier, is largely understood through the lens of rational choice approach; states are 'rational utility-maximisers calculating the material as well as political costs and benefits of adopting and implementing new rules'. Therefore, according to Schimmelfennig's external incentives model based on rationalist calculations, sizable and credible external EU incentives were necessary to overcome domestic opposition to EU rules and costs from rule adoption. The carrot of membership was attractive and indispensable for these CEE countries thereby giving EU the required bargaining power to dictate the terms of accession as well as enforce conditionality. Selective invitations for accession negotiations in late 90s gave credibility to EU's accession conditionality as it sent a message that non-compliant applications would not be considered. Therefore, EU was able to overcome opposition and enforce pervasive rule adoption in all CEE candidate countries. Accession, in that sense, has challenged compliance because the lack of external incentives now leads to bleak prospects for successful implementation and sustainability of adopted rules (Schimmelfennig, Trauner 2009: 1-3). Also, the lack of a legal base for minority rights in EU law other than non-discrimination implies that minority rights are not enforced by EU law once conditionality has ceased to exist.

Initial records show that formal compliance with EU rules is better in the new member states than the older ones; this is true in cases of infringement as new member states settle such cases faster than the old members. Scholars such as Sedelmeier caution that this good compliance behaviour could be due to habits and routines developed during pre accession period which might disappear over time and also undetected non-compliance in Commission data might not give an accurate picture. Decent transposition of *acquis* law in most of these new member states is often followed by a neglect of practical implementation.

A multitude of reasons account for the continued compliance with minority conditionality of the EU. The pre accession period had weakened non conforming parties and groups and led to the creation of parties and interest groups that benefitted

from EU's legislation. Scholars such as Epstein, Sedelmeier and Schimmelfennig point out compensatory mechanisms that, in the absence of external incentives, have ensured that compliance with EU conditionality has not suffered across the board. Such mechanisms include, the presence of post accession conditionality, such as the monetary free movement of persons, as membership did not directly entitle them for participation in the EMU and Schengen regime. The sanctioning and monitoring mechanism of EU and support by other international organisations in the same are also important factors. Also, the presence of other external influences, such as financial and technical support can help in administrative and judicial capacity building and can prevent involuntary non-compliance and strengthen domestic compliance capability. Even the external incentives model, in the absence of external incentives, does not predict complete revocation of externally induced rules because firstly, it will depend on domestic political constellation such as the coming to power of political forces opposed to the rule. Conditionality also may induce changes that cannot be reversed by simple majorities and are upheld by domestic control mechanisms such as constitutional courts, acting as veto players. It may be less costly to uphold legislations and keep institutions in place but then undermine implementation through cuts in funding or restrictive regulations.

4.5 Minority Rights Protection: A Case of the Roma in CEECs

The 1990s not only witnessed the development of common European standards regarding minority rights and the consequent codification of these, but also emergent concern with the conditions of the Roma. However, in the early 90s, the issues of the Roma minority in Europe had received little attention. Securitisation of minority rights issues implied that the focus of international concern would be minority groups with ethno-nationalist demands that could threaten stability or lead to conflict in the continent. Consequently, little attention was accorded for the Roma in the early 90s since they were a non territorial minority that did not threaten status quo, had no kin state and made no destabilising demands or territorial claims. The situation changed in the subsequent years with emerging international concern about Romani issues due to several reasons.

The OSCE was the first to look into the affairs of the Roma in 1993 as a part of the migration problem. The main aim was to look into the problems of the Roma minority in migration producing countries to curb migration flows into Western Europe. OSCE Report in 1993 did stress on the socio-economic conditions of the Roma and the violence and discrimination that the Roma were exposed to, but only from a migration prevention perspective (Guglielmo, Waters 2005: 767-768). Therefore, OSCE alongside working for the creation of a framework for policies towards minorities was also striving towards Roma specific policies. The Roma issue was addressed in a series of meetings of the Human Dimension of the OSCE in the 1990s. In 1995, it created the Contact Point on Roma issues within the ODIHR²⁴. The Contact Point was established to provide reports and assist states and civil society on implementation of the OSCE Plan of Action for the Roma in the OSCE region. It was also mandated to address challenges facing the Roma and assist in capacity building and community empowerment programmes. The Contact Point supports awareness-raising and information campaigns among the Roma regarding issues, such as early marriages, human trafficking, exploitation of children, benefits of education as well as voter and civic education and so on. It works with interior ministries and law enforcement agencies to bolster trust and understanding between Roma and the police while encouraging young Roma to join the police forces. Lastly, it works towards helping states find durable solutions to the plight of internally displaced Roma and Roma refugees²⁵.

The CoE has also demonstrated its concern for Roma issues, including a convention on Roma protection and linguistic rights. A Specialist Group on Roma/Gypsies has been created within the CoE; this group along with OSCE HCNM worked to produce the *Guiding Principles for Improving the Situation of Roma* in candidate countries. Adopted by the EU in 1999, this document has been influential in shaping EU relations with post communist countries regarding Roma issues as well as leading to a convergence in CoE, EU and OSCE approaches towards the Roma. Over the years, the Council has indirectly influenced Roma through its work on minority and linguistic rights (Ringold 2005: 20-21).

²⁴ Office of Democratic Institutions and Human Rights of the OSCE.

²⁵ <http://www.osce.org/odihr/44247>

Roma issues gradually became an important dimension in the minority rights conditionality of the EU. The change in the outlook was warranted by the increased international attention to the deplorable conditions of the Roma. An increasing number of international organisations, NGOs, civil society and advocacy groups such as Amnesty International, Human Rights Watch, European Roma Rights Centre were drawing attention to the plight of the Roma. Also responsible was the influx of Roma migrants into EU; fears of a massive influx of Roma people from Central European countries after enlargement promoted stricter EU conditionality regarding treatment of Roma minorities in the CEE region (Vermeersch 2003: 9-10). Stronger EU activism in this regard was also propelled by the emergent realisation that the mass of destitute and uneducated Roma will be an economic burden for the CEE states as well as threaten internal cohesion and consolidation of democratic institutions in the future. Roma rights issues increasingly came to be seen as the litmus test of EU's commitment to promotion and protection of minority rights in the region (Pogany 2004: 2)

EU activism in CEECs has accorded special attention to Roma issues since late 90s. The candidate countries that joined the EU in 2004 and 2007 were subject to constant monitoring mechanism of the EU led by the European Commission. The EU presented periodic reports on the progress made in the candidate countries regarding the accession criteria. In 1997, the Agenda 2000 of the EU, aimed at looking at the main areas of Community Policy, its financial perspectives for 2000-06 and enlargement pointed out that progress regarding integration of minorities in CEE was satisfactory *except the situation of the Roma in a number of applicant countries which is a cause for concern*. As part of Agenda 2000, Opinions on application for membership by the Commission for each of the ten candidate states of CEE were adopted. The aim was to assess how each of the countries were fulfilling the Copenhagen criteria, including the protection of minorities and, where relevant, the Roma. The Regular Reports of the EU also highlighted the progress made by candidate countries towards the accession. The issue of Roma rights remained a

regular feature on these reports²⁶. These reports were supplemented by various studies and surveys commissioned by the European Commission and other EU bodies.

