

**Europeanization and the Roma:  
Spreading the Norms of Inclusion and Exclusion**

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Abstract: With the 1993 Copenhagen Criteria, the EU mandated respect for and protection of minorities as a condition of membership. Discrimination based on racial or ethnic origin has since been barred in all member states, and other steps have been taken to promote ethnic and racial equality. While some scholars have documented a positive effect of the EU on the treatment of ethnic minorities in candidate countries, sometimes even lasting beyond accession, and others have discounted the EU's impact in this field, less studied are the negative outcomes to which the EU may have directly contributed. These negative outcomes are perhaps most evident in the situation of Roma, the EU's largest ethnic minority. This paper considers the unintended consequences of the EU's promotion of racial and ethnic equality by examining policies, practices, and attitudes towards Roma in the five new EU members with the largest Roma populations. It argues that despite its efforts to reduce discrimination and inequality of Roma in Central and Eastern Europe, the EU and its longtime Member States have contributed to contradictory rules and norms that support both inclusion and exclusion.

## **Introduction**

For more than a decade and a half, the European Union (EU) has singled out the Roma – an ethnic minority constituting as many as ten to twelve million people across Europe - as a group facing widespread discrimination and socio-economic exclusion that prospective Member States must address. Over the years, repeatedly prodded by the membership expectations, pressure, and funds of the EU and other international organizations (as well as criticism by NGOs), governments in Central and Eastern Europe adopted institutions, legislation, and projects addressing rights, discrimination, political participation, and socio-economic disparities of Roma. Yet, discrimination, poverty, and segregation of Roma continue, and Roma remain an underrepresented minority in every country in which they live. This article reflects on the lasting outcomes with respect to Roma of the EU's efforts since the 1990s to institute respect for and protection of ethnic minorities in Central and Eastern Europe (CEE). It argues that the EU's promotion of and support for improved treatment of Roma has resulted in a mix of practices and norms in these countries that support both inclusion and exclusion.

Literature on EU conditionality and post-accession “compliance” has identified many ways in which the EU has affected government policies, institutions, discourse, and practices, as well as civil society activities regarding minorities (including Roma) in CEE, often with the help of facilitating factors or actors (see for e.g. Arias and Gurses 2012; Kelley 2003; Krizsan 2009; Ram 2001, 2003, 2007; Rechel 2009; Schwellnus 2005; Williams 2002). While scholars have duly acknowledged the EU's differential impact on

minority rights of candidate countries and various limitations to its influence (see for e.g. Guglielmo 2004; Hughes and Sasse 2003; Johnson 2006; Ram 2003: 46-51; Rechel 2008; Schimmelfennig, Engert, and Knobel 2003; Sissenich 2007; Vermeersch 2003), few would argue that attention to Roma in CEE as well as specific efforts to improve their situation have not been influenced by the EU and the context of EU enlargement.

Even after accession, the EU continues to influence Roma policy in CEE since the key factors that brought about domestic reforms and initiatives in the first place - EU attention and expectations, EU funding and capacity building, EU law, NGO advocacy and monitoring, other international commitments, and pressures related to Roma migrants - largely remain in place (Ram 2012). Yet, scholars, activists, NGOs, and other international organizations repeatedly emphasize the shortcomings in current approaches to address Roma communities, and they often criticize the EU for not doing more to help. Despite the EU's influence capacity and the many positive outcomes it has achieved, this article questions whether more EU efforts are likely to bring any substantial improvements given the uneven achievements of Europeanization regarding Roma to date.

While the EU has consistently and increasingly expressed its concern about the situation of Roma in prospective (and now current) Member States, its efforts have helped to establish a schizophrenic model of minority protection in Central and Eastern Europe. Across the region, important steps have been taken that support inclusion of Roma (such as anti-discrimination legislation, legislation protecting minority rights, equality bodies, consultative bodies, funds for preserving cultural identity, numerous projects to foster socio-economic improvements, and some affirmative action). These coexist in the same country, however, with exclusionary policies and practices (including continued segregation in housing and education, forced evictions, limited participation, and discriminatory rhetoric by elected officials). At the same time, forces operating both above and below the state, notably EU positions and EU member state practices, the media, and public attitudes and actions, often reinforce exclusionary elements.

This article explores the duality readily apparent in a review of CEE countries' records in the case of Roma, and the EU's contribution in direct and indirect ways to these scattered outcomes. To do so, it surveys relevant policies and practices in government and society in the five new EU Member States with the largest

Roma populations – Romania, Bulgaria, Hungary, Slovakia, and the Czech Republic.<sup>1</sup> While new EU members from CEE have different histories, problems, and successes regarding Roma, elements of both inclusion and exclusion of Roma can be found in virtually every country. If it were not for the EU’s push to CEE governments to give greater attention to problems faced by Roma, inclusionary actions would almost certainly be less visible, and exclusion might be greater or weaker. Yet, as long as this mixed landscape persists, substantive progress in improving the situation of Roma will continue to be exceptionally slow.

### **The Coexistence of Inclusion and Exclusion**

In the countries of Central and Eastern Europe, in large part due to the role of the European Union in the region, governments appear to have developed a “split personality” on minority rights and minority inclusion. While policies differ across the region, informed by political constituencies and specific domestic concerns (for example, Hungary’s concern for the rights of ethnic Hungarians in neighboring countries), one can easily identify actions that are both supportive and damaging to Roma integration in every country. The EU’s top-down and seemingly half-hearted push for improving the situation of Roma in prospective member states has facilitated a landscape of progressive sounding programs on paper, supportive statements, and even many positive actions, but a lack of significant tangible results. While the pursuit of EU membership no longer provides an incentive for reform, these Potemkin villages still stand and countries continue to go through the motions they have been conditioned to accept. Meanwhile, activists and NGOs continue to push the European Commission to do more to force states to improve the situation of Roma, but more EU efforts are likely to contribute to more of the same – inclusive efforts in an exclusive environment.

