

THE ROMA MINORITY IN SOME COUNTRIES OF THE EUROPEAN UNION IN CONNECTION WITH THEIR INTERNATIONAL PROVISION

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ABSTRACT

The legal status of Roma people is different in particular states of the European Union and their position depends on intrastate legislative and ratification international convention thus possibility of the state. In some countries (e.g.: France, Greece and part of Spain) they don't recognize de jure national or ethnical minorities. The other states legally accept existence of these minority groups but except Roma people. Officially, the Roma people have a status of national minority particularly in new member state (from central and east Europe) of the European Union where numerous Roma communities live (e.g.: in Czech Republic, Slovak Republic, Hungary, Slovenia) as well as in some other member state (from west Europe) Austria, Germany, Finland, Netherlands.

In most new member state of the European Union including Czech Republic Roma have a legal status of national or ethnical minority. Confession of this status doesn't guarantee the real equality and doesn't improve their social status. Many Roma people don't declare own nationality (on basis of negative historical experiences and present social prejudices) and many of them even deny their origin and don't want to identify with in some situation. The Roma will probably start to benefit from their national and ethnical laws, when most of them are not counted as socially excluded community and they stop to be dependent on poor-relief and than social-economical situation improve including their employment. The next condition is the improvement of majority's view towards Roma as well as need to change negative xenophobe attitude to Roma.

Key words:

Roma, Sinti, Travellers, legal status, minority right, European Union, national group, ethnical group, international protection.

1. INTRODUCTION

The article describes the research project "The legal status of Roma in the countries of the European Union - No. RB 10/2/03" (see below), which was concerned in legal status of Roma people in some countries of the European Union. The object of the project was to collect data about legal status of all minority groups

including Roma communities in six particular states (The United Kingdom, Finland, Spain, Austria, Germany and Greece). From the documents and research findings was on basis of exploring (theoretical, practical, field research, etc.) in these countries done summary analysis and also final report. The project pays attention to how the collective minority rights are

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asserted and to social status of these minorities. These rights ensure not only the preservation but also the development of collective minority identities. This right was asserted since 90's of 20. century (e.g.: Framework Convention for the Protection of National Minorities and European Charter for Regional or Minority Languages – the both are international instrument of Council of Europe to minority protection). The report follows the change of International institutions' attitude to these problems, concerning the description of this ethnical group as well as how this group is entitled.

2. ROMA PEOPLE

2.1. Roma communities

Roma and itinerant live not only in almost all countries of Europe, but they also in other continents within world of the assumed number 12-14 millions. Many Roma communities are living till now in Northern and South America where they came during the colonization effort in 19. century. Among the most noticeable transatlantic groups of Roma belong the Romanichal, who found their home in Ohio, Pennsylvania and Virginia as well as the Ludary (Rudary) who stated for some time in New York and worked as the acrobats, the actors, and the animal tamers. Some of them left their community and went across Canada, Cuba and Mexico to another continent to Australia, (12). Groups of Roma were subsequently arrived in the European continent during the

middle ages. They came from middle Asia and Balkan Peninsula. Till now they represent the most numerous ethnical or national group with estimated 8-10 millions Roma, (24). Roma are joint together not only by collective Indic origin, similar language, analogy of historical development particularly their collective foundation of culture, traditions and value orientation. All these particularities are binding them to one Roma ethnical unite within the Europe and whole world. They are not single homogenous unit, but they are distinguished according to particular country where they settled and live now and according to the internal identification, subgroup membership and according to their position and lifestyle.

Collective title the Rom, Roma which is used by most Roma as ethnonym (the term created by their community) and is officially used since 1971, (1). The minor part of Roma which doesn't use the collective title Roma are Sinti (they live mainly in Germany, Austria, in France, Netherlands and in Czech Republic). The other groups are Travellers (they live in England, Wales, Scotland and Ireland) to them belong also Roma people. On the other side the exoethnonym Gypsy is appellative which most of majority society use in many (inter)national documents or historical publication in all Slavic countries till 1990. In other countries we can meet the parallel of this title for example: Zigeuner (German), Zingari (Italian),

Tsiganes (French), Gypsies (English), Gitanos (Spanish) – (22).