EU provides financial and technical support for programmes aimed at alleviation of conditions of Roma minorities in candidate countries of CEE; this funding is largely channelled through PHARE programme. EU is also providing support through several other programmes, such as Access Programme (formerly Lien Programme) aimed at strengthening civil society organisations in CEECs. The European Initiative for Democracy and Human Rights under the Directorate General for External Relations (RELEX), is a key body involved in promotion of human rights and democratisation around the world. It had also supported programmes and provided funding for initiatives aimed at improving the conditions of the Roma. Till 2001, it funded several micro projects and grass roots initiatives by civil society, including Roma NGOs; its focus has now shifted to South Eastern Europe²⁷.

The Directorate General for Education and Culture manages programmes for co-operation between EU Member States and candidate countries in the field of education, training and youth. Projects for Roma are supported both within the Socrates and the Youth for Europe Programmes. The Socrates programme focuses, inter alia, on intercultural education, addressing needs of migrant, traveller and Roma children at school as well as targeting specific problems such as high dropout rates and marginalisation at school. The European Commission has also encouraged the participation of Roma in its Youth programme. This programme is aimed at empowering Roma youth leaders to become actively involved in European youth initiatives, setting up Roma youth structures to facilitate the interaction of Roma associations at European level and to promote their interaction with European institutions. The programme facilitates electronic interaction between Roma organisations, dissemination of info about Roma people and transnational cooperation between Roma youth in Roma as well as non-Roma media across states. It also facilitated the creation of the first European platform of Roma youth organisations. Both Youth and Socrates programmes lay a special emphasis on anti-racism and

²⁶ EU Support for Roma communities in Central And Eastern Europe, Published by the EU Enlargement Information Unit, pp4-5.

²⁷ EU Support for Roma communities in Central And Eastern Europe, Published by the EU Enlargement Information Unit, pp6-9.

tolerance. Another key EU body involved in pro-Roma initiatives is the EU Monitoring Centre on Racism and Xenophobia (EUMC, transformed in 2007 to the Agency for Fundamental Rights, FRA), established in 1997 during the European Year Against Racism. The Centre, created to provide objective, reliable and comparable information on racism, xenophobia and anti-semitism, inter alia, focuses on the situation of the Roma²⁸.

The role of EU, its conditionality and the impact on Roma in CEE countries often evokes a mixed response from scholars and the Roma alike. On the one hand, most scholars and activists agree that the EU has single-handedly advanced the issues of the Roma as one of the core concerns in its political conditionality and placed it on the agenda of the Central and East European states. On the other hand, there has been little actual progress on the ground. Nonetheless, democratisation aided by the EU's conditionality have helped end the longstanding political marginality of this group. Roma have been recognised as a distinct ethnic group and accorded minority status in most of these states except Bulgaria. Almost all the countries of this region have established separate departments and legislation to deal with minority affairs and issues. Furthermore, most of them have specific legislation exclusively targeting the problems of their Romani minorities.

Certain key trends and problems can be ascertained in the role of the EU in minority rights protection of the Roma in CEECs. Firstly, a growth and evolution can be traced in EU's role towards minority issues in general and Roma issues in particular. This signals an increasingly uneven and changing approach of the EU towards the issues of the Roma. Concern for Roma rights emerged not out of a concern for their rapidly deteriorating conditions but out of a mix of hard and soft security concerns.

Secondly, though EU's Regular Reports consistently stressed on the needs to address the problems of the Roma, they also highlighted the key problems in EU's approach towards alleviation of the conditions of the Roma. These reports described the conditions of the Roma in generic terms. While some of the problems specific to some countries were mentioned; most reports were similar. They mostly contained

²⁸ EU Support for Roma communities in Central And Eastern Europe, Published by the EU Enlargement Information Unit, pp-

paragraphs describing everyday problems faced by the Roma in identical paragraphs. The implications of a thin political acquis were reflected in EU's approach and conditionality in minority rights issues in general and Roma rights issues in particular. The Reports contained of general assessments and candidate states were offered little advice on the kind of measures required to address the problems identified in these reports. The solutions offered to the problems were as vague as the assessment of the problems. For instance, the Opinion on Slovakia stated that "the position of the Roma (gypsies) also requires attention from the authorities" or The Opinion on the Czech Republic indicated only that "the already substantial efforts of the Czech authorities in the cultural sphere...must be stepped up in the future" (Vermeersch, Ram 2009: 68-69).

Thirdly, implementation of the accession criteria always lagged behind the formulation of laws in all the countries that joined EU post 2004. Also, in the case of the Roma, new policies and institutions have been created but many deep seated problems have not been addressed since they require unpopular measures. Political will to implement such programmes has been missing at the local levels. Furthermore, EU funding and the programmes meant for addressing the concerns of the Roma have involved little participation of the Roma themselves (Vermeersch, Ram 2009: 69-70).

Fourthly, EU's own assessment of its PHARE funding describes a lack of "well-informed, clear vision or goal to define exactly what Roma inclusion means and how this will be achieved". These programmes designed to help candidate states address some of the problems identified in the reports, did not deal with issues of minority rights or protection but focused on some socio-economic aspects of exclusion. A good percentage of the Phare funding was to purchase equipment or support infrastructure development in isolated Romani communities. The Phare programmes appear to have been developed without reference to the CoE and HCNM's rights-based articulations of Romani interests. Overall, the Phare programme's funding pattern suggests an identification of Roma minority issues with socio-economic concerns and a persistent if unvoiced preoccupation with migration (Guglielmo, Waters 2005: 771-772). In a nutshell, while EU gave increasing rhetorical prominence to the rights of the Romani community, efforts on the ground focussed on socio-economic exclusion without looking deeper into issues of discrimination, inequality

and minority rights protection. The effort has been to curb migration by 'keeping Roma where they are'.