### ***The State: Fostering Roma Inclusion***

Continually criticized by the EU, the Council of Europe, the OSCE, NGOs, and others for the situation of their Roma populations, encouraged with EU (and NGO) funds, and sometimes specifically required by EU law, CEE governments have put in place a wide variety of laws, institutions, programs, projects, and consultative bodies that support the inclusion of their minority populations, and Roma specifically. As Bernd

Rechel (2009, 7) states, “a convergence [among CEE countries] in terms of minority protection can be observed in the adoption of anti-discrimination legislation, the ratification of the Council of Europe FCNM, the adoption of programmes for the integration of Roma, and the establishment of governmental bodies for minority issues. All of these policy issues can be directly related to pressure from the EU.” Countries have used these and other actions to demonstrate to the EU and other international bodies their efforts to help their Roma citizens.

### *Minority Rights*

From early on in their transitions to democracy, most CEE countries developed protections for the rights of minorities in their constitutions, further outlined in subsequent law (often after contentious debates and revisions, especially over language rights). All of the EU Member States from CEE also ratified the 1995 Framework Convention for National Minorities, which protects a variety of minority rights. These documents today serve as part of the edifice of inclusion that supports the rights of Roma in their countries.

For example, in the Czech Republic, the Charter of Fundamental Rights and Basic Freedoms, part of the country’s constitutional order, guarantees citizens belonging to national or ethnic minorities the right to develop their own culture, to use and be educated in their own language, and “to participate in the resolution of affairs that concern national and ethnic minorities,” among others. Slovakia’s Constitution guarantees the same rights to its citizens belonging to national minorities or ethnic groups. The Romanian Constitution proclaims a “right to identity,” specifically guaranteeing “the right of persons belonging to national minorities to the preservation, development and expression of their ethnic, cultural, linguistic and religious identity” (Art. 6). Romania also guarantees national minorities (including Roma) a seat in Parliament if they fail to meet the 5% electoral threshold to gain seats (Art. 62). Bulgaria does not recognize national minorities in its Constitution, and indeed bars ethnically-based political parties, but it guarantees the right to develop one’s own culture and use one’s own language (along with the mandatory study and use of Bulgarian), and it prohibits ethnic or racial discrimination.

Hungary's 2011 Constitution affords certain rights to "nationalities living in Hungary" including the right to preserve their identity, use and be educated in their language, promote their culture, establish local and national self-government, and contribute to the work of Parliament. A 2013 amendment – allegedly added to address hate speech against Roma and Jews – barred free speech from being used to denigrate "the dignity of the Hungarian nation or of any national, ethnic, racial or religious community" (Art. IX). Hungary's 1993 Act on the Rights of National and Ethnic Minorities (known as the Minorities Act) also recognized Gypsies as one of the thirteen native ethnic groups subject to special protections to preserve their "national or ethnic identities." It set out rules for the protection of minority cultures and languages, and the establishment of local and national minority self-governments to represent and protect their interests.

#### *Support for Roma Culture, Education, and Integration*

Some government funds are also available in all of these countries to help preserve Romani culture. For example, the Czech Government (2006; 2010; 2012) subsidizes the Khamoro World Roma Festival in Prague, the Museum of Romani Culture in Brno, the publication of Roma periodicals and electronic media (e.g. Romano hangos and Radio Rota), and activities of a number of Romani NGOs (including, for example, the Romea news service). Government subsidies are also provided for Romani language print media and cultural activities in Slovakia. In Hungary, the Public Foundation for National and Ethnic Minorities provides financial support for several Roma papers (e.g. Lungo Drom and Amaro Drom), and (along with the Ministry of National Cultural Heritage) cultural events organized by Roma organizations and minority self-governments (Government of Hungary 2004, 11). Bulgaria's Ministry of Culture and National Council for Ethnic and Demographic Issues have provided funds for projects to preserve and develop Romani culture such as the Roma Cultural Information Centre (Tomova and Andreeva 2012). Finally, in Romania, Roma culture is supported in various ways by the Ministry of Culture as well as the National Centre of Roma Culture (NCRC), which was established by the government in 2003.

Some countries have also adopted affirmative action or "positive discrimination" measures to help rectify or offset the disadvantages and discriminatory practices long faced by Roma. For example, since 1992,

and more broadly since 1998, Romania has had reserved spaces for Roma in both secondary and higher education, supporting the enrollment of over 10,000 students in secondary and vocational education from 2000 to 2006 and over 1400 students at universities (Bojinca et.al. 2009, 11). It also established a number of affirmative action programs to support Roma teachers (Fox and Vidra 2013). The Czech Republic has subsidy programs to support primary and secondary school education. While Roma there do not receive special stipends from the government for college (beyond what is available to all students), Roma have received funding for university education in the Czech Republic (as well as in all of the other countries examined here) through the international Roma Education Fund. The Czech government also established the Agency for Social Inclusion in Roma Localities in 2008 to work in socially excluded Roma communities in cooperation with local governments and NGOs (especially with the support of EU funds).

Numerous Roma projects have existed for years in all of these countries, including in the fields of education, housing, health, and employment, and many of them have had successful results, although typically on a small scale. Prior to enlargement, these were supported by over 100 million euros provided by the EU for Roma projects through the PHARE program (European Commission 2005). Following enlargement, the EU's new Member States continue to have access to billions of euros in EU funds to support Roma inclusion efforts, and Romania, Bulgaria, the Czech Republic, Slovakia, and Hungary (and seven other Member States) all allocated specific amounts of EU funds for Roma in their National Roma Integration Strategies.

