

# ROMA RIGHTS

## KNOW

More than 10 Million Roma live in Europe, making the Roma Europe's largest minority group.<sup>1</sup> The centuries following the Roma people's migration from northern India to Europe saw their culture suppressed in the countries they lived in, while under Nazi rule<sup>2</sup>, as well as during communism in Eastern Europe<sup>3</sup>, many Roma experienced physical maltreatment and death.

While formal protection of Roma rights exists in Europe today, through regulations for minority protection and against discrimination, Roma are still victims of exceptionally high levels of physical violence, social exclusion, discrimination and poverty.<sup>4</sup> Despite their citizenship, Roma are often portrayed as separate to the wider population, are frequently used as scapegoats in times of political or economic crisis, and are blamed for taking jobs and committing crimes. Although an EU plan and financial means to enhance the integration of Roma people are in place, national governments often contribute to an anti-Roma climate through their policy measures.<sup>5</sup>

For example, in some countries Roma pupils have to attend segregated schools for children with mental and physical disabilities. In other cases access to education is limited by Roma children living in isolated camps with very long distances to the nearest school. Partially as a consequence of this, the rate of Roma pupils who leave school before turning 16 is very high (see Graphic 1). Poor education or lack of it is also one of the reasons contributing to very high unemployment rates among Roma.

Likewise, Roma face serious obstacles<sup>6</sup> in the realisation of their fundamental rights, such as geographic isolation, lack of health insurance and language and communication barriers. This causes major differences in health, with Roma people suffering from poorer health compared to the majority populations.

In addition to these inequalities in access to basic services, there are many cases in which national governments also take action against Roma people that impacts their rights. For instance, the French government has deported more than 11.000 people back to their country of origin since 2012.<sup>7</sup> In many cases Roma are sent back to Romania and Bulgaria, which are both member states within the European Union and whose citizens have the right to free movement within the EU.

Reasons for the lack of protection of Roma people's fundamental rights vary from obstacles that prevent the exercising of rights to overt violations of rights. In some cases national law is also not in compliance<sup>8</sup> with European law, but these cases are only identified when a Roma person brings a case to the European level. This, however, requires knowledge of one's rights as well as resources such as time and money. In other cases it is difficult for the judges to understand where a violation is related to a Roma person's ethnicity due to insufficient evidence<sup>9</sup>.

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<sup>1</sup> <http://fra.europa.eu/en/theme/roma>

<sup>2</sup> <http://www.errc.org/cms/upload/file/roma-holocaust-factsheet%20%283%29.pdf>

<sup>3</sup> <https://romediafoundation.wordpress.com/2013/02/07/forced-sterilization-of-romani-women-a-persisting-human-rights-violation/>

<sup>4</sup> <http://www.amnesty.org/en/documents/EUR01/007/2014/en/>

<sup>5</sup> [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf)

<sup>6</sup> <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3282005/>

<sup>7</sup> <http://www.euractiv.com/sections/social-europe-jobs/france-evicts-300-roma-week-311839>

<sup>8</sup> <http://www.errc.org/article/ostrava-case-dh-and-others-v-the-czech-republic/2945>

<sup>9</sup> [http://www.era-comm.eu/oldoku/Adiskri/10\\_Race\\_Roma/2011\\_04\\_Willers\\_EN.pdf](http://www.era-comm.eu/oldoku/Adiskri/10_Race_Roma/2011_04_Willers_EN.pdf)

## UNDERSTAND

There are a number of legal instruments at the EU level for the purpose of safeguarding the rights of Roma persons.

The EU Charter on Fundamental Rights<sup>10</sup> prohibits any form of discrimination based on the grounds of race, colour, ethnicity, sexual orientation or social origin (Art.21). The article on freedom and solidarity includes the right to education (Art.14) as well as access to health- and medical care (Art.35). The Charter also requires “a decent existence for all those who lack sufficient resources” (Art. 34).

In addition, there is one directive specifically dealing with discrimination based on ethnicity. This directive is legally binding for all EU member states and requires them to pass a national law to include its provisions. Directive 2000/43/EC<sup>11</sup> protects Roma against discrimination based on being part of an ethnic group in the fields of employment, social protection and social security, social benefits, education and access to the supply of goods and services. The Directive requires the establishment of Equality Bodies in Member States, able to process individual complaints concerning discrimination on the grounds set out in the Directive.

Moreover no right exists in isolation and rather has to be seen in connection with other rights and regulations. For example, Roma persons, like other EU citizens, have the right to free movement<sup>12</sup> (Directive 2004/38) and the right to stay in any EU member state unconditionally for up to three months. After this time period, they have to prove employment or sufficient resources to live (Articles 6 and 7). If they fail to do this they can be classified as an “unreasonable burden on the social assistance system” (Article 14). This can include losing residency rights and along with it rights to any social benefits. This, however, will most of the time affect the poorest in society.

Under the Council of Europe’s Framework Convention for the Protection of National Minorities, states are also obliged to adopt specific policies for the explicit protection of minorities and the creation of conditions enabling the development of their culture. This is the first legally binding document devoted to the protection of *minority* rights. Other than individual rights, these are rights that explicitly recognize and protect specific communities.

These are communities that have a smaller number of people than the rest of the population of that state, who are citizens *of that state* and who have ethnic, linguistic or other cultural features different than that population (UN definition<sup>13</sup>). Yet, whereas minority rights protection has become an EU membership criterion for countries such as Romania and Bulgaria, some European states have not signed or ratified the recommendation of the Council of Europe, including France, Greece and Luxembourg<sup>14</sup>. In other countries pro forma implementation has taken place; however, de facto rights are often not sufficiently protected by the executing institutions.

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<sup>10</sup> [http://www.europarl.europa.eu/charter/pdf/text\\_en.pdf](http://www.europarl.europa.eu/charter/pdf/text_en.pdf)

<sup>11</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:32000L0043:en:HTML>

<sup>12</sup> <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2004:158:0077:0123:EN:PDF>

<sup>13</sup> <http://www.ohchr.org/EN/Issues/Minorities/Pages/internationalaw.aspx>

<sup>14</sup> <http://conventions.coe.int/Treaty/Commun/ChercheSig.asp?NT=157&CM=&DF=&CL=ENG>



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