Fifthly, EU efforts in amelioration of the conditions of the Roma have suffered due to the fact that respect for minority rights as a principle was not grounded in internal EU standards and policies. This disjunction affected the legitimacy and efficacy of EU policies towards minorities, and were relevant, the Roma.

Scholars such as Olivier De Schutter and Annalies Verstichel (2005) point out that while the Race Directive of EU though has gone a long way in protecting the rights of the minorities in CEE countries guaranteeing substantive equality, it has been found to be inadequate while dealing specifically with the Roma. For instance, to extend its scope of application to the delivery of administrative documents, in order to explicitly include segregation as a form of prohibited discrimination, or in order to adopt another instrument, complementary to the Racial Equality Directive, addressing in a more focused manner the specific needs of the Roma, while remaining attentive to the preservation of their traditional lifestyle for those wishing not to renounce it, and ensuring that such a measure is based on a consultation with the Roma themselves.

The tremendous funding and prominence given to Roma issues during pre accession period has failed to bring about significant improvement in the conditions of the Roma. Formidable challenges in the form of embedded institutional discrimination within government structures, widespread 'anti-gypsyism', extraordinarily high levels of poverty and social exclusion, and segregated systems in housing, education and welfare have persisted.

The accession of ten CEE countries in 2004 and 2007 enlargements raises the issue of post accession compliance with minority conditionality of EU regarding the rights of the Roma. The carrot of membership to overcome domestic opposition is long gone; the limited competence of EU on internal minority rights issues means that new members cannot be readily criticised. Also, the dismal conditions of the Roma in older member states further limit any scope for further progress in this regard. Furthermore, persistent negative popular attitudes limit any scope for further reforms (Ram 2007).

However, the presence of the Race Directive and continued monitoring by the EU and other international organisations offer an important tool to address the issues of discrimination against the Roma. After accession new member states have access to numerous funds especially EU's structural funds which can be utilised to improve the conditions of the Roma especially in terms of health, education and employment. Also, increasing participation of Roma in public programmes offers some hope for the future (Vermeersch, Ram 2009: 69-70).

Guglielmo and Waters (2005: 778-779) argue that the post accession policy of EU with regards to the Roma should include a focus on rights, investment and security in a balanced manner. They aptly point out that the pre accession policy of EU towards candidate states was largely dictated by the migration problem posed by Roma communities and such a policy has failed to address the problems of the Roma. Today there is an increasing realisation that rights, investment and security are interrelated and a single minded focus on any one of them is inadequate and may actually produce harmful outcomes. For instance, exclusive concern with security can excuse abuses of already disadvantaged groups, yet, ignoring genuine concerns with stability and prosperity in face of population movement is not realistic either. Similarly, merely relying on humanitarianism for rights and social investment may not be as effective as linking these policies to a security interest in restricting migration. On the other hand, securitisation of these issues can mean decreased support for them once the security concerns have been met. There are also negative consequences for an unbalanced approach; for instance, favouring collective rights over investment can lead to reduced cost of addressing Roma problems but deliver few economic goods to a populace already steeped in poverty. Also, excessive focus on collective rights can lead to ghettoisation of Roma politics, reducing access to public services and effective public participation. Also policies affecting Roma should keep in mind the great diversity among Romani groups across the region. Therefore, a balanced policy will have to address all the issues of discrimination, socio-economic marginalisation, high unemployment, low levels of education and effective political participation.

4.6 Conclusion

International organisations since 1990s have increasingly emphasised on positive minority rights, both individual and collective. This prominence has however been confronted by intense contestation within the EU; internal diversity over minority management and disagreement over the concept of group rights within liberal democracies has meant little progress in terms of ensuring group rights for minorities within EU. However, the tremendous bargaining power coupled with the security concerns of the EU vis-a-vis the candidate countries of CEE region led to the EU setting higher standards for the new members. The lack of internal agreement on the issue of minority rights reflected in the impact of EU conditionality. The initial period saw tremendous enthusiasm regarding the role of the EU in minority rights protection but increasing empirical analysis of the EU conditionality reveals a limited impact. The impact has been maximum in countries where there has been consistent EU pressure coupled with highlighting of specific problems and concrete solutions. The impact and success of EU minority conditionality remains a vigorously contested issue.

EU has regularly highlighted the conditions of the Roma in its Regular Reports, Accession Partnerships and Opinions on membership. It has given high rhetorical prominence to minority rights protection and where relevant, Roma rights but has offered little in terms of highlighting specific problems and offering concrete solutions. A vague minority policy that is open to interpretation leads to little policy convergence and a lack of benchmarks that need accomplishment. States have plenty of freedom to decide how they want to accomplish the prescribed goals. While the rhetorical prominence by EU has placed Roma issues on the agenda of the CEE states, it has lacked a clear vision of how to end the poverty and social exclusion of the Roma groups in CEE countries. Concern with Roma issues has been guided by the hard and soft security concerns mentioned in the chapter above rather than by a genuine concern with the rapidly deteriorating conditions of this vulnerable minority.

Chapter 5

Conclusion

A close examination of the journey of Roma in Europe through the centuries, reveals a persistent saga of poverty, discrimination, social exclusion and at times, persecution by state authorities as well as the general public. This chronic problem has survived volatile changes in political systems, regimes and economic conditions. Until the late 20th century, states have either focussed on their assimilation or total marginalisation and there has been a lack of alternatives aimed at integration. The marginal status of the Roma can also be explained by the continual popular negative attitudes and stereotypes about the Roma coupled with Roma's own reluctance to conform.

The trends in assimilation, marginalisation and persecution of Roma have not faded with the modern times and the 20th century is abound with the most glaring examples of their continuity. The Nazi regime along with Jews, also subjected the Roma to concentration camps, torture and genocidal crimes in which more than a quarter of European Roma perished. While there remains considerable debate over whether the Nazi regime aimed at total annihilation of the Romani ethnic community, the sheer number of those dead puts it at one of the biggest mass murders in history.

