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The dilemma of the European Union's Roma policy

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Abstract

Roma are one of the most discriminated and marginalized groups in the European Union (EU). The EU has emerged as a potential ally for the transnational Roma community as it possesses normative power when espousing values such as inclusion, yet is able to elaborate policy at a supranational level which has supremacy over domestic policy. Thus far EU Roma policy has failed to address the complex issues facing Roma owing to inadequate policy interventions. This can be explained by the policy choices open to the EU which appear to be built on diametrically opposed foundations, posing a dilemma for EU policy-makers. This article focuses on the redistribution/recognition dilemma which EU institutions must negotiate in order to address economic and cultural injustices. For their part, transnational Roma activists have demanded the creation of an EU Roma Strategy which could address the needs and interests of Roma across the Union.

Key words

activism, politics, recognition, redistribution, transnational

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Introduction

Roma have been present in Europe since the fourteenth century and have endured persecution and exclusion since their arrival. The exonym 'Gypsy' carries with it negative associations and is regarded as derogatory, meaning 'Roma' has been embraced as the umbrella term for the 10–12 million strong group (European Commission, 2004) who are present in every member state of the EU. Most Roma are located in Central and Eastern Europe with the largest EU Roma populations found in Romania, Bulgaria, Hungary, and Slovakia, although sizeable Roma populations are found in Spain and France (European Commission, 2011: 15–16). Attempts by Roma activists to foster a collective identity are hampered by Roma's heterogeneity, as they are geographically dispersed, have different traditions, cultures, languages (although a common language does exist), religions, as well as divergent levels of education and socio-economic status. When formulating policy, the EU needs to be aware of this heterogeneity and its impact on integrating Roma (Tremlett, 2011). Roma communities face entrenched structural injustices such as endemic unemployment, discrimination, poverty, racism, and inadequate access to basic services such as health and education, amongst others (ERRC, 2006, 2007a; EUMC, 2006; ENAR, 2008; OSCE, 2009). The absence of a kin state has stymied attempts to address their needs and transnational Roma activists have responded by demanding recognition as a 'nation without a territory' (Acton and Klímová, 2001: 216).

Roma communities across the EU have been targeted by discriminatory policies of late which have exacerbated their socio-economic and political exclusion. Recent examples include ethnic profiling in Italy (European Parliament, 2008), the segregation of Roma school children in the Czech Republic (ERRC, 2007b), and the forced expulsion of Roma from France (Davies, 2010). Whilst this persecution does not represent a co-ordinated effort on the part of EU governments to discriminate against Roma, it does signify the hostility towards this minority group at the state level, which is matched by prevailing negative attitudes towards Roma in mainstream society. The Presidency of the EU, currently held by Hungary, has promised to address the exclusion of Roma across the EU (ERIO, 2011: 1). Since the 1990s, the EU has emerged as an important ally for Roma in order to improve their dire socio-economic and political exclusion. For many Roma activists one potential solution would be the elaboration of an EU Roma Strategy to address the multiple issues facing Roma communities including unemployment, discrimination and poverty (ERPC, 2009).

Whilst the creation of an EU Roma Strategy would signal a clearer commitment to Roma across Europe, there are a number of dilemmas. First, there is a danger that the creation of a transnational policy by the

EU would indirectly absolve national governments of their responsibility to protect their Roma communities, with Roma becoming a 'European problem' (Gheorghe, 1997; McGarry, 2011). National governments across the EU have proven themselves unable to address the needs of their respective Roma communities and EU intervention could mean they shirk their responsibility even further. Secondly, Roma require a policy intervention which simultaneously treats Roma the same as other EU citizens whilst also recognizes their difference.

On the one hand, Roma endure economic injustice as many are unemployed and excluded from economic life meaning that material deprivation and poverty are rife (Revena et al., 2002; Ringold et al., 2005). Moreover, those Roma who do find work are exploited in the labour market, carrying out low-paid, insecure and menial jobs. In order to remedy economic injustice, a *politics of redistribution* is required to ensure that individuals are protected by the state and have the opportunity to pursue gainful employment. The EU frequently deploys the language of 'inclusion' and 'equality of opportunity' when attempting to address economic injustice (European Commission, 2004, 2008a; European Council, 2009).