#### *Consultative bodies and other alternative political spaces*

Central and East European countries have also been continually pressed by the EU to include minorities and civil society in the development of policies that affect them. They established a variety of consultative or advisory bodies and positions to do just that. Today, for example, Romania maintains a Council for National Minorities that includes representatives of each national minority group, a Department for the Protection of National Minorities, and a National Agency for Roma, whose work is carried out in coordination with seven regional offices. The Czech Republic has a twelve-member Council for National Minorities and a Government Council for Roma Community Affairs, both of which include Roma

representatives, Slovakia an Advisory Council for Minorities and Ethnic Groups (with Roma holding two of the fifteen seats for minorities), and Bulgaria a National Council for Cooperation on Ethnic and Integration Issues (NCCEI).

Hungary has a Department for National and Ethnic Minorities and a Council of Roma Integration. Through its extensive minority self-government system, Roma (and other minorities) are also able to make some decisions regarding their basic education, language, media, and culture at the local, regional, and national level. The Hungarian government (2004, 9) reports that almost 1000 settlements elected local Roma self-governing bodies in 2002, and thousands of Roma are actively involved in them.

### *Inclusive Laws, Institutions, and Strategies*

Finally, as mandated by the EU, all of these countries adopted anti-discrimination legislation in accordance with an EU Racial Equality Directive (Directive 2000/43/EC). Thus, discrimination on the basis of race or ethnic origin is barred in employment, education, social security, healthcare, and access to goods and services, including housing in all of these countries. Under this Directive, all EU Member States also created or designated an Equality Body to promote equality and provide assistance to victims of discrimination, among other functions. In line with a European Commission proposal and subsequent Council conclusions in mid-2011, they have also all recently adopted National Roma Integration Strategies for improving Roma inclusion in their countries (following up on previously adopted Roma strategies).

Overall, as Romanian Roma activist Nicolae Gheorghe (2010) explains, the EU was successful in getting governments to pay attention to Roma issues and to adopt measures to help improve their situation:

[The] political pressure [from the EU] raised the profile of the [Roma] issue considerably and things started to happen in rapid succession: a government strategy was developed for the sake of EU Accession in 2001: a National Agency for the Roma, as well as a Roma political party with representation in Parliament; and Roma representatives were appointed to local government offices. During the pre-accession period... scores of Roma NGOs were set up, and a small intellectual elite emerged, and they became vocal in their demand for human rights and minority rights.”

The EU provided an impetus and funds to candidate countries to demonstrate they were doing something to address the problems Roma faced in their countries (as reported by the EU and others), and today one can find a whole slate of inclusive efforts. What the EU did not do, however, is substantially change views on the need

for minority rights when they were not already present, or erase fundamental prejudices regarding Roma. As an advisor on Roma issues to the Romanian Prime Minister states, Romania has a Roma Strategy, “but only because Brussels demanded it. It is just a paper” (Draghici 2014). This has enabled inclusionary and exclusionary practices to coexist and largely cancel each other out when it comes to improving the situation of Roma.

### ***The State: Perpetuating Roma Exclusion and Deterring Real Participation***

Laws and government institutions supporting equal rights, anti-discrimination, socio-economic inclusion, Romani culture, and Romani participation meet countervailing forces from the government such as right-wing parties, racist statements by public officials (at national and local levels), token participation, and policies and practices that perpetuate social exclusion.

### ***Discriminatory Rhetoric***

While adopting and implementing positive actions for Roma, high-profile officials in most CEE countries have also made discriminatory remarks against them, and few politicians speak out loudly against such statements. For example, in Hungary, Zsolt Bayer, the right-wing co-founder of the currently ruling Fidesz party (and friend of the Prime Minister), recently published an editorial in which he stated - in response to a bar fight that reportedly included Roma - that “a significant portion of the Gypsies are unfit for co-existence, not fit to live among human beings. These people are animals and behave like animals... These animals should not exist. No way. This must be solved, immediately and in any way possible” (ERRC 2013). Previously, he reportedly stated that “whoever runs over a Gypsy child is acting correctly if he gives no thought to stopping and steps hard on the accelerator” (Verseck 2013). Many more racist remarks can be found in the discourse of members of Jobbik, the extreme right party that gained 17% of the vote in Hungary’s 2010 elections, earning 47 of the 386 seats in Parliament.<sup>2</sup>

The Hungarian government has not tended to condemn such racist remarks strongly, if it responds at all. In the case of Bayer’s recent comments, the government provided a tepid, if not anti-Roma response. The

Deputy Prime Minister indicated that there was “no room in Fidesz for people who consider groups of people to be animals,” later backtracking that he “cannot presume that [Bayer] really believed what he wrote” (Hodgson 2013). Meanwhile, a Fidesz spokesperson emphasized that protests against Bayer’s comments were misplaced, and should rather be directed at those who commit violent crimes (Hodgson 2013). Prime Minister Orbán has at times rejected Jobbik’s arguments, but appears to do so without any conviction or strong words.<sup>3</sup>

In the Czech Republic, as reported by the Council of Europe’s Commissioner for Human Rights (2011, 3), “racist and notably anti-Roma discourse is still common among mainstream politicians at both the national and local level. Extremist political parties have resorted to particularly aggressive manifestations of this type.” A Czech politician and former Minister of Education notes the pervasiveness of such rhetoric in a recent interview:

Anti-Gypsyism and xenophobia permeated the highest circles of Czech politics, including the government and the Czech President himself. Racism has nested within all parliamentary parties and such rhetoric is used as a mobilisation tool wherever there is a receptive audience. Every single parliamentary party has its MPs, mayors or leaders that play this dangerous game (Liška 2012).

As he points it, it is extremely difficult to change public attitudes when there is “such a powerful mainstream current of intolerance.”