The end of the Second World War was followed by the expansion of communist rule over Central and Eastern Europe. This led to sweeping changes in the lives of the inhabitants of this region, Roma included. Roma were at the receiving end of not only these changes but also of active government policy. While there was considerable difference in the policies of each socialist republic towards the Roma, certain common themes and regularities can be ascertained.

The Soviet policies laid thrust on the integration of the Roma, which was only a euphemism for the assimilationist measures of the state. The state took it as its responsibility to take care of groups that were socially and economically backward due to 'capitalist exploitation in the past'. The state aimed at improving the conditions of backward minorities, modernizing them and bringing them 'at par with the most developed ones in a matter of 10-20 years'. The Roma fit this socialist description of socially and economically backward minorities. In order to fulfil this goal, the

socialist state resorted to measures such as sedentarisation and housing of itinerant Roma, free and compulsory education, guaranteed employment and health care. Such measures had an ambiguous effect on the Roma; on one hand, their material conditions improved while on the other, they were subjected to cultural and political repression. Any expression of their identity and culture was outlawed. Some of the flawed policies, such as those in education and employment actually helped perpetuate inequities of the past and left lasting legacies for generations of Roma to come.

Collapse of communism in Central and Eastern Europe was accompanied by a transition to liberal democracies with market driven economies. A liberal democracy with group differentiated rights is often espoused by many as the most suitable model for the protection and promotion of minority rights. As pointed by scholars such as Kaufmann and Kymlicka, group differentiated rights are not incompatible with liberal democratic principles and structures; this multicultural model has found increasing acceptance post 1990. The transition to liberal democracies and market economies in Central and East European countries that happened under the aegis of the EU increasingly leaned towards this model.

The Roma initially welcomed the transition in CEE countries however, soon the harsh realities of the transition dawned on them. A close analysis of primary sources as well as published literature on the area reveals a despondent scenario for the Roma. Chapter two offers key insights into the manner in which the transition has unfolded for the Roma. Neither has the transition to liberal democracies resulted in a meaningful enjoyment of democratic rights by the Roma nor have they benefitted from the opportunities offered by the economic transformation. Rather, transition has been accompanied by a steep decline in the living standards of Roma as the Roma at the outset were poorly positioned to take advantage of the changes in their societies and economies.

On the political front, transition unleashed contradictory processes for the Roma. On the one hand, the fall of the Iron curtain increased international attention to the plight of the Roma. The presence of and desire for EU membership was an important factor influencing the approach of these countries towards their minorities. Political reforms instituted in these countries have largely ended the political marginality of the Roma

while offering them the freedom to organise themselves politically. Roma have been recognised as a distinct ethnic group and accorded minority status in most of these states except Bulgaria. Almost all the countries of this region have established separate departments and legislation to deal with minority affairs and issues. Furthermore, most of them have specific legislation exclusively targeting the problems of their Romani minorities.

However, at the same time, there has been a rise in anti-Roma prejudice, discrimination and violence. Democratisation has allowed the entry of nationalist and xenophobic elements on to the political scene in these countries. These elements for narrow political gains have scapegoated and ostracised the Roma. The new freedom of speech for the media in these countries brought to the fore more frequent and more vehement expression of anti-gypsy prejudice and hostility. Furthermore, political mobilisation among Roma has suffered on several accounts and they are not represented in political bodies in proportion to their numbers.

Economically, Roma have lost out the most in the transition. At the outset, Roma with their low levels of education and employed in low skilled jobs were the first ones to be laid off when restructuring began and state subsidies were rolled back. Consequently, it led to mass unemployment for Roma who found it difficult to enter the labour market due to low levels of education, skills and racial and ethnic discrimination. High levels of unemployment have made Roma dependent on employment in informal sector, poorly funded state assistance and working abroad.

Long term unemployment has also adversely affected health and housing among the Roma. With transition, many Roma living in free or subsidised housing were evicted when the state owned enterprises were shut down. Unemployment and poverty led to deteriorating conditions within these settlements and many could not afford houses anymore. Transition created legal troubles for Roma as lack of clear property rights during the socialist regime meant few could file claims to these houses when they were privatised or transferred to their former owners. Also, many dispossessed Roma had difficulty in finding rented accommodation as most non-Roma did not want them as neighbours. Furthermore, illegal tenancies ignored by the socialist regime were no longer tolerated. Under such conditions, many Roma moved to unoccupied properties

rendering them vulnerable to evictions and antipathy from non-Roma. Migration of Roma to cities during the transitional phase also led to the creation of large scale ghettos with associated problems of crime, drugs and diseases.

The unprecedented collapse in their living conditions in the transitional phase due to high rates of long term unemployment has led to deterioration in their health status as well. Roma are highly susceptible to many diseases on the account of poor nutritional standards, poor living standards and poverty which cause and exacerbate illness and poor health by limiting access to preventive health care, medication, hygienic material and proper nutrition. Discrimination along with several other factors has limited the success of various programmes regarding health education, testing and treatment. Employment in hazardous occupations, a legacy of the Soviet era, puts Roma at a higher risk of illness and health concerns. Roma in the 1960s and 1970s came to face health hazards due to employment in heavy industry as low skilled or semi skilled labour. In the transitional phase, due to an increasingly tight labour market, Roma accepted jobs as seasonal or day labourers lacking health or social insurance. Others are employed as cleaners, sweepers, sewer maintainers which require additional public health measures, often ignored. Many Roma live near work sites, abandoned mines and factories and waste dumps putting Roma at the risk of exposure to hazardous materials and highly polluted environments.

There has been a sharp decline in the levels of education among the Roma. There have been reports of declining school enrolment as state funding and subsidies for schools were withdrawn and fees were introduced. Romanies, already facing harsh realities of the transition were unable to pay the costs of school education. There are several other factors that not only account for declining levels of education but also affect the quality of education that Roma pupils get. Lack of pre-school education, lack of access to quality education, continued presence of segregated and special schools and high school dropout rates among female Romani children are important factors. Above all, poverty and discrimination at schools are colossal barriers to education. Furthermore, the bleak employment opportunities even for qualified Roma act as a further deterrent. Roma are therefore, trapped in a vicious circle where low education levels mean unemployment which in turn leads to poverty and lack of good education coupled with discrimination in the education systems and labour markets.

