

# Roma/Gypsies: A European Minority

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## ROMA/GYPSIES OF EUROPE

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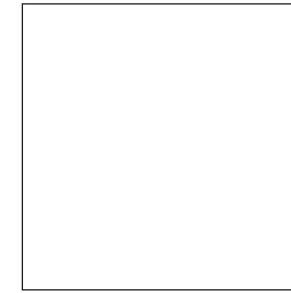
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Young homeless Roma woman in Sofia, Bulgaria  
MELANIE FRIEND

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# Roma/Gypsies: A European Minority

## CONTENTS

## MINORITY RIGHTS GROUP

Minority Rights Group works to secure rights and justice for ethnic, linguistic and religious minorities. It is dedicated to the cause of cooperation and understanding between communities.

Founded in the 1960s, Minority Rights Group is a small international non-governmental organization that informs and warns governments, the international community, non-governmental organizations and the wider public about the situation of minorities around the world. This work is based on the publication of well-researched reports, books and papers; direct advocacy on behalf of minority rights in international fora; the development of a global network of like-minded organizations and minority communities to collaborate on these issues; and **the challenging of prejudice and promotion of public understanding** through information and education projects.

Minority Rights Group believes that the best hope for a peaceful world lies in **identifying and monitoring conflict** between communities, **advocating preventive measures** to avoid the escalation of conflict and **encouraging positive action** to build trust between majority and minority communities.

Minority Rights Group has consultative status with the United Nations Economic and Social Council and has a worldwide network of partners. Its international headquarters are in London. Legally it is registered both as a charity and as a limited company under the United Kingdom Law with an International Governing Council.

## THE PROCESS

As part of its methodology, MRG conducts regional research, identifies issues and commissions reports based on its findings. Each author is carefully chosen and all scripts are read by no less than eight independent experts who are knowledgeable about the subject matter. These experts are drawn from the minorities about whom the reports are written, and from journalists, academics, researchers and other human rights agencies. Authors are asked to incorporate comments made by these parties. In this way, MRG aims to publish accurate, authoritative, well-balanced reports.

- 5 Preface
- 7 Context
- 11 Some aspects of the current situation
- 21 The emergence of a political space for Roma/Gypsies
- 29 Confirming a cultural space for Roma/Gypsies
- 32 Conclusion
- 33 Annexe
- 34 Recommendations
- 35 Notes
- 36 Bibliography

## Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities

(Adopted by the UN General Assembly; Resolution 47/135 of 18 December 1992)

### Article 1

1. States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories, and shall encourage conditions for the promotion of that identity.
2. States shall adopt appropriate legislative and other measures to achieve those ends.

### Article 2

1. Persons belonging to national or ethnic, religious and linguistic minorities (hereinafter referred to as persons belonging to minorities) have the right to enjoy their own culture, to profess and practise their own religion, and to use their own language, in private and in public, freely and without interference or any form of discrimination.
2. Persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic and public life.
3. Persons belonging to minorities have the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation.
4. Persons belonging to minorities have the right to establish and maintain their own associations.
5. Persons belonging to minorities have the right to establish and maintain, without any discrimination, free and peaceful contacts with other members of their group, with persons belonging to other minorities, as well as contacts across frontiers with citizens of other States to whom they are related by national or ethnic, religious or linguistic ties.

### Article 3

1. Persons belonging to minorities may exercise their rights including those as set forth in this Declaration individually as well as in community with other members of their group, without any discrimination.
2. No disadvantage shall result for any person belonging to a minority as the consequence of the exercise or non-exercise of the rights as set forth in this Declaration.

### Article 4

1. States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law.
2. States shall take measures to create favourable conditions to enable persons belonging to minorities to express their characteristics and to develop their culture, language, religion, traditions and customs, except where specific practices are in violation of national law and contrary to international standards.
3. States should take appropriate measures so that, wherever possible, persons belonging to minorities have adequate opportunities to learn their mother tongue or to have instruction in their mother tongue.

4. States should, where appropriate, take measures in the field of education, in order to encourage knowledge of the history, traditions, language and culture of the minorities existing within their territory. Persons belonging to minorities should have adequate opportunities to gain knowledge of the society as a whole.
5. States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development in their country.