In Romania, anti-Roma remarks have been made by, among others, the current (and past) President Bănescu, who in 2007 derided a Roma journalist and then called her a “stinking Gypsy.” His subsequent remarks at a 2010 news conference – indicating that “very few [Roma nomads] want to work” and “many of them traditionally live off what they steal” recently earned him a fine by Romania’s anti-discrimination agency (CNCD 2014). Other public officials have been criticized for negative statements about Roma as well, including Prime Minister Ponta, and the Mayor of Craiova – who in 2007 compared Roma to monkeys in a zoo (Scicluna 2007).

While international pressure and criticism influence public statements and actions at the national level to some extent – as CEE governments are fully aware of international expectations - they do not tend to alter the underlying intolerance of many politicians. For example, Slovakia’s Prime Minister recently suggested that Roma children should be taken from their parents and put in boarding schools, noting that the only problem with such necessary “extreme measures” was the negative reaction they would get from abroad and

from “sanctimonious” human rights activists (Bikár 2013). It is not likely that his opinions changed much from back in 2002 – in the wake of allegations of forced sterilizations of Romani women – when he promised as part of an election campaign to “actively effect the irresponsible growth of the Roman[i] population” (Scicluna 2007), or in 2001 when he indicated that “we have a great mass of Roma who do not want anything except to lie in bed and survive on social security” (Guglielmo 2004, 46).

Hungary’s ruling party has perhaps been similarly influenced by international expectations, as it has been criticized for “speak[ing] with two tongues,” rejecting right-wing extremism when addressing an international audience “to maintain a good reputation abroad,” but supporting such views in the local media (historian Kristián Ungváry, cited in Verseck 2013). As Bernard Rorke (2013) of the Open Society Foundations Roma Initiatives Office in Budapest states, “It’s hard to reconcile the fine sentiments contained in the government’s Roma integration strategy [submitted to the European Commission], with its equivocation in the face of statements that disparage, dehumanize, and degrade Roma.”

Some CEE governments have also expressed their disdain for the continued push for minority rights in their countries. Slovakia’s Prime Minister characterized some demands for minority rights as “blackmail,” emphasizing that “We did not establish our independent state to give preferential treatment to minorities, however much we appreciate them, but to privilege the Slovak nation-state in particular. . . It is a curious situation when minority problems are being intentionally foregrounded everywhere to the detriment of the Slovak nation-state” (Rorke 2013; Balogová). Hungary’s new Constitution (and subsequent amendments) support a similar sentiment. Besides being harshly criticized by many (including the EU, Council of Europe, and OSCE) for reducing democracy and the rule of law, it did not go without notice that “minorities” per se are no longer even mentioned in this Constitution. Instead, the document is proclaimed as the fundamental law of the “Hungarian nation,” which extends beyond Hungary’s borders; it allows that “the nationalities living with us form part of the Hungarian political community and are constituent parts of the State” and affords some rights to these nationalities.

### *Discriminatory Practices*

In addition to discriminatory rhetoric, governments have also paired their inclusionary laws, institutions, and projects with exclusionary practices, such as segregated education and housing. For example, the Czech Republic continues to place Roma into “special” or “practical” schools where they have little hope of advancement, despite constant EU and NGO criticism of the discriminatory practice, and even long after a European Court of Human Rights ruling against it. One third of Roma children still attend these schools, and despite constituting only about 2% of the population, they represent 32% of the students in these schools (Kostlán 2012b; Bikár 2012). According to the Czech Government’s Human Rights Commissioner, this is a key source of “inter-communal problems” in the country since these Roma subsequently will have much more difficulty finding employment (Kostlán 2012b). Roma are also disproportionately found in separate schools (including special schools for the mentally disabled) or segregated classes in Bulgaria, Hungary, and Slovakia, despite legislation adopted in the latter two (and Romania) that prohibits segregated education (Council of Europe 2012c), as well as a 2013 European Court of Human Rights ruling against Hungary for this practice.

Forced evictions of Roma from their homes continue in many of the EU’s new members as well, despite some government efforts to resolve the problem. Roma have been subject to forced evictions in recent years in all five countries examined here (ERIO 2013; Council of Europe 2012c). For example, in Baia Mare, Romania, over 100 Roma families were evicted in 2012 from a two-decade old informal Roma settlement, had their homes demolished, and were relocated to an abandoned factory on the edge of town where some succumbed to toxic fumes. The Mayor, who thereby fulfilled his campaign promise to relocate the Roma (and had previously built a wall to separate another Roma community), won a ringing endorsement in the elections a few days later, with 86% of the vote (Hakim 2013; Marinas 2012). Another one hundred people, more than half of them children, were also rendered homeless when their dwellings were destroyed in late 2013 in another Romanian town.

Many Roma also live in segregated housing or settlements in all of the countries examined here (Council of Europe 2012c). The Czech government reported in 2006 that one third of Roma in the country lived in ghettos, and at least 90% of those living there were unemployed (“Průzkum,” 2006). In mid-2011, it

found that the number of ghettos in the country had increased to as many as 400, encompassing tens of thousands of people, mostly Roma (“Director,” 2011). While some local authorities are helping to improve this situation, the Council of Europe’s Human Rights Commissioner (2011, 10) indicates that “many local authorities are at the origin of the worst practices.” The “countless urban ghettos in Bulgaria” were also among the recent complaints of Roma activists (“For the dignity” 2012). Slovakia meanwhile (like Romania) has built numerous walls separating Roma communities from non-Roma neighbors (Council of Europe 2012c). It should be noted, moreover, that many Roma in all of these countries live in sub-standard housing lacking basic amenities (such as electricity or indoor toilets) and government efforts have done little to alter this situation (FSG 2009, 26; FRA 2012).