High rates of long term unemployment among the Roma have made them dependent on social assistance from their states. Contrary to popular perceptions that most Roma are dependent on state welfare and that they have easy access to social services, several problems limit or restrict Romani access to these benefits just as in case of health and education. These factors include lack of documentation such as proof of residence and identification, discrimination, poor communications with the service providers and also, in general, the limitations of national resources and protection programmes. Though these programmes are critical in poverty alleviation, their impact for poor households is often limited by problems with coverage, target efficiency and benefit adequacy.

The presence of EU and the carrot of EU membership gave it unparalleled power to influence the minority rights policies in candidate states. EU played an important role in placing the issues of the Roma on the political agenda of many of the post-communist states. It has highlighted the conditions of the Roma in several country specific reports as well as through a series of declarations. However, the tremendous funding and prominence given to Roma issues during pre accession period has failed to bring about significant improvement in the conditions of the Roma. Formidable challenges in the form of embedded institutional discrimination within government structures, widespread 'anti-gypsyism', extraordinarily high levels of poverty and social exclusion, and segregated systems in housing, education and welfare have persisted.

Several reasons account for such a gloomy picture: firstly, concern for Roma rights emerged not out of a concern for their rapidly deteriorating conditions but out of a mix of hard and soft security concerns. The thinness of the political acquis, the lack of clear models to be emulated and concrete policy solutions to be adopted were important factors. Equally important is the lagging implementation of minority rights conditionality coupled with the low priority accorded to minority rights issues in the accession period. EU funding lacked a clear vision of what the socio-economic exclusion of Roma really meant and how it was to be tackled. Programmes aimed at addressing the Roma issues have not been based on a minority rights approach or protection, rather it has focused on some aspects of their socio-economic exclusion.

Such programmes have lacked consultation with and effective participation of the Roma. In a nutshell, while EU gave increasing rhetorical prominence to the rights of the Romani community, efforts on the ground focussed on socio-economic exclusion without looking deeper into issues of discrimination, inequality and minority rights protection. It was largely security concerns linked to migration and not humanitarian or social justice concerns that prompted EU interest in Roma issues.

Therefore, in the future, programmes aimed at amelioration of the conditions of the Roma must involve increased consultation with the Romani community. International organisations working in the field of Romani emancipation call for increased participation of the Roma in the decisions that affect them. A focus on the in-group perspective on these programmes will offer key insights into why such programmes have failed to deliver the desired results. Today, there is an increasing realisation that the so called Roma issue is a pan-European problem as increasing evictions of Roma from the Western European countries like France reveals. There is a need for a pan-European policy to address the issue and increasing coordination between legislating, enforcement and monitoring mechanisms across the board. As highlighted by a report of Minority Rights Group International, policies, programmes and projects launched at the European level must keep in mind the fundamental rights of the Roma and ten basic principles of Roma inclusion. These principles include: constructive, pragmatic and non-discriminatory policies, explicit but not exclusive targeting, inter-cultural approach; aiming for the mainstream, awareness of the gender dimension, transfer of evidence-based policies, use of community instruments, involvement of regional and local authorities, involvement of civil society, and active participation of the Roma.

REFERENCES

Primary Sources

Amnesty International Report (2009), *Europe's Roma Community Still Facing Massive Discrimination*, April 8.

Challenges to Roma Integration. Policies in the European Union and Among Candidate Countries, Paper submitted by the European Roma Rights Centre (ERRC) and the European Network against Racism (ENAR) in preparation of the Peer Review Meeting 23-24 October, 2006.

DG Enlargement, European Commission, *European Union: Support for Roma Communities in Central and Eastern Europe*, European Union Enlargement Information Unit.

European Union (2000), *Charter of Fundamental Rights Of The European Union*, Official Journal Of The European Communities, 2000, 364/01-22.

European Union (1993), *European Council At Copenhagen 21-22 June 1993: Conclusions Of The Presidency*.

European Union FRA *European Union Agency For Fundamental Rights (FRA): Roma and Travellers*, Found at : http://www.fra.europa.eu/fraWebsite/roma/roma_en.htm

European Union (1997), *The Treaty Of Amsterdam: Amending The Treaty On European Union, The Treaties Establishing The European Communities And Certain Related Acts*, Amsterdam.

European Roma Rights Centre (2009), *Roma Rights, Multiple Discrimination*, Roma Rights: Journal of The European Roma Rights Centre, No 2.

“EU Factsheets on Roma: State Policies Under Communism”, Found at <http://romafacts.uni-graz.at/index.php/history/prolonged-discrimination-struggle-for-human-rights/state-policies-under-communism>

Hollo Lanna (2006): “Equality For Roma In Europe: A Roadmap For Action”, Open Society Institute.

Horka Hana, (2011): “Update on EU Roma Health Related Activities”, Directorate General For Health and Consumers, European Commission.

“Immigrants and Ethnic Minorities: European Country Cases and Debates” ed. (2010), National Institute of Health and Welfare, Helsinki, Finland.

Kochenov Dimitry (2007), *Commission’s Approach to Minority Protection During the Preparation of EU’s Eastern Enlargement: Is 2 better Than The Promised 1*, European Diversity and Autonomy Papers, EDAP 2/2007.

Milcher Susanne, Ivanov Andrey (2004):“The United Nations’ Development Programme’s Vulnerability Projects: Roma and Ethnic Data”, Roma Rights Quarterly, European Roma Rights Centre.

“Multiple Discrimination” (2009), Roma Rights, Journal of The European Roma Rights Centre, No 2.

“Minorities in Transition in South, Central and Eastern Europe”, International Centre For Democratic Transition (ICDT), ICDT Papers No.1, Supported by Swiss Federal Department of Foreign Affairs, 2008.

Minority Rights Group International (2010), Position Paper for the Council Of Europe High Level Meeting on Roma and Travellers.

Partners Hungary Foundation (2003), *Best Practices of Roma Projects in Central and Eastern Europe*.

Pamphlet No 8 of the UN Guide For Minorities, “The Council Of Europe’s Framework Convention For The Protection Of National Minorities”.

Pamphlet No 14 of The UN Guide for Minorities, “The European Union: Human Rights and The Fight Against Discrimination”.

“Policing and Roma: A Resource Manual” (2006), Contact Point For Roma And Sinti Issues, Office for Democratic Institutions and Human Rights, OSCE.