On the other hand, Roma suffer cultural injustices due to the negative ascription of Roma ethnicity by mainstream society. Roma are thus constructed as thieves, beggars, and parasites who do not 'fit' the rest of society (McGarry, 2010). This is manifest in practices such as anti-Roma rhetoric espoused by the political elite in Italy (Amnesty International, 2008; FRA, 2008) and claims by the extreme right-wing in Hungary that crime is part of Roma culture (Hungarian Helsinki Committee, 2009). Cultural injustice moves beyond the individual and requires a *politics of recognition* which is based on the validity of a group which retains dignity in its own right. The politics of recognition speaks of group-differentiated rights such as preferential treatment which is enacted to redress cultural injustice and attempts to reaffirm the value of group identity. As opposed to equality of opportunity, it is based on equality of outcome which must be tailored to meet the collective interests of the Roma community.

So, how can the EU address cultural and economic injustice simultaneously? The following section explores how and why the EU has increased its focus on Roma more recently and elaborates on the redistribution/recognition dilemma. Fraser has drawn attention to the dilemma in struggles for justice for women which she identifies as a 'bivalent community' (1997: 19), in that they fall at neither end of the spectrum between redistribution and recognition, and the same is true for Roma. At the heart of the dilemma is discrimination which cuts across economic and cultural injustice thus anti-discrimination legislation has emerged as one of the key policy instruments of EU institutions.

EU Roma policy: Between redistribution and recognition

The EU did not pay much attention to Roma issues until eastward expansion of the Union meant that a significant number of Roma would become EU citizens and enjoy many of the rights and benefits which EU citizenship bestows, including the freedom of movement. Western governments feared the migration of Roma communities thus policy was tailored to improve the conditions of Roma in Central and Eastern Europe resulting in fewer 'push' factors for migration (Guglielmo and Waters, 2005). Ram (2010: 206–208) highlights the influence which transnational advocacy networks had on the early formation of EU Roma policy by framing issues, such as migration, in a way which fits the EU's human rights agenda. EU enlargement policy was based on conditionality and an 'external incentive model' which meant candidate countries had to meet political and economic criteria in order to accede to the EU (Schimmelfennig and Sedelmeier, 2005). Part of the conditionality criteria set out in Copenhagen (1993) was 'respect for and protection of minorities' and in its annual monitoring reports the European Commission dedicated significant attention to how some candidate countries were failing to protect their Roma communities by 'detailing infringements of their civil, political, economic and social rights' (Guglielmo and Waters, 2005: 771). A key instrument of EU policy on Roma was PHARE funds which were allocated to candidate states (including Bulgaria, the Czech Republic, Hungary, Romania and Slovakia) to address the socio-economic exclusion of Roma communities. The veiled motive was to reduce the incentives for westward migration by combating discriminatory practices in order to improve Roma's access to socio-economic provisions such as health, housing and employment. It is questionable how successful EU conditionality has been in improving the lives of Roma in Central and Eastern Europe as there exists a gap between rhetoric and reality; all candidate countries created institutions ostensibly to improve the situation of Roma yet they remain on the margins of society. Indeed, the results of a Eurobarometer poll (European Commission, 2008b: 8) suggest that Roma are the most despised minority group in Europe with 24% of EU citizens stating they would not be comfortable having Roma as a neighbour.