### *Token Participation*

While discriminatory rhetoric and practices in the region reinforce Roma exclusion, even the actions taken to increase Romani participation often appear to be merely symbolic efforts. Despite, or regardless of, guaranteed representation in some governments’ Parliaments, there are few Roma elected to them in any country (Pajic 2012), and this has changed little over the last ten to fifteen years. Moreover, while advisory bodies have certainly provided a vehicle for some Roma to make their opinions known to their governments, participants in them have no mandate from Roma to represent them, and they tend to have little power or resources to make a difference. Some suggest these bodies were established merely so governments could showcase their efforts to integrate the Roma to the EU and other external audiences (see for e.g. Oprescu 2000, 73-74).

Some of the participants in such organizations have begun protesting their token role. For example, in mid-2011, over fifty experts, many from NGOs and agencies working on Roma issues, resigned from the Czech Ministry of Education’s Working Group on the implementation of the National Action Plan for Inclusive Education. They complained that the Ministry’s approach to inclusive education was “more and more obviously becoming mere rhetoric intended to calm the international community” (“Open letter” 2011). Similarly, in Bulgaria last year, the largest Roma-led NGOs dropped out of the government’s consultative

body – the National Council for Cooperation on Ethnic and Integration Issues – demanding the establishment of a body with a “real consultative process,” rather than one that merely pretends to listen to Roma (Amalipe, May 2013).<sup>4</sup> Aware of the EU’s expectation that governments consult Roma civil society, a member of this group subsequently queried EU Commissioner Reding on what the “European Commission intends to do to encourage the national governments to genuine dialogue with Roma NGOs and civil society organizations in general,” and to promote “real civil dialogue” at the international level. Reding’s telling response – which disregarded the question - was that she has been “urging” Member States to help Roma, but also “Roma communities must help themselves get out of this difficult situation!” (Amalipe, July 2013).

Even Hungary’s minority self-government (MSG) system, which at times has been touted as a possible model for other countries, has not brought a substantial improvement in Roma lives. While it has increased participation of Roma to some extent,<sup>5</sup> it has hardly enhanced social inclusion of Roma, largely because its mandate is limited to cultural autonomy (basic education, media, language, and promotion of culture) (Curejova).<sup>6</sup> The language provisions are simply not so helpful for a community that largely speaks Hungarian at home, and local self-governments do nothing to directly address either discrimination or socio-economic inequalities. As one study states, “the MSGs tend to marginalize Romani issues by depositing them in a parallel, fairly powerless, quasi-governmental structure rather than addressing them through established governing bodies” (NDI 2006, 6). Some observers have argued that Hungary’s Minority Law and the minority self-governments it established are not only “largely inappropriate for addressing the situation of Roma” but have “reified the exclusion of non-white minorities in Hungary” (Cahn 2001). Moreover, given the reasonable provision to allow ethnic minorities to “self-identify,” the system has never been clearly representative since the majority population can also vote and anyone claiming to be Roma can run, sometimes perversely leading to anti-Roma individuals representing the Roma population (Klípa 2012; NDI 2006, 11).<sup>7</sup> The Roma MSGs could hardly be considered representative anyway because only a small fraction of the Romani population in Hungary, probably less than 10%, even vote for them (NDI 2006, 13-14). Overall, given their limited budgets, scope, and power, in addition to their lack of real “representation,” none of these consultative bodies or self-governments have done much to advance the inclusion of the Romani population in these countries.

### ***Society: Reinforcing Minority Exclusion***

The state does not act in isolation, and its actions both draw from and feed into the perceptions and actions of the media and the general population. Here we find a similar (though unequal) dichotomy of inclusion and exclusion. While a small group of activists and NGOs (often funded by the EU) and a small but growing group of protestors promote “European” norms of equality, the majority of the population typically maintain at least some negative attitudes towards Roma, and an extremist segment is willing to loudly proclaim and act on their prejudices. These negative attitudes have been tempered in some cases by emerging norms of anti-discrimination, but on the other hand are often reinforced by media reports on “Roma crime,” and further punctuated by racist and violent attacks (often unpunished or only lightly so). Inclusionary state policies cannot ultimately be effective if inserted into an environment that does not recognize the value of such policies. In some ways, governments’ inclusionary efforts themselves have contributed to fostering exclusionary practices beyond the state by triggering criticism of the perceived special rights and funds benefiting Roma.

### ***Persistent Discrimination and Negative Views of Roma***

Discrimination against Roma reportedly remains high across Central and Eastern Europe (and beyond), with 62% of Roma surveyed in Hungary indicating they experienced discrimination due to their ethnicity in the past year, and 64% in the Czech Republic, the highest level among the countries surveyed by the EU’s Fundamental Rights Agency (FRA 2009). The numbers were somewhat lower in Slovakia (41%) and significantly lower in Bulgaria (26%) and Romania (25%) (FRA 2009).<sup>8</sup> Yet, about half of those surveyed by Romania’s anti-discrimination body in 2012 believed that there is a large or very large amount of employment discrimination against Roma in Romania (CNCD 2012, 48, 96). Besides in Romania, Roma have reported employment discrimination in the Czech Republic, Hungary, and Slovakia (Council of Europe 2012c, 159).

Other polls also reveal persistent negative views towards Roma among the general population in all of these countries. For example, only 34% surveyed by the EU in Romania and 28% in Hungary indicated they

would be “comfortable” with having a Roma neighbor; this number was as low as 21% in Bulgaria, 17% in Slovakia, and 9% in the Czech Republic (the lowest percentage in the 27 EU Member States surveyed) (European Commission 2008). The majority of people surveyed in a recent Eurobarometer in Slovakia (58%) and the Czech Republic (52%) also indicated they believe fellow citizens would be “uncomfortable” with their children having Roma classmates. Forty-six per cent felt this way in Hungary, but “only” 35% in Bulgaria and 22% in Romania (European Commission 2012, 114).