“Position Paper for the Council of Europe High-Level Meeting on Roma and Travellers, 20 October 2010, Minority Rights Group International.

“Report on The Situation of Roma and Sinti in the OSCE Area” (2000), Organisation For Security and Cooperation in Europe, OSCE, High Commissioner on National Minorities.

Ringold, Dena, (2000), “Roma and The Transition in Central and Eastern Europe-Trends and Challenges”, Washington D.C., World Bank.

Ringold, Dena, Orenstein Mitchell, Wilkens Erika (ed.) (2005), "Roma in an Expanding Europe Breaking the Poverty Cycle", World Bank.

Rimarova Kvetoslava (2010): "The Health of Roma People in Central and Eastern Europe, Migrant and Ethnic Health Observatory (MEHO).

"Sinti and Roma: Victims of the Nazi Era", Published by the United States Holocaust Museum, Washington D.C.

"Situation Of Roma In The European Union: A General Overview", Fundacion Secretariado Gitano (FSG), March 2010.

Schutter Olivier De, Verstichel Annalies, (2005), "The role of the Union in Integrating the Roma: Present and Possible Future", European Diversity and Autonomy Papers, EDAP 2/2005.

"The European Union and Roma", found at: <http://ec.europa.eu/social/main.jsp?catId=518>

UNDP (2002), *Avoiding the Dependency Trap: Roma in Central and Eastern Europe*.

UNICEF (2007), *Breaking the Cycle of Exclusion; Roma Children In South East Europe*, UNICEF Serbia.

World Directory Of Minority and Indigenous Peoples: Germany: Roma/ Gypsies/ Sinti, Refworld, UNHCR the UN refugee agency, 2008.

"Equal Access to Quality Education For Roma", Monitoring Reports, Open Society Institute, EU Monitoring and Advocacy Program, Education Support Program, Roma Participation Program, 2007.

Secondary Sources

Books

Achim, Viorel, *The Romas in Romanian History*, CEU Press.

Cahn Claude (2002), *Roma Rights; Race, Justice and Strategies for Equality*, New York: International Debate Education Association.

Csaba Fenyves, McDonald Christina, Meszaros Anita (ed.) (1999), *The Gypsy Education Resource Book*, Budapest: Open Society Institute.

Csaba Fenyves, McDonald Christina, Kovacs Judith (ed.) (2001) *The Gypsy Education Resource Book*, 2nd edition, Budapest: Open Society Institute.

Kallai Erno (ed.) (2002), *The Gypsies/Roma in Hungarian Society*, Budapest: Teleki Laszlo Foundation.

Kymlicka, Will (1995), *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford University Press.

Kymlicka, Will (1991), *Liberalism, Community and Culture*, New York: Oxford University Press.

Kymlicka, W., Opalski, M. (eds.) (2001). *Can Liberal Pluralism Be Exported? Western political theory and ethnic relations in Eastern Europe*, Oxford: Oxford University Press.

Lewy, Guenter (2000), *The Nazi Persecution of the Gypsies*, New York: Oxford University Press.

Rechel, Bernd (ed.) (2009), *Minority Rights in Central and Eastern Europe*, London and New York: Routledge.

Stauber Roni, Vago Raphael (ed.) (2007), *The Roma A Minority In Europe: historical, political and social perspectives*, Budapest: CEU Press.

Weyrauch, Walter O. (2001), *Gypsy Law: Romani Legal Traditions and Culture*, Berkeley and Los Angeles, California: University Of California Press.

Articles

Acton Thomas, Caffrey Susan, Gary Mundy (1997), "Theorising Gypsy Law", *American Journal of Comparative Law*, 45(2):237- 249.

Ahmed, Patricia, Feliciano Cynthia, Emigh Rebecca Jean (2007), "Internal And External Ethnic Assessments in Europe", 86(1):231-255.

Al-Samarai Nicola Laure, Lennox Sara (2004), "Neither foreigners, nor Aliens, The Interwoven Stories of Sinti and Roma and Black Germans", 20:163-184, University of Nebraska Press.

Baclija Irena (2008), "Positive Discrimination, Policies Of Inclusion For Europe's Largest Minority: Examples of Educational Policy for The Roma Minority In Europe", *Politicka misao*, Vol XLV(5): 175-189.

Barany Zolton D., "Ethnic Mobilisation and The State: Roma in Eastern Europe", Ford Foundation.

Barany Zolton D., "Living On The Edge: The East European Roma in Post Communist Politics and Societies", *Slavic Review*, 53(2): 321-344.

Bezemer Derk J (2006), "Poverty in Transition Countries", *Journal of Economics and Business*, Vol IX(1):11- 35.

Bjerkan Lise, Huitfeldt Anniken (2004), "Roma Minorities in the Czech and Slovak Republics: Development of a Social Survey Methodology", Fafo.

Blasco, Paloma Gay Y (2002), "Gypsy/Roma Diaspora: A comparative Perspective", *Social Anthropology*, pp173-188.

Brussis Martin (2003), "European Union and Inter Ethnic Power sharing Arrangements in Accession Countries", *Journal on Ethnopolitics and Minority Issues In Europe*, Issue 1.

Bucek Jan, "Land, Ownership and Living Environment of Roma Minority in Slovakia", found online at <http://lgi.osi.hu/ethnic/relations/bucek/index.html>

Cahn, Claude (2009), "The Roma, A minority in Europe: Historical, Political and Social Perspectives", Vol 19(1): 72-77 (Review), Liverpool University Press.

Cartwright Garth (2006), "Among the Gypsies", *World Literature Today*, 80(3): 51-55.

Chandler, David (1999), "The OSCE And The Internationalisation of National Minority Rights", pp1-10, Routledge.

Cholewinski, Ryszard (2005), "Migrants and Minorities: Integration and Inclusion in The Enlarged European Union", *Journal of Common Market Studies*, 43(4): 695-716.

Clark Colin and Elaine Campbell, "The Gypsy Invasion: A Critical Analysis Of Newspaper reaction to Czech and Slovak Romani Asylum Seekers in Britain, 1997".

Cooper Belinda (2001-02), "We have no Martin Luther King: Eastern Europe's Roma Minority", *World Policy Journal*, 18(4): 69-78, MIT Press.