### Article 5

1. National policies and programmes shall be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.
2. Programmes of cooperation and assistance among States should be planned and implemented with due regard for the legitimate interests of persons belonging to minorities.

### Article 6

States should cooperate on questions relating to persons belonging to minorities, inter alia, exchanging information and experiences, in order to promote mutual understanding and confidence.

### Article 7

States should cooperate in order to promote respect for the rights as set forth in the present Declaration.

### Article 8

1. Nothing in this Declaration shall prevent the fulfilment of international obligations of States in relation to persons belonging to minorities. In particular, States shall fulfil in good faith the obligations and commitments they have assumed under international treaties and agreements to which they are parties.
2. The exercise of the rights as set forth in the present Declaration shall not prejudice the enjoyment by all persons of universally recognized human rights and fundamental freedoms.
3. Measures taken by States in order to ensure the effective enjoyment of the rights as set forth in the present Declaration shall not prima facie be considered contrary to the principle of equality contained in the Universal Declaration of Human Rights.
4. Nothing in the present Declaration may be construed as permitting any activity contrary to the purposes and principles of the United Nations, including sovereign equality, territorial integrity and political independence of States.

### Article 9

The specialized agencies and other organizations of the United Nations system shall contribute to the full realization of the rights and principles as set forth in the present Declaration, within their respective fields of competence.

For further reference, see also the following instruments:  
The International Covenant on Civil and Political Rights (1966), article 27;  
The Convention on the Elimination of All Forms of Racial Discrimination (1965), article 2;  
The Framework Convention for the Protection of National Minorities (1995);  
The OSCE Budapest Summit Declaration (1994), Chapter VIII the Human Dimension, articles 23 and 24.

# Preface

Minority Rights Group (MRG) first published a report on the Roma (or 'Gypsies' as they are known in Western Europe) in 1973 and has closely followed developments affecting this minority ever since. Following the collapse of the communist regimes in Central and Eastern Europe and significant changes in the situation of Roma/Gypsy communities in Europe as a whole, MRG commissioned a full updated report *Roma/Gypsies: A European Minority*, from two acknowledged experts in this area. This report is seen as a resource to support the work of Minority Rights Group, in particular where MRG has established practical training initiatives with the Roma/Gypsy communities to encourage empowerment and also, multicultural education projects to inform and educate 'majority' communities.

The new report has adopted a different approach from its previous edition and offers a thematic analysis of the situation of the Roma/Gypsy in the post-communist era. Many of the problems this persecuted minority suffers are not unique to any particular country, although specific instances in different countries are cited in the report. The authors give an overview of the Roma/Gypsy community and its history of discrimination and persecution in Europe, analyzing the various policies adopted during the 600 years since the Roma/Gypsies first migrated to Europe.

The report examines specific areas where the Roma/Gypsy community as a whole currently faces particular difficulties. Roma/Gypsies face disadvantage and discrimination in all spheres: employment, housing, health, education and vocational opportunities. In addition, they suffer from the accumulation of centuries of prejudice and negative stereotyping, which have adversely affected policies conducted towards them. Up until recently, there has been little recognition of the Roma/Gypsy as a distinct ethnic, linguistic and cultural group and hence a lack of recognition that many of the problems they encounter result from the violation of their rights as a minority.

Much of the focus of concern has to be on the countries of Central and Eastern Europe, whilst acknowledging that the record of Western European states is also poor. Roma/Gypsy communities have suffered disproportionately in the political and economic changes which have resulted since the fall of communism. In many cases, while communist policies towards Roma/Gypsies were far from exemplary, as MRG's earlier report demonstrated, there was a bottom line for Roma/Gypsies in terms of social provision which now no longer exists. However, positive developments in terms of the recognition of minority rights can be detected in these countries, many of which include protection of minorities in their constitutions. The difficulty is in recognizing that Roma/Gypsy communities deserve this protection, and in providing the resources necessary to implement non-discriminatory and affirmative policies in housing, health, education and employment. There have

been disturbing instances of violence against Roma/Gypsies in many countries where political and social transformation is taking place with Roma/Gypsies often being seen as the scapegoat for wider social ills.