2.2. The history of Roma communities

The historical development and growth of standard of minority groups protection was started in Europe in second part of 20. century. The issue of national and ethnical groups was solved in international treaties after the end of World War I. After the Second World War – the time of genocide were adopted fundamentals of individual human rights protection. The development led from bilateral international agreements towards organizations and treaties not only within Europe. That is important not only to strengthen responsibility of particular state in keeping the standards and minority groups rights. We should pay attention to international responsibility for assertion of human or minority group rights. Position of minority groups still stays the issues for particular state. In this respect there is a difference between states on the west from River Ryn (e.g.: France, Italy and Spain) and east from River Ryn (e.g.: Germany, Austria, Czech Republic). The west states are referring to republican model based on civil principles; they have not wholly adopted collective minority groups rights in their legislation. In east states there has already been tradition of adoption the collective rights of national minorities (the countries in the area of old Austria-Hungary).

Non existence one's own state has till today as consequence that many of Roma are dependent in frame protection of their minority rights on government particular state in some case international organization, (20)

Regarding the fact that European legislation has collective rights of minority group always connected with the issue of citizenship (only citizen of the state have these rights), it's important that Roma are recognized as all-European minority group because the part of Roma (especially, the emigration group, who hasn't citizenship of the host state) would stay out of these rights. Roma are often victims of discrimination and racism in all states and it is necessary to provide them with protection in all-European context. Provision of this protection would mean to guarantee the equality in possibilities for personal realization minority rights, (32).

Struggle against discrimination of Roma was mostly connected with struggle for Itinerant rights (particular in Great Britain and France, etc.). The first documents concerning this problem in European context were based on this above mentioned problem. The cause of European institutions' interest about Roma problems was the migration of Roma from the central and south-eastern European states, (where live most of Roma population, in 90's of 20.century). The conditions of Roma life became worse when these states

transformed their economic to marked economy. This transformation caused a large unemployment which resulted in negative affect on their social conditions. The position of Roma minority group is different from their position in west countries because they represent the settled down community which is excluded from the life of majority population (especially in Romania, Bulgaria and Slovakia).

2.3. THE ROMA COMMUNITIES, EUROPE AND THE WORLD

The Human Rights and the Legislation, United Nations Institutions. The consequence of these facts was increasing rate of emigration of many Roma from the East Europe to West Europe (Great Britain, Canada, Germany, Sweden, Belgium, etc.) at the beginning of 90's of last century. The issue of Roma position in central and south-eastern Europe countries became all-European problem. Roma from central and south-eastern Europe started to participate in international Roma movement after the fourth world congress of International Roma union in Warsaw, 1990. There were appointed to deputies the Roma from central and south-eastern Europe for first time, (8)

Within the Europe there were adopted some international documents, were regulated rights concerning the position of national minorities. In the states where these

collective rights collection instrument were adopted, the Roma are considered as one of these minorities. This process was successful for Roma people of all Europe including the western countries. The western states started to take the issue of Roma position into account. The new member accession to European structures for example Council of Europe meant retrospectively the pressure on provision of collective minority rights for Roma in western Europe living.

As the first the international forum pointed out the problem of racism in connection in Roma at the Conference for Security and Cooperation in Europe (CSCE/OSCE). At the conference in Copenhagen, 1990¹ there were first mentions in summary documents that it is necessary to recognize in particularly states the problems that Roma must face. These problems are mostly connected with racial and ethnical hate and discrimination. In 1993 was represented by High Commissioner for national minority CSCE summary report concerning the position of Roma in CSCE/OSCE member states (see Report of the High Commissioner on National Minorities, 1993).

The Roma were described as very different population which hadn't access to basic rights and to full participation in life of society. There are collective Roma features because of collective origin, language,

culture, historical experience and current problems. According to this report the present position of Roma was influenced especially by economical and political situation. As main Roma problems were identified the poorness, massive unemployment, low level education, insufficient health care and substandard life conditions.

Relative small attention was paid to Roma from central-eastern Europe and till new problems came after social-political changes in 90's and particularly after Roma migration from these countries.