- Costi Natassa (2010), "The Spectre That Haunts Italy: The Systematic Criminalisation of Roma And The Fears Of The Heartland", *Romani Studies*, 20(2): 105-136.
- Crowe, David (2008): "The Gypsies during the Second World War", *Holocaust and Genocide Studies*, Volume 22(1): 123-125 (review), Oxford University Press.
- Csepeli Gyorgy, Simon David (2004), "Construction of Roma identity in Eastern and Central Europe: Perception and Self Identification", *Journal of Ethnic and Migration Studies*, 30(1):129-150.
- Eliza Wilmerding (2010): "Reading Class Sounding Out Letters and Life With A Roma Clan Leader", *River Teeth- A Journal of Non Fiction Narrative*, 11(2): 61-93.
- Fawn, Rick (2001), "Czech Attitudes Towards The Roma: Expecting More of Havel's Country", *Europe Asia Studies*, 53(8): 1193-1219, Taylor and Francis Ltd.
- Fink, Caroline (2000), "Minority Rights as an International Question", *Contemporary European History*, 9(3): 385-400, Cambridge University Press.
- Freeman, Michael (2002): "Past Wrongs and Liberal Justice", *Ethical Theory and Moral Practice*, 15(2): 201-220.
- Gheorge Nicolae(1991), "Roma, Gypsy Ethnicity in Eastern Europe", *Social Research* 58:4.
- Goldston James A. (2002), "Roma Rights, Roma Wrongs", *Foreign Affairs*, 81(2):146-162, Council on Foreign Relations.
- Goldston James A. (2006), "Public Interest Litigation in Central and Eastern Europe: Roots, Prospects and Challenges", *Human Rights Quarterly*, 28(2):492-527, John Hopkins University Press.
- Goldston, James A. (2010): "Struggle For Roma Rights: Arguments That Have Worked", *Human Rights Quarterly*, 32(2): 311-325.
- Goncz Kinga and Sandor Gesko (1997), "Ethnic Minorities in Hungary: Democracy and Conflict Resolution", *Annals of The American Academy of Political and Social Sciences*, Strengthening Transitional Economies Through Conflict Resolution, 552:28-39, Sage Publications.
- Guglielmo Rachel, Waters Timothy (2005): "Migrating Towards Minority Status: Shifting European Policy Towards The Roma", *Journal of Common Market Studies*, Vol 43(4):763-86.

- Hadziavdic Habiba (2006), "Image of Gypsies, A German Case; Gilad Margalit", *Nebula* 3.4
- Hancock Ian: "Origins of the Romani People", (Online:Web).
- Hancock Ian (1997):" A Glossary of Romani Terms", *American Journal of Comparative Law*, 45(2):329-344.
- Hancock Ian F (2005): "Beyond Poverty, Beyond Europe", *SAIS Review*, 25(2):181-185.
- Hatcher, Christina (2006): Nazi aggression and Population Changes among the Czechoslovak Roma", pp1-8, (online: web).
- Hornburg Helge: "Transnational Minority Protection in Central and Eastern Europe and European Community Law", pp 139-158.
- Hughes James and Gwendolyn Sasse (2003), "Monitoring the Monitors: EU Enlargement Conditionality and Minority Protection in CEECs", *Journal of Ethnopolitics and Minority Issues in Europe*, Issue1/2003.
- Hyde, Anne Morton, "The Situation of The Roma In The Employment Sector", (Online:Web).
- Ilcheva Maria (2005), "Preparing for the New Minorities in Europe: The Influence on National Minority Protection in Romania and Slovakia", *EU The Jean Monnet/ Robert Schuman Paper Series*, University Of Miami.
- Johnson Carter (2006), "The Use and Abuse of Minority Rights: Assessing Past and Future EU Policies towards Accession Countries of Central, Eastern and South-Eastern Europe", *International Journal on Minority and Group Rights*, 13:27-51.
- Joppke C. (2003), "The retreat of multiculturalism in the liberal state", *Russel Sage Foundation Working Paper no. 203*.
- Jordan Michael J. (2010): "Roots Of Hate", *World Policy Journal*, 27(3):99-111.
- Kai A Schaft, David L. Brown, (2002), "Social Capital and Grass Roots Development: The Case Of Roma Self Governance In Hungary", *Social Problems*, 47(2):201-219, University Of California Press.
- Kertesi Gabor, Kezdi Gabor, "Roma Employment In Hungary After The Post Communist Transition", *Institute of Economics*, Hungarian Academy of Sciences.

- Kiss, Sandor Csaba (2007), "The Influence of European Union On Domestic Roma Policies in Hungary", CEU eTD Collection.
- Koulish, Robert (2005), "Hungarian Roma Attitudes On Minority Rights: The Symbolic Violence of Ethnic Identification", *Europe Asia Studies*, 57(2): 311-326, Taylor and Francis Ltd.
- Kolukirk Swat (2007), "Turkey's Roma: Political Participation and Organisation", *Middle Eastern Studies*, pp761-777.
- Lucero Florinda and Jill Collum (1998), "The Roma: During and After Communism", *Topical Research Digest: Human Rights in Russia and Former Soviet Republics*.
- Matras, Yaron (2010), "Minority rights protection in international law. The Roma of Europe, and: Who speaks for Roma? Political Representation of a Transnational Minority Community", *Romani Studies*, 20(2): 206-212, Liverpool University Press.
- Mckee, Martin (1997), "Health of Romas: Lack of Understanding Exemplifies Wider Disregard Of The Health Of Minorities In Europe", *British Medical Journal*, 315: 1172-1173.
- McKee Martin, Hajioff Steve (2000):" The Health of Roma People: A Review of Published Literature", *Journal of Epidemiology and Community Health*, 54(11): 864-869.
- Milton, Sybil (2000), "Sinti and Roma in 20th century Austria and Germany", *German Studies Review*, 23(2): 317-331.
- Milton, Sybil (1990), "The Context of the Holocaust", *German Studies Review*, 13(2):269-283.
- Milton, Sybil (1991), "Gypsies and The Holocaust", *The History Teacher*, 24(4): 375-387.
- Moravcsik Andrew and Nicolaidis Kalypso (1999), "Explaining the Treaty Of Amsterdam: Interests, Influences, Institutions", *Journal of Common Market Studies*, 37(1): 59-85.
- Morris, Helen M. (2003), "EU Enlargement and Latvian Citizenship Policy", *Journal of Ethnopolitics and Minority Issues In Europe*, Issue 1.
- Noorani, A.G. (2000), "Protecting Minority Rights", *Economic and Political Weekly*, 35(12):969.