There are some positive developments noted in this report, notably the greater freedom of Roma/Gypsies to organize themselves and lobby for the protection of their rights at international and national levels. There have been many initiatives put forward by a variety of European institutions in the last few years which underline the increasing awareness that Roma/Gypsies as a transnational minority need to be recognized and protected at European as well as national levels. MRG welcomes initiatives by the Organization on Security and Cooperation in Europe (OSCE) to devote particular attention to the Roma/Gypsy issue since April 1993 when the High Commissioner on National Minorities was given a mandate to report on the position of the Roma/Gypsy within the OSCE region. MRG actively participated in the Roma/Gypsy Seminar in Warsaw in September 1994 and some of this report is based on submissions made by the authors to the Working Groups at the Seminar.

The Roma/Gypsy community was the focus of much attention at the Romanian government-sponsored Conference on Tolerance in Bucharest in May 1995. Roma expressed widespread anger at the way they perceived that their name and their identity had been changed by the Romanian authorities. The Romanian government denies any charge, stating that its preferred name 'Tsigani' is traditional and avoids confusion with Romanian nationality. The argument is symbolic of a lack of consultation, trust and confidence in Roma/Gypsies in many states.

Traditionally, the OSCE concern regarding national minorities has focused on security concerns and the danger of conflicts between states. In this case, there is a narrow concern to discourage migration, but also a wider concern that the issues surrounding Roma/Gypsies are an indicator of how tolerant and protective of human rights any society is. Few states can be proud of their record.

As the authors state, the time has now come, since the problems have been identified and aired, to adopt an integrated, inclusive and sensitive approach to the problems faced by Roma/Gypsies as a hitherto neglected minority group.

**Alan Phillips**  
Director  
September 1995

## Roma/Gypsy: terminology

**Gypsy:** Term used to denote ethnic groups formed by the dispersal of commercial, nomadic and other groups from within India from the tenth century, and their mixing with European and other groups during their diaspora.

**Roma/Rom:** A broad term used in various ways, to signify:

- (a) Those ethnic groups (e.g. Kalderash, Lovari, etc.) who speak the 'Vlach', 'Xoraxane' or 'Rom' varieties of Romani language.
- (b) Any person identified by others as 'Tsigane' in Central and Eastern Europe and Turkey, plus those outside the region of East European extraction.
- (c) Romani people in general.

**Traveller:** A member of any of the (predominantly) indigenous European ethnic groups (Woonwagengewoners, Mincéiri, Jenisch, Quinquis, Resende, etc.) whose culture is characterized, inter alia, by self-employment, occupational fluidity, and nomadism. These groups have been influenced to a greater or lesser degree by ethnic groups of (predominantly) Indian origin with a similar cultural base (see 'Gypsies').

The authors have used the designation 'Roma/Gypsies' for the multitude of ethnic groups covered by the above terms, in deference on the one hand to familiarity and on the other to self-designation.

# Context

## History

The first Roma/Gypsy groups reached Europe from the East in the fourteenth and fifteenth centuries. At this time, they still remembered their homeland, as testified by numerous documents dated between 1422-1590, a period during which their Indian roots were gradually obscured by legends of Egyptian origins. With their arrival came attempts from the local populations to categorize the newcomers, with diverse names referring to their supposed origins. For example in Greece a sect from Asia Minor, whose members had a reputation as soothsayers and magicians, had been collectively known for centuries by the name of 'Atsinganos' ('untouched, untouchable'). When the new group arrived from the East, this name was attributed to them, and, with variations, was to remain in use in numerous countries (as 'Tsigan' in Bulgaria, Romania, and Hungary, 'Cigain' and later 'Tsiganes' in France, 'Zigeuner' in Germany, 'Zingari' in Italy, 'Ciganos' in Portugal, etc.). Similarly, many regions frequented by Travellers of Eastern origin were, at that time, known as 'Little Egypt'. This is probably why, when these Travellers moved on to other European countries, they were frequently dubbed 'Egyptians', another name which has remained in a variety of forms, with 'Gypsies' in English and 'Gitanos' in Spanish.