In two successive enlargements (in 2004 and 2007), ten Central and Eastern European states acceded to the EU meaning that the EU's Roma population rose from approximately 2 million to 10–12 million. The EU concerns itself primarily with the politics of redistribution and treats Roma as a social group with fundamentally social problems and is unwilling to recognize the ethnic identity of minorities within the EU polity. The key problem with such a conviction is that it segregates economic and cultural injustices and ignores the fact that most Roma are exploited in and excluded

from the labour market because of racial discrimination. The unemployment rate of Roma is thought to be up to 90% in some areas although the absence of data disaggregated by ethnicity in many states means that we do not possess the hard statistics supporting this assertion, although domestic and transnational NGOs as well as international organizations argue that many Roma are systematically excluded from employment (European Commission, 2004; ERRC, 2006, 2007a). Where data are available on unemployment, the figures are illustrative of the economic injustice which Roma face. Roma have disproportionately higher levels of unemployment in the Czech Republic where 'the unemployment rate for the general population was 10.8% of the total work force in early 2004, whilst the official unemployment rate for Roma was estimated to be between 50% and 80%' (European Commission, 2004: 23).

The transition to a free market economy has gradually brought higher standards of living and mobility for many citizens of the newer member states of the EU, however 'the socio-economic gap between majority Non-Roma populations is widening: its immediate effects being social unrest, mass migration, ever increasing levels of anti-Gypsyism and deep structural social exclusion' (ERPC, 2009: 4). The EU's High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation into the Labour Market (2007) and the European Parliament (2009) have accepted the need to integrate Roma into the labour market across Europe, though thus far most efforts have failed to substantially redress economic injustice. The European Employment Strategy (EES) was launched in 1997 and focused on achieving 70% employment across the EU by 2010 through the implementation of national action plans, however no explicit direction on Roma was included. Moreover, the Lisbon Agenda (2001) pledged to make the EU 'the most competitive and dynamic knowledge-based economy in the world'. For Roma, unemployment has been identified as the most pressing need (UNDP, 2002: 31; cited in Guy, 2009: 32) and it is acknowledged that the PHARE programme (prior to EU accession) did not focus enough on Roma unemployment (Guy, 2009: 38).

One reported success of the EU's redistribution policy has been the ACCEDER programme in Spain from 2000 to 2006 which was part-funded through the European Social Fund. Significantly, this was not a Roma-specific policy and included unemployed non-Roma (about 30% of participants). The ACCEDER programme focused on training and raising awareness of employment possibilities in order to improve the quality of life and to advance the social integration of Roma (ERRC, 2006: 20). For EU institutions, education and training are regarded as key, coupled with anti-discrimination legislation which is enforced and monitored at the local and national level. Certainly, Roma activists have welcomed the funding and attention given to persistent unemployment and argue that if the EU is to meet its goal established in the

Lisbon Agenda then, given their demographic weight, Roma must be integrated into the labour market. Of course, there is a danger that the focus on improving skills and job creation is presented as a panacea for the catalogue of issues facing Roma. Improving employment is important but must be complemented by policies and measures to address embedded negative attitudes toward Roma by the majority as well as the recognition of Roma as a group with cultural value.

Frequently, the cultural value of Roma is undermined by national policies which denigrate Roma. In the summer of 2010, the French authorities embarked on a systematic programme targeting Roma, culminating in the expulsion of hundreds of Roma from France. In August 2010, French authorities decided to expel Roma who had been resident in France for three months but had not secured employment. Whilst this is technically within the law, human rights activists accused France of singling out Roma specifically, which contravenes the EU's Racial Equality Directive (2000). In September 2010, a leaked memo confirmed that Roma were being targeted leading the EU Justice Commissioner Viviane Reding to publicly denounce France, and threaten legal proceedings, arguing that: 'Discrimination on the basis of ethnic origin or race has no place in Europe' (Brand and Brunsden, 2010). Reding was particularly critical of instructions that had been issued on 5 August to local police authorities by the Interior Minister's chief of staff, telling them to target Roma for expulsion. Ultimately the EU refrained from hauling France before the European Court of Justice, but its intervention drew attention to the fact that a member state was isolating an ethnic group for repressive policies.