Some opinion polls have also shown that negative attitudes towards Roma in the Czech Republic have tripled over the last twenty years (Liška 2012). Moreover, over 80% of respondents in a 2012 survey by the Czech Academy of Social Sciences’ Public Opinion Research Center (CVVM) perceived coexistence between the white majority and Roma as “generally bad,” and more than half saw coexistence as problematic where they live (“Racial,” 2012). In Romania, 43% surveyed by the government’s anti-discrimination body the same year indicated they had a negative or very negative opinion of most Roma (CNCD, 70).

Such negative views have real practical effects. Among these are seats in Parliament going to anti-Roma parties, and continued racism and discrimination in the media, public establishments, employment, education, housing, healthcare, and elsewhere. For example, the Czech Republic’s attempts to address the segregated schooling situation were halted in part by public opinion. When it appeared in 2012 that the government might try to close the “practical primary schools,” a petition signed by tens of thousands of people was submitted to the Czech Ministry of Education to prevent this. In response, the Prime Minister and the Director of the Czech Government Agency for Social Inclusion indicated there was no plan to close the schools, but only to “transform” them. Meanwhile, the First Deputy Education Minister noted "it won't be possible to fulfill [the government-approved 'Strategy for the Fight against Social Exclusion'] completely, particularly where questions of public schooling are concerned" (“Czech” 2012). De facto segregation of Romani schoolchildren in Bulgaria, Hungary, and Slovakia is also sometimes a result of non-Roma parents removing their children from schools in which there are many Roma (Council of Europe 2012c).

### *Anti-Roma Violence and Rhetoric*

Anti-Roma marches are still common in many countries in Central and Eastern Europe, and violent attacks against Roma continue. For example, a recent protest letter by twenty-five Hungarian NGOs laments, “six Romani people were murdered in a series of racially-motivated violent attacks [in Hungary] just a few years ago. Far-right groups regularly organise racist marches designed to intimidate and harass Romani people. There is a widespread climate of prejudice and hate against Romani people and discriminatory speech has become accepted in the public discourse” (ERRC 2013). At least one such march reportedly gathered 1000 people, making their opinion clear by shouting “you are going to die here” (P.C. 2012).

Similarly, in 2011 the European Roma Rights Center (ERRC) sent a letter to local Czech authorities asking them to respond appropriately to the racially-motivated attacks and anti-Roma rhetoric in northern Bohemia. In some poor towns in this region in the Czech Republic, anti-Roma marches on Roma ghettos became a regular weekend activity in late 2011, with demonstrators calling on the Romani population – the “undesirables” - to be kicked out (Johnstone 2011). In one such march in Rumburk “approximately 1,000 local residents and rightwing extremists . . . walked to the Romani settlement shouting anti-Roma and racist slogans” (ERRC 2011). Hate marches, as well as anti-Roma media stories continued in the country in 2013. These followed an incident that received little press attention in which a Roma man was killed, and two others were seriously wounded (“Markus,” 2014).

In 2011 in Bulgaria, anti-Roma protests led by the right-wing Ataka party took place in over a dozen cities with banners proclaiming “Death to the Roma people!” and “Turn the Roma people into soap!” (“For the dignity,” 2012). Overall in 2012, at least three murders of Roma were reported in Bulgaria that appeared to be ethnically motivated, two in the Czech Republic, and three in Slovakia; there were also other violent assaults and arsons targeting Roma in a number of countries (OSCE 2013; ERRC 2012).

The racist attitudes towards Roma held by extremist groups are often reinforced by the media. In the Czech Republic, for example, Roma activists have long complained about the biased news media, particularly the fact that whenever a crime is committed, the “ethnicity is listed, as a rule, only in cases when a crime is committed by Roma” (Horváth 2010). There have even been several recent cases in the Czech Republic in

which the news media quickly reported attacks by Roma against Czechs that later were found to be stories fabricated by the alleged victims (Kostlán, 2012a, 2012c). Clearly, this influences public perception of so-called “Romani criminality.” As the Council of Europe’s Commissioner for Human Rights noted in his recent report on the Czech Republic, “the media, both broadcasting and print, and especially the Internet, continue to provide a platform for anti-Gypsyism” (Council of Europe 2011, 3). Moreover, newspapers “regularly stereotype Roma as people who by definition refuse to work or pay rent, steal and are violent” (Council of Europe 2011, 11).

Similar practices occur in other countries. For example, the racist statements quoted above by the founder of Hungary’s ruling party appeared in an editorial in a Hungarian newspaper where the author was senior editor. The paper’s owner and editor-in-chief subsequently defended the editorial in a letter to readers emphasizing that the real problem was not racism but those who ignore brutal crimes by the Gypsies (“Fidesz” 2013; “Válasz” 2013). In Romania, 76% of respondents in a government survey said they noticed ethnicity-based discrimination on television or in the press in the last year (CNCD 2012, 48, 96; see also Council of Europe 2012c). Thus, with widespread negative opinions of Roma, frequent large anti-Roma marches, and media endorsement or promotion of anti-Roma attitudes, it is more difficult for governments to promote Roma inclusion, or for any such government efforts to be effective.

### **Adopting European Values**

Although the EU and other international organizations have mandated and encouraged inclusionary efforts towards minorities, the EU has also indirectly endorsed anti-Roma practices and helped to foster the schizophrenic policies and practices towards Roma in its new Member States. While the EU is in large part the impetus (and funding source) of the domestic inclusionary policies that have been adopted, it has not motivated any broad-based grassroots demand for inclusion and equality; instead, it has provoked a backlash against seemingly imposed minority rights and special Roma support. At the same time, it has largely accepted anti-Roma rhetoric and practices of longtime EU Member States, thus diluting the meaningfulness of any EU-orchestrated inclusion.