The United Nations institutions responded to the situation and position of Roma in their resolutions. The Subcommittee for prevention of discrimination and protection of minority group adopted the Resolution No. 2/1990 where pronounced disconcertion of prejudice and discrimination based on ethnical, national, religious and language's minorities. One year later was adopted the Resolution No. 21/1991 about minority protection, where was paid attention to the fact that there are barriers for realizations of Roma rights. These barriers lead to their discrimination and this minority group came to be "especially vulnerable group". As the break point in European institutions perception of Roma we can mark the Recommendation 1203 (1993) on Gypsies in Europe. According to this recommendation the Roma have special position in

society as minority group without own country. Although according to this document they are really minority group, they are not considered as national or linguistic minority in some countries yet. They were described as non-territorial minority, which needs special protections (29).

The legal status of Roma is different considering collective rights in particularly EU countries. We can divide EU states to countries which recognize the national minority conception and the countries which don't. All countries guarantee the rights for individual protection against discrimination and racism.

The dividing into these groups reflects different development of western EU states which unified their population in 16.-17. century. The western area was controlled by main political centers which made the nations including ethnical groups which are now in south-eastern EU states understood as national minorities. The south-eastern countries, where the process of state building took place two centuries later (19.-20.) didn't achieve the cultural dominance of political centers. They awarded already during their foundation some collection of rights especially to the minorities who lived at the border. With these human rights contains the right to use minority language in official acts and in state education, the claims for financial support of cultural activities, were provided

also Roma communities in eastern EU states to eliminate their social exclusion. Unique model of minority authorities is in Hungary, where the state guarantees the foundation of the minority authority to Roma people (according to the results of the election). The use minority suffrage is certain rights of Hungarians, (see Monitoring - the EU Accession Process).

However, in many new EU member states including Czech Republic is legally recognized the status of nationality and ethnical group for Roma, doesn't guarantee the real equal in rights and doesn't help to improve their social position. Many of them don't declare Roma nationality (in population census) because of negative historical experiences and prejudices and many of them even hide Roma identity. They will not use national and ethnical rights until many of them are counted as social exclusion community until they are dependent on social benefit so after their social position and existent conditions (for example employment) will improve. The second condition to improve is the perception of Roma by majority society, because there are still negative prejudices and discriminating positions.

Inside Roma community (in their representation) there are two different views on position of Roma, Sinti and Travellers within the Europe and within particular states. One part is follower of this view of

non-territorial European Roma nation (vide the efforts of International Roma Union - IRU, formulated in Memorandum, 2001). The followers of this way are from EU states - Great Britain, Austria, Germany, Finland, Netherlands, Sweden and Belgium as well as from south-eastern countries of Europe. The second part prefers identification with homeland and doesn't effort for recognition of specific Roma nationality, especially Spain, Greece, in part of Germany. In particular states there are the Roma followers of both opinions, but one is only prevailing.

In some member states (for example Austria, Germany, Netherlands, Italy and Nordic states) there are new numerous Roma communities, that created by migration from south-eastern and central Europe (from Balkans countries, Czech Republic and Slovak Republic). The destination countries recognize new Roma as immigrant communities in contrast from old settled Roma communities, who distance from new immigrants and don't like them.

From 90's of 20 century there is developed new form of Roma representation (European Roma and Travellers Forum). The idea took a more concrete form when in 2001 Mrs. Tarja Halonen, President of Finland, (21). It was the Roma themselves who started thinking of a body that would help them express their concerns at the European level. The Roma deputies from south-eastern

countries brought to international conferences new opinions and mainly they formulated more offensive political strategy than their colleagues from west Europe did. The Forum is open to Roma, Sinti, Kale, Travellers and other related groups. The members of the Forum are the national umbrella organizations and the Roma international organizations. These members will nominate delegates to sit in the plenary meetings and in the Executive Committee.

The role of international organizations (International Roma Union, Committee on the Elimination Racial Discrimination) is in relation to Roma unsubstitutable because these organizations substitute their "mother state" and effort to assert and formulate Roma rights. International organizations are become the guarantors Roma rights.

The main international institutions (UNO, Council of Europe, European Union) are participate at formation of human rights protection by forming international legal instruments for their provision.