The politics of recognition holds that because Roma are seen and treated in categorical terms – as a group – policy provisions must recognize this. However, the EU is unwilling and unlikely to recognize the difference of groups as this is regarded as a challenge to the sovereignty of member states which may be concerned with potential secessionist claims within their borders from national minorities. Suffice to say, Roma make no territorial claims and have no emotional or political aspirations for territory. Moreover, the EU argues that existing instruments and policy, particularly mainstreaming and anti-discrimination legislation are adequate to redress cultural injustice. As Roma are discriminated against in terms of economic opportunity, they are at once marginalized in and excluded from the labour market. At the same time, due to negative ascriptions of Roma group identity, all individuals subsumed under the endonym 'Roma' are tarnished and suffer prejudice as individuals and as a group.

Roma activism in the European Union

The EU can no longer treat Roma as a peripheral issue and today uses the policy instruments of mainstreaming and anti-discrimination to facilitate the integration of Roma communities in member states. Roma issues are mainstreamed into

existing policies on employment and gender, amongst others, meaning that tailored provisions on Roma *as a group* are avoided. Roma are therefore treated as individuals who suffer from discrimination when accessing socio-economic provisions which ignores the racial/ethnic motivation of their discrimination. Roma activists have been quick to highlight the inadequacy of this approach, namely, that it has not worked thus far. They maintain that anti-discrimination legislation is too weak and lacks robust enforcement mechanisms whilst the mainstreaming approach is inappropriate for Roma. What they demand is an EU Roma Strategy with the necessary resources, benchmarks, timetable, and monitoring and evaluation mechanisms. The issue of Roma integration has never been so high on the agenda of the EU, particularly in those institutions where the most vocal Roma champions are housed (European Parliament) and the expertise is located (DG Enlargement, DG Employment, Social Affairs and Inclusion, and DG Justice), therefore transnational Roma activists have attempted to take advantage of this window of opportunity to push for a meaningful policy intervention. Organizations such as the European Roma Information Office (ERIO), the European Roma Policy Coalition (ERPC) and the European Roma Rights Centre (ERRC) have applied constant pressure on the EU to take a leading role on Roma issues, and since 2008 the situation of Roma in Europe has received more attention than ever before.

Building on previous EU Roma Summits in Brussels (2008), when the Platform for Roma Inclusion was elaborated and in Córdoba (2010), the EU announced the European Framework for National Roma Integration Strategies (hereafter, the 'Framework') in April 2011 which will help guide national Roma policies and mobilize funds available at the EU level to support inclusion efforts (European Commission, 2011). The Framework intends to develop a targeted approach for Roma inclusion by focusing on education, housing, health and employment. Significantly, the EU is keen to develop 27 national strategies rather than one European strategy thus national governments are primarily responsible for developing and implementing policies to protect fundamental rights, tackle discrimination and promote social inclusion. Roma activists and advocates such as ERRC Executive Director Robert Kushen highlighted the inadequacies of this intervention in a joint statement with the ERPC:

Although we welcome the European Commission's direction to tackle Roma exclusion by defining concrete targets and timelines to address persistent and illegal school segregation, rampant unemployment, substandard housing and discrimination in access to health care, the Commission was silent on one critical impediment to Roma inclusion: anti-Gypsyism, which manifests itself in intimidation, harassment and violence against Roma. Unless States take forceful action against anti-Gypsyism, Roma will continue to be second-class citizens in Europe. (ERRC/ERPC, 2011)

Similarly, the ERPC is disappointed that while the Framework recognizes the need to fight discrimination against Roma and ensure their equal access to all fundamental rights, it fails to specify measures to combat discrimination, intimidation, anti-Gypsyism, hate speech or violence against Roma (ERRC/ERPC, 2011). Both criticisms highlight the redistribution/recognition dilemma. That is, if the EU wants to integrate Roma into the labour market or improve the educational attainment of Roma (European Commission, 2011: 3–6), then how can it expect to do so without first confronting the racial discrimination and cultural oppression of Roma? The ERPC demands that the 'Framework and National Strategies should include strong anti-discrimination and awareness-raising measures to tackle prejudice, discrimination, and anti-Gypsyism, *as a precondition for inclusion*' (ERPC, 2010: 3; emphasis added).