EU Member States from CEE have continually looked to Western Europe for laws and practices on which to base (or justify) their own policies, including restrictive ones. When the EU and other international organizations have criticized their policies or proposals, they have frequently pointed to specific examples of similar policies in older EU Member States.<sup>9</sup> In this way, weak norms and poor models in Western Europe have always hampered the ability of international organizations to promote minority rights in the East (see for e.g. Ram 2001, 87; Vermeersch 2003, 7). In regards to Roma, there is no shortage of anti-Roma practices and attitudes in Western Europe to emulate. Longtime EU Member States have continually reinforced the notion that discriminatory rhetoric and practices towards Roma are completely acceptable in Europe.

Anti-Roma comments coming from public officials in longtime EU Member states, including (but not only) in France, Italy, and the UK, compete with their Central and East European counterparts for demonstrating intolerance of their Roma communities. These reached new levels in some countries with the fear mongering raised by the impending removal of employment restrictions on citizens from Romania and Bulgaria in January 2014. France's Interior Minister Valls indicated, "These people have lifestyles that are extremely different from ours" and agreed that only a minority of them want to integrate in France (Beaudoux 2013). He previously emphasized that Roma must return to their home countries as "France cannot welcome all the misery of Europe" ("Roms-Valls" 2012). In the UK, Prime Minister Cameron's (2013) response to a barrage of anti-Roma comments and "news" in his country was that "free movement within Europe needs to be less free." Long before this, in 2001, the UK (with the approval of the Czech Government) set up passport checks in the Prague airport ostensibly to prevent Roma from getting on a plane to the UK. Italy's Interior Minister also expressed regret in 2010 that many Roma and Sinti in Italy are Italian citizens and thus "have a right to stay and nothing can be done about it" (Council of Europe 2012c, 43).

As in CEE, anti-Roma comments by public officials in Western Europe are complemented by actions intended to prevent rather than support Romani integration. For example, Greece has received three rulings against it by the European Court of Human Rights in cases regarding segregation of Roma schoolchildren. The problem of school segregation of Roma, or prevention of their enrollment, has also been reported in Portugal, Spain, and Finland (Council of Europe 2012c, Santiago 2012). Forced evictions of Roma are at least

if not more prevalent in some West European countries as in CEE. In France, Socialist President François Hollande has continued the policies towards Roma of his predecessor with a “record number of evictions” in 2013 (Amnesty 2013). In Italy, over one thousand Roma (some Italian citizens) in Rome were forcibly evicted under the “Nomad State of Emergency” declared by Prime Minister Berlusconi in 2008 and the mayor’s “Nomad Plan;” many have been relocated to segregated camps on the outskirts of the city. Roma have also been forcibly evicted in Spain and the UK (ERIO 2013; Council of Europe 2012b). Besides Italy, segregated housing or settlements of Roma can be found in France, Greece, Portugal, and Spain (Council of Europe 2012c).

The poor record of even West European countries in protecting Roma is not lost on Romani activists in CEE. For example, longtime Roma activist Karel Holomek (head of the Romani Association of Moravia) noted the similarity between Czechs marching against Roma "inadaptables" and rhetoric in the French election campaign about "undesirables." He reflected, "It is remarkable how even democracies considered 'mature' can go as far as to restrict democratic principles in a moment of difficulty" (Kostlán 2012d). Similarly, when the Romanian mayor of Baia Mare was interviewed about his forced evictions of Roma in 2012, he indicated, "this is just the first step in a project that aims to become the way, at an [*sic*] European level, of integrating the Roma people" (Marinas 2012).

Moreover, representation and participation of Roma, limited as it is in Central and Eastern Europe, is minimal if nonexistent in the older EU Member States, even where there are large Roma populations. There are no Members of Parliament who have identified themselves as Roma in any country in Western Europe (Council of Europe 2012c, 211), and there are few consultative mechanisms that include Roma. Those that exist (for example in Germany) are content to limit the Roma voice to one or two organizations. Even at the EU level, there is only one Roma in the European Parliament (from Hungary), and Roma have complained that the EU has not included Roma civil society in consultations on Roma policies and programs, making Roma “merely subjects, not actors in European policy-making” (ERGO 2013).

Societal attitudes and practices also endorse negative treatment of Roma. In some countries in Western Europe, negative attitudes against Roma are even worse than in the new Member States. For

example, in Italy, only 14% indicated in an EU survey they would be “comfortable” with having a Roma neighbor; the number was also below 30% in Finland, Austria, and Ireland, and did not surpass 50% in any of the old Member States except Sweden (at 52%) (European Commission 2008, 44). Similarly, over 40% of respondents in a 2012 Eurobarometer in Luxembourg, Italy, Belgium, Denmark, and France indicated they believe fellow citizens would be “uncomfortable” with their children having Roma classmates (European Commission 2012, 114). The Council of Europe (2012c) also finds that Roma face employment discrimination in Portugal, Spain, and Finland, and the media in Denmark, Germany, Italy, and the United Kingdom have perpetuated anti-Roma prejudices. As stated in a report of the Brussels-based European Association for the Defense of Human Rights (AEDH 2012), Roma “are not only victims of social discrimination, but also of physical violence in all the European Union member states (without any exception)” and “anti-Roma racism is deeply rooted in the European societies.” As a Romanian Member of Parliament explained, discrimination against Roma appears to be completely acceptable in the West:

Racism against Roma it is not a deviation from what is considered normality in Europe but is rather the accepted normality. Sarkozy, Lellouche, Fratini, Basescu, Meciar are just some of the numerous top European politicians to have used anti-Gypsyism as a way to boost their popularity. Opinion polls and research focused on racism in mass media prove without doubt that *anti-Gypsyism is by far much more cherished than fought against in the EU* (“Romanian MP,” 2011, italics added).