In frame of United National Organization:

- Convention on the Elimination of All Forms Racial Discrimination
- International Covenant on Civil and Political Rights
- International Covenant on Economic, Social and Cultural Rights

- Convention on the Elimination of All Forms of Discrimination against Women

In frame of Council of Europe:

- The European Convention on Human Rights
- Framework Convention for the Protection of National Minorities
- European Charter for Regional or Minority Languages

3. DISCUSSION AND CONCLUSION

The legal status of Roma is guaranteed in EU only within the protection of minorities and generally protection against discrimination. In last few years, the provisions concerning people of social exclusion community (it is not good, to apply the term of social exclusion only to all Roma communities and take the term as a basic for their definition of ethnicity). Protection of minorities is particularly provided by Council of Europe instruments, which are accepted by European Union, and based on memberships in these all-European structures.

The particular legal status of Roma in EU states is different according to domestic laws about minorities' position in each country. Some states don't legally accept the existence national or ethnical minorities for example France, Greece, in part of Spain. The other states accept the existence of ethnical or minority groups but they don't include Roma to these groups. Formally, the Roma

nationality is legally recognized in new member states of EU, where many numerous Roma communities are (for example: Czech Republic, Slovak Republic, Hungary and Slovenia) and also in some older member states of EU (for example: Austria, partly of Germany, Netherlands) whereas in some of them is term nationality identified as

ethnic group. But these terms are not synonyms. Ethnic group is wider term, that expressive ethnical citizenship, whereas nationality is narrower political or legal term. In legal forms of some countries is the term ethnical group used instead of the term nationality (for example: Austria, Germany).

REFERENCES

1. Acton, T.- Klímová, I.: The International Romani Union: An East European answer to West European questions? In Between past and future. The Roma of Central and Eastern Europe. Guy, W. (ed.), University of Hertfordshire Press 2001, p.158
2. Acton, T. (ed.): Gypsy politics and Traveller identity, University of Hertfordshire Press 1999
3. Activities of the Council of Europe concerning Roma/Gypsies and Travellers, MG-S-ROM (2000) 17, Strasbourg 2000
4. Candidate States, Open Society Institute, Budapest, October 2002
5. Convention on the Elimination of All Forms of Discrimination against Women, 1979
6. Country reports: France, Germany, Spain, United Kingdom. Open Society Institute, Budapest, October 2002
7. Cleaning operations – Excluding Roma in Greece. ERRC – Greek Helsinki Monitoring, 2003.
8. Danbakli, M. (ed.): On Gypsies: Texts issued by International Institutions, Interface Collection, vol.5, CRDP
9. Midi-Pyrenees 1994 p. 44
10. Davidová, E. – Cesty Romů /Romano Drom. Olomouc: UP, 1995
11. European Charter for Regional or Minority Languages, 1992
12. Fraser, A.: The Gypsies. Blackwell, Oxford/Cambridge (Mass.) 1995 p.195
13. Framework Convention for the Protection of National Minorities, 1995
14. Gedlu, M. (ed.): Romové a Evropa – The Roma and Europe (textbook of symposium), Štípín 1998.
15. Guy, W. (ed.): Between past and future. The Roma of Central and Eastern Europe, University of Hertfordshire Press 2001
16. Guy, W. - Uherek, Z. - Weinerová, R. (ed.): Roma Migration in Europe: Case Studies, EU AV CR, Prague 2003.
17. International Convention on the Elimination of All Forms Racial Discrimination, 1966
18. International Covenant on Civil and Political Rights, 1966
19. International Covenant on Economic, Social and Cultural Rights, 1966
20. Karoly, M.: Roma in Österreich. Zur Genese einer Minderheit, dipl. práce Univerzita Wien, 1998 p.112
21. Křištof, R.: Finská iniciativa – návrh na ustanovení Evropského romského fóra (ERF). The research project RB 11/17/03 Of Ministry of Foreign Affairs, Czech Republic, 2003 p. 2.
22. Horváthová, J. – Kapitoly z dějin Romů Praha: Lidové noviny, 2002 p. 14
23. Kenrick, D. - Clark, C.: Moving on- The Gypsies and Travellers of Britain, University of Hertfordshire Press, 1995.
24. Liégeois, J. P.: Roma, Gypsies and Travellers, Strasbourg 1987. p. 76