The Framework falls short of the European Parliament's Resolution on the EU's Strategy for Roma Inclusion which was adopted in March 2011 with 86% of the vote (European Parliament, 2011). This exposes a tension in EU Roma policy-making between the Parliament, which tends to advocate for a more far-reaching policy intervention and the Commission, which is more circumspect. Additionally, one of the criticisms of the Framework is that it fails to establish explicit targets for member states or specify a clear co-ordination mechanism, which are crucial to ensuring full and effective engagement of the Commission, member states and civil society. Whilst the Commission is correct to ascribe duty and responsibility to national governments, only the EU has the power to co-ordinate such a policy and induce compliance from national governments, therefore it needs to take a more proactive role. Roma activists and Members of the European Parliament have welcomed the Framework as a step in the right direction but are cautious about its impact without a more significant role for the Commission.

Conclusion

The EU has not addressed the politics of recognition and pursues an ethnicity-blind approach to minority protection more generally. The EU has begun to devote more attention to the socio-economic integration of Roma, particularly in the fields of employment and education, which fits with its preferred politics of redistribution approach. However, this ignores the prejudice which Roma endure because of their ethnic identity, the fact that they are seen and treated in categorical terms. Recently the EU has increased its efforts to improve the situation of Roma and regards national governments and not supranational policy as the solution. Roma activists are concerned that the Framework elaborated by the Commission does not go far enough because anti-discrimination legislation is not adequate to alleviate

the inter-connected socio-economic and political needs of Roma across the EU. Despite the inadequacies of the Framework, there is hope that it will deliver tangible improvements in the lives of Roma.

References

- Acton T and Klímová I (2001) 'The International Romani Union: An East European Answer to a West European Question?', pp. 157–219 in W Guy (ed.) *Between Past and Future: The Roma of Central and Eastern Europe*. Hatfield: University of Hertfordshire Press.
- Amnesty International (2008) *Italy: The Witch-Hunt Against Roma People Must End*. AI Index 30/0006/2008. London.
- Brand C and Brunsten J (2010) 'Reding Slams France on European Expulsions', *European Voice*, 14 September [http://www.europeanvoice.com/article/2010/09/reding-slams-france-on-roma-expulsions/68855.aspx], accessed 13 April 2011.
- Davies L (2010) 'France Defends Roma Expulsion Policy', *The Guardian*, 15 September [http://www.guardian.co.uk/world/2010/sep/15/france-defends-roma-crackdown], accessed 19 March 2011.
- European Commission (2004) *The Situation of Roma in an Enlarged European Union*. Fundamental Rights and Discrimination. 22 April. DG Employment and Social Affairs, Unit D3.
- European Commission (2008a) *Staff Working Paper: Community Instruments and Policies for Roma Inclusion*. COM (2008) 420. Brussels.
- European Commission (2008b) *Special Eurobarometer 296. Discrimination in the EU: Perceptions, Experiences and Attitudes*. Brussels.
- European Commission (2011) 'Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee of the Regions: An EU Framework for National Roma Integration Strategies up to 2020'. COM (2011) 173/4. Brussels.
- European Council (2009) 'Council Conclusions on Inclusion of the Roma: 2947th Employment, Social Policy, Health and Consumer Affairs Council Meeting'. 8–9 June, Luxembourg.
- European Monitoring Centre for Racism and Xenophobia (EUMC) (2006) *Roma and Travellers in Public Education*. Vienna: EUMC.
- European Network Against Racism (ENAR) (2008) *The Situation of Roma in Europe*. Shadow Report. September.
- European Parliament (2008) *On the Census of the Roma on the Basis of Ethnicity in Italy*, 10 July. Texts adopted P6_TA(2008)0361.
- European Parliament (2009) *Resolution on the Social Situation of the Roma and their Improved Access to the Labour Market in the EU* (2008/2137(INI)).
- European Parliament (2011) *EU Strategy on Roma Inclusion: Non-Legislative Resolution* (T7-0092/2011).
- European Roma Information Office (ERIO) (2011) *Recommendations to the Hungarian EU Presidency January–June 2011*. E-News. 27 January. Brussels: ERIO.