The European Commission itself has done little to counteract such perceptions. In fact, despite occasional criticism of some longtime EU members’ anti-Roma practices, European Commissioner for Justice, Fundamental Rights, and Citizenship Viviane Reding also appears to commiserate with them. Most recently, she emphasized that part of the onus falls on Roma, who must be “willing to integrate and to be willing to have a normal way of living” (“Viviane Reding” 2014). Similarly, at a conference held in the European Parliament, Reding pronounced: “Let me name the problem – the problem are the Roma people... Let’s be honest, this is our problem” (Euronews 2014). Such statements make discriminatory rhetoric and shallow implementation of EU-endorsed inclusionary practices appear appropriate.

Thus, far from making CEE countries seem like pariahs for publicly denigrating their Roma, the EU itself and its older Member States appear to endorse such behavior, even if they would prefer CEE countries to improve their own practices. Given the practices of the majority of its members, the EU bureaucracy is also

clearly constrained in any demands or even criticism it can continue to dole out to its CEE members. Thus, effective implementation has continued to fall by the wayside in favor of positive platitudes, and commiseration that the Roma are a “European problem.” For example, as one Romani employee of a Czech NGO that supports Roma recently stated, it is “a great shame” that the Czech Republic’s “Strategy for the Fight against Social Exclusion” (adopted in late 2011) has seen little implementation so far, especially as “many ways of resolving certain problems are well-described in the Strategy” and their implementation “would move many things forward for the better” (Horváth, 2012). Similarly, the head of a Roma NGO in Romania complained recently that a number of its EU-funded programs supporting Roma might have to be shut down since the Romanian government did not provide the funding it was expected to contribute (L.C. 2012). Even much of the EU funds available to Member States for projects supporting Roma has gone unused.<sup>10</sup>

### **Conclusion**

Overall, the continued inclusionary and exclusionary policies in Europe – coming from both state and society – have helped deter substantial improvements in the lives of socially excluded Roma. International institutions help to maintain these contradictions by symbolically standing for and mandating the inclusion of all marginalized groups including Roma, and adopting policies and prescriptions that proclaim equality, fundamental rights and non-discrimination, but accepting state policies that fall short of such goals in both old and new Member States. Anti-Roma statements, actions, and attitudes in West European countries further reinforce the idea that discriminatory practices and rhetoric targeted at Roma are acceptable in the EU.

In sum, in their pursuit of EU membership, all Central and East European states with large Roma populations adopted a variety of inclusionary policies and institutions that have enabled the defense of equal rights, some Roma participation, and various programs and projects supporting Roma. These include cultural rights and subsidies, consultative bodies, anti-discrimination laws, equality bodies, and sometimes limited local autonomy, limited guaranteed representation, or positive discrimination. But these policies are complemented by exceptionally exclusionary practices by both government and society that tend to negate

these very efforts. It seems the new EU Member States from Central and Eastern Europe have been successfully socialized to West European norms of accommodation of minorities, and have “Europeanized” their relationship with their Roma populations. Unfortunately for Roma, the old EU Member States have demonstrated as much exclusion as inclusion to their Eastern counterparts. It should not be overlooked that there have indeed been improvements in CEE over the years in some government policies and practices towards Roma and in popular attitudes in some countries, and some Roma have benefited from government efforts. Yet, significant improvements in the situation of Roma are not likely without substantial change on the part of both government and society in both the East and the West. In the meantime, despite efforts to reduce discrimination and inequality, the EU continues to contribute to contradictory rules and norms that support both inclusion and exclusion.

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<sup>1</sup> According to the Council of Europe (2012a), the average estimates of the number of Roma in these countries are as follows: Romania 1.85 million (9% of the population); Bulgaria 750,000 (10%), Hungary 700,000 (7%), Slovakia 490,000 (9%), Czech Republic 200,000 (2%). By comparison, the estimated Roma population size in Croatia, Poland, Latvia, Slovenia, Lithuania, and Estonia are extremely low.

<sup>2</sup> Discriminatory rhetoric has not been reserved for Roma alone. For example, Jobbik MP Márton Gyöngyösi stated in Parliament that Hungarian Jews are a "security risk," a nationwide list of them should be compiled, and "Jews, particularly those in parliament and the government, [should] be evaluated for the potential danger they pose to Hungary" (Verseck 2012).

<sup>3</sup> See for example "Orbán says Roma not responsible for failure of social programs," MTI, Oct. 7, 2013, <http://www.politics.hu/20131007/orban-says-roma-not-responsible-for-failure-of-social-programs/>.

<sup>4</sup> By the end of the year, Roma organizations were still decrying the government's dismissiveness and lack of interest in real consultation.

<sup>5</sup> For example, the number of Roma local self-governments has grown from 771 in 1998 to 1118 in 2006 (NDI 2006, 10).

<sup>6</sup> On various problems with the MSGs, see also Deets 2002, 49-51.

<sup>7</sup> The law was reformed in 2005 to try to prevent such perversions, but problems persist (NDI 2006, 11-12, 14).

<sup>8</sup> This may be due in part to less awareness among Roma of their rights in these countries, as far more people in Bulgaria and Romania indicated they were unaware of any legislation preventing employment discrimination on the basis of ethnicity (FRA 2010).

<sup>9</sup> Some examples include Slovakia's 1994 Education Policy and Estonia's citizenship policy (Deets 2000), Romania's 1995 Education Law (Ram 2001, 76-77), and Hungary's defense of its proposed media law in 2010 and its 2013 constitutional amendment restricting freedom of speech.

<sup>10</sup> For 2007-2013, the EU made available approximately 26.5 billion euros for Member States' social inclusion efforts, including those targeting Roma. Only about 172 million euros, however, was explicitly allocated for Roma integration (Reding 2012).