25. Monitoring - the EU Accession Process. Minority Protection, Vol. II, Case Study in Selected Member States, , Open Society Institute, Budapest 2002 p. 103
26. Monitoring - the EU Accession Process: Minority Protection, Vol. I the Assessment of Selected Policies. Právní nástroje k ochranì národnostní ch menš in. Praha 1997
27. Roma (Gypsies) in the OSCE Region. Report of the High Commissioner on National Minorities. Meeting of the Committee of Senior Officials 21-23.9.1993
28. Report of the High Commissioner on National Minorities. Meeting of the Committee of Senior Officials 21-23.9.1993
29. Recommendation 1203 (1993) on Gypsies in Europe. Assembly debate on 2 February 1993 (24th Sitting) (see Doc. 6733, report of the Committee on Culture and Education, Rapporteur : Mrs Verspaget).
30. Salo, S., Csaba, P. (ed.): Ethnic Identities in dynamic Perspectives. (Gypsy Lore Society – Conference). Ethnical and National Minority Studies, Institute-HA of Sciences, Budapest 2003.
31. The European Convention on Human Rights, 1950
32. Walek, C.: Status prawny i faktyczny Romów w Republice Czeskiej w œwietle europejskich standardów ochrony praw mniejszoœci. Diplomová práce, Krakow 1999, p.21

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ბოზა უმცირესობები ევროკავშირის ზოგიერთ ქვეყანაში

პეტრა ვოლტოვა, ევა დავიდოვა, პეტერ ლოტკა

ევროკავშირის სხვადასხვა ქვეყნებში ბოშების იურიდიული სტატუსი განსხვავებულია და მათი მდგომარეობა დამოკიდებულია ქვეყნის კანონმდებლობასა და მის მიერ საერთაშორისო კონვენციების რატიფიკაციაზე, აქედან გამომდინარე კი ქვეყნის შესაძლებლობებზე. ზოგიერთ ქვეყანაში (მაგ. საფრანგეთში, საბერძნეთში და ესპანეთის ნაწილში) ისინი არ არიან იურიდიულად აღიარებული როგორც ეთიკური ან ეროვნული უმცირესობა. ბოშებისათვის ალბათ სარგებელის მომგანი იქნება მათი ეროვნული და ეთიკური კუთვნილების შესახებ კანონების მიღება იმ პირობებში, როდესაც მათი უმრავლესობა არ აღიქმება საზოგადოების სრულუფლებიან წევრად და ეს ბევრად გააუმჯობესებს მათ მდგომარეობას დასაქმების თვალსაზრისითაც. კიდევ ერთი პირობაა მათ მიმართ უმრავლესობის დამოკიდებულების გაუმჯობესება და მათზე შეხედულების შეცვლა.

The Situation of the Roma Minority in Macedonia. By Andeva, Marina. Read preview. Academic journal article Journal on Ethnopolitics and Minority Issues in Europe : JEMIE. Can Migration Jeopardize Basic Human Rights?Â Roma minority members have been recognized in the Republic of Macedonia Constitution since this country's independence: the 1991 Constitutional Preamble asserted that the Republic of Macedonia is 'established as a national state of the Macedonian people, in which full equality as citizens and permanent coexistence with the Macedonian people is provided for Albanians, Turks, Vlachs, Roma and other nationalities living in the. Republic of Macedonia'. The constitution included few provisions guaranteeing basic minority rights. Keywords: comparative analysis, Roma minority, European Union, education, housing. INTRODUCTION. Given the involvement of various international institutions like the European. Union (EU) and the United Nations (UN) and the access to political coordination. of various suprastate, transnational, national and substate bodies, the balance of.Â Roma protection and their interests. Since the aim of the paper is to assess the EU. Roma protection policy, the focus is on policy process.Â Finally the paper gives some recommendations which aim. to improve the situation of the Roma. The conclusion assesses the effectiveness of. the EU policy in addressing the Roma minority. 1. EVALUATION. Motto