- European Roma Policy Coalition (ERPC) (2009) *Towards a European Policy on Roma Inclusion*. Brussels: ERPC.
- European Roma Policy Coalition (ERPC) (2010) 'Essential Elements of the EU Framework for National Roma Integration Strategies'. ERPC Statement, 2 November.
- European Roma Rights Centre (ERRC) (2006) *Exclusion from Employment* (1). Budapest: ERRC.
- European Roma Rights Centre (ERRC) (2007a) *The Glass Box: Exclusion of Roma from Employment*. Budapest: ERRC.
- European Roma Rights Centre (ERRC) (2007b) 'Europe's Highest Court Finds Racial Discrimination in Czech Schools', 14 November. Budapest: ERRC.
- European Roma Rights Centre/European Roma Policy Coalition (ERRC/ERPC) (2011) 'EU Framework Weak on Discrimination Against Roma', 5 April, Budapest.
- Fraser N (1997) *Justice Interruptus: Critical Reflections on the 'Postsocialist' Condition*. London: Routledge.
- Fundamental Rights Agency (FRA) (2008) *Incident Report: Violent Attacks Against Roma in the Ponticelli District of Naples, Italy*. Vienna: EUFRA.
- Gheorghe N (1997) 'The Social Construction of Romani Identity', pp. 153–171 in T Acton (ed.) *Gypsy Politics and Traveller Identity*. Hatfield: University of Hertfordshire Press.
- Guglielmo R and William Waters T (2005) 'Migrating towards Minority Status: Shifting European Policy towards Roma', *Journal of Common Market Studies* 43(4): 763–786.
- Guy W (2009) 'EU Initiatives on Roma: Limitations and Ways Forward', pp. 23–50 in N Sigona and N Trehan (eds) *Romani Politics in Contemporary Europe: Poverty, Mobilization, and the Neo-Liberal Order*. Basingstoke: Palgrave Macmillan.
- High Level Advisory Group of Experts on the Social Integration of Ethnic Minorities and their Full Participation into the Labour Market (HLG) (2007) Brussels, 13 September. G.4/JO D(2007).
- Hungarian Helsinki Committee (2009) 'Rights Groups Denounce Anti-Romani Statements by the Ombudsman', 3 April. Budapest.
- McGarry A (2010) *Who Speaks for Roma? Political Representation of a Transnational Minority Community*. London: Continuum.
- McGarry A (2011) 'The Roma Voice in the European Union: Between National Belonging and Transnational Identity', *Social Movement Studies* 10(3): 283–297.
- Organisation for Security and Cooperation in Europe (OSCE) (2009) *Assessment of the Human Rights Situation of Roma and Sinti in Italy*. Office for Democratic Institutions and Human Rights. The Hague.
- Ram M (2010) 'Interests, Norms, and Advocacy: Explaining the Emergence of the Roma onto the EU's Agenda', *Ethnopolitics* 9(2): 197–217.
- Revena A, Ringold D, and Tracy W (2002) *Poverty and Ethnicity: A Cross-Country Study of Roma Poverty in Central Europe*. Washington DC: World Bank.

- Ringold D, Orenstein MA, and Wilkens E (2005) *Roma in an Expanding Europe: Breaking the Poverty Cycle*. Washington DC: International Bank for Reconstruction and Development.
- Schimmelfennig F and Sedelmeier U (eds) (2005) *The Europeanisation of Central and Eastern Europe*. Ithaca: Cornell University Press.
- Tremlett A (2011) 'Trying to Solve a European Problem: A Comprehensive Strategy for Roma Minorities', *OpenDemocracy*, 11 January.
- United Nations Development Project (UNDP) (2002) *The Roma in Central and Eastern Europe: Avoiding the Dependency Trap*. UNDP/ILO Regional Human Development Report. Bratislava: UNDP.

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