O'Keeffe, Brigid (2010), "Backward Gypsies, Soviet Citizens: The All Russian Gypsy Union 1925-28", *Explorations in Russian and Eurasian History*, 11(2):283-312.

"Persecution and Politicisation: Roma Gypsies of Eastern Europe", Found at <http://www.culturalsurvival.org/publications/cultural-survivalquarterly/albania/persecution-and-politicization-roma-gypsies-eastern>

Pogany, I., "Legal, Social and Economic Challenges Facing The Roma of Central and Eastern Europe", *Queen's Papers on Europeanisation*, No2/ 2004.

Rady, Martyn (1993), "Minority Rights and Self-Determination in Contemporary Eastern Europe", *The Slavonic and East European Review*, 71(4): 717-728, Modern Humanities Research Association.

Ram, Melanie H. (2003), "Democratisation Through European Integration: The Case Of Minority Rights in Czech Republic and Romania", *Studies in Comparative International Development*, 38(2):28-56.

Ringold, Dena (2005), "Tacking Roma Exclusion in Europe", World Bank Institute.

"Romani Mobilities In Europe: Multidisciplinary Perspectives", Conference Proceedings Refugee Studies Centre, University of Oxford, January 2010.

Sasse, Gwedolyn (2005), "Securitisation or Securing Rights? Exploring the Conceptual Foundations of Policies Towards Minorities And Migrants in Europe", *Journal Of Common Market Studies*, 43(4):673-93.

Sasse Gwendolyn and James Hughes (2003), "Monitoring The Monitors: EU Enlargement Conditionality and Minority Protection in the CEECs", *Journal on Ethnopolitics and Minority Issues in Europe*, pp1-31.

Schafft Kai A. and David Brown (2000), "Social Capital and Grass Roots Development: A case of Roma self Governance in Hungary", *Social Problems*, 47(2):201-219, University of California Press.

Schandler, Revan (2001), "They Made Freedom for Themselves: Popular Interpretations of Post Communist Discourse in the Czech Republic", *Oral History*, 29(2):73-82.

Scheffel, David Z (2004), "Slovak Roma on The Threshold of Europe", *Anthropology Today*, 20(1): 6-12.

Schimmelfennig Frank and Florian Trauner (2009 ed), "Post-accession compliance in the EU's new member states", *European Integration online Papers (EIoP)*, Special Issue 2, Vol. 13.

Schimmelfennig Frank (2009): "The Normative Origins of Democracy in the European Union: Towards a Transformationalist Theory of Democratization", National Centre of Competence in Research (NCCR): Challenges to Democracy in the 21st Century, Working Paper No 39.

Schwellnus, Guido, "Conditionality and its misfits: Non-discrimination and minority protection in the EU enlargement process", Paper prepared for the 2002 ECPR Joint Sessions, Workshop 4: "European Governance and Enlargement", Turin, 22-27 March 2002.

Sirovatka, Tomas: "Social Inclusion of The Romanies: The Potential Of Romani Populations -and Options For Public Policy (The Czech Case)" Paper for the 10th NISPAcee Annual Conference: Delivering Public Services in CEE Countries: Trends and Developments, Poland, April 2002.

Smith David J. (2003): "Minority Rights, Multiculturalism and EU Enlargement: the Case of Estonia", *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1.

Spirova Maria, Budd Darlene (2008), "The EU Accession Process and The Roma Minorities in New and Soon-to-be Member States", *Comparative European Politics*, 6: 81-101.

Stauber, Roni (2009), "Violence Against The Roma Minority in Hungary and Czech Republic and its Repercussions", *Topical Brief No.4, Stephen Roth Institute for Studies of Contemporary Anti-Semitism and Racism*, Tel Aviv University.

Suarez-Orozco and M. Marcelo (1991), "Migration, Minority Status and Education: European Dilemmas and Responses in the 1990s", *Anthropology and Education Quarterly*, 2(2): 99-120.

Toggenburg, Gabriel N. (ed.2004): "Minority Protection and the Enlarged European Union: The Way Forward", Open Society Institute.

Trumpener, Katie (1992): The Time of The Gypsies: A "People Without History" in the Narratives of the West", *Critical Inquiry*, 18(4): 843-884.

Tyaglyy, Mikhail (2009), "Were the "Chingene" Victims of The Holocaust? Nazi Policy towards the Crimean Roma 1941-1944", *Holocaust and Genocide Studies*, 1:26-53.

Vermeersch, Peter (2004), "Minority Policy In Central Europe: Exploring the Impact Of EU's Enlargement Strategy", *The Global Review Of Ethnopolitics*, 3(2):3-19.

Vermeersch, Peter (2003), EU Enlargement and Minority Rights Policies in Central Europe: Explaining Policy Shifts in the Czech Republic, Hungary and Poland”, *Journal on Ethnopolitics and Minority Issues in Europe*, Issue 1.

Vojtova Petra et. al. “The Roma Minority In Some Countries Of The European Union In Connection With Their International Provision”, *Journal Of Health Sciences Management and Public Health*, pp 167-174.

Weyrauch, Walter O. (1997), “An Introduction to Gypsy Law”, *American Journal of Comparative Law*, 45(2): 225-235.

Weyrauch, Walter O., and Maurine Anne Bell (1993), “Autonomous Lawmaking: A Case of the Gypsies”, *Yale Law Journal*, 103(2): 323-399.

Weyrauch, Walter O. (2003), “The Romani People: A Long Surviving and Distinguished Culture At Risk”, *American Journal of Comparative Law*, 51(3): 679-689.

Walsh Christine and Brigitte Kreig (2007), “Roma Identity: Contrasting Constructions”, 39(1):169-186.

Willers, Marc (2010), “Recent Developments In EU Anti-Discrimination Law: Litigating Roma Rights Under EU Law And Experiences From The ECHR”.

Wohlfeld, Sarah (2006), “The Velvet Revolution: A Better Era For The Roma”, SM 629 *European Policy and Practice Towards the Roma*, Charles University.

Wolff, S. (2002), “Beyond ethnic politics in Central and Eastern Europe”, *Journal on Ethnopolitics and Minority Issues in Europe* 4: 1-21.