It was not until the late eighteenth century that a comparative study, carried out in Hungary, of Roma/Gypsy terminology and of Indian languages, made it possible to formulate the hypothesis – subsequently confirmed by linguists – of the Indian origin of those communities we shall be calling 'Gypsy' or 'Roma'. The migrations of their ancestors, originating in India, probably developed over a number of centuries prior to their arrival in Europe. More recent research demonstrates that the chronicles of Persian and Arab historians and geographers confirm linguistic findings.<sup>1</sup>

The following reference dates indicate the first recorded Roma/Gypsy presence in various European countries, bearing in mind that earlier arrivals may well have gone unnoticed:

- 1407 Germany
- 1419 France
- 1420 Netherlands
- 1422 Italy
- 1425 Spain
- 1501 Russia
- 1505 Scotland, Denmark
- 1512 Sweden
- 1514 England
- 1533 Estonia
- 1540 Norway
- 1584 Finland

Once in Western Europe, groups often continued to travel from one region or country to another, however, others reduced or discontinued their migrations and adapted

## Roma/Gypsy populations throughout Europe<sup>3</sup>

| State                               | minimum          | maximum             |
|-------------------------------------|------------------|---------------------|
| Albania                             | 90,000           | 100,000             |
| Austria                             | 20,000           | 25,000              |
| Belarus                             | 10,000           | 15,000              |
| Belgium                             | 10,000           | 15,000              |
| Bosnia-Herzegovina                  | 40,000           | 50,000              |
| Bulgaria                            | 700,000          | 800,000             |
| Croatia                             | 30,000           | 40,000              |
| Cyprus                              | 500              | 1,000               |
| Czech Republic                      | 250,000          | 300,000             |
| Denmark                             | 1,500            | 2,000               |
| Estonia                             | 1,000            | 1,500               |
| Finland                             | 7,000            | 9,000               |
| France                              | 280,000          | 340,000             |
| Germany                             | 110,000          | 130,000             |
| Greece                              | 160,000          | 200,000             |
| Hungary                             | 550,000          | 600,000             |
| Ireland                             | 22,000           | 28,000              |
| Italy                               | 90,000           | 110,000             |
| Latvia                              | 2,000            | 3,500               |
| Lithuania                           | 3,000            | 4,000               |
| Luxembourg                          | 100              | 150                 |
| Macedonia                           | 220,000          | 260,000             |
| Moldavia                            | 20,000           | 25,000              |
| Netherlands                         | 35,000           | 40,000              |
| Norway                              | 500              | 1,000               |
| Poland                              | 50,000           | 60,000              |
| Portugal                            | 40,000           | 50,000              |
| Romania                             | 1,800,000        | 2,500,000           |
| Russia                              | 220,000          | 400,000             |
| Serbia-Montenegro                   | 400,000          | 450,000             |
| Slovakia                            | 480,000          | 520,000             |
| Slovenia                            | 8,000            | 10,000              |
| Spain                               | 650,000          | 800,000             |
| Sweden                              | 15,000           | 20,000              |
| Switzerland                         | 30,000           | 35,000              |
| Turkey                              | 300,000          | 500,000             |
| Ukraine                             | 50,000           | 60,000              |
| United Kingdom                      | 90,000           | 120,000             |
| <b>Total Europe (approximately)</b> | <b>7,000,000</b> | <b>to 8,500,000</b> |

their work practices in response to local demand, for example taking up trade, craftwork or seasonal agricultural labour. In the course of their travels, these Roma/Gypsy groups encountered other Travellers of indigenous European origin. For example in Ireland from the twelfth century a group known as 'Tinklers' or 'Tynkers' has main-

tained an identity, social organization, and Celtic linguistic variants distinct from those of the surrounding population. Similarly the 'Quinquis' of Spain from the sixteenth century, and the 'Jenisch' in Germany from the seventeenth century, have maintained separate identities. These encounters led to cultural and social exchange, leading to stratification, and vast linguistic and cultural diversification, both within a given region and from one region to another.

The names attributed to these communities by outsiders are, like the names used by the communities themselves, also very diverse. They have acquired deeply pejorative connotations in most languages, with political and administrative texts often using colloquial terms, or inventing paraphrases or metaphors encapsulating official policy at the time. For example, *personnes d'origine nomade* (people of nomadic origin), negates any reference to culture, and was the preferred term in France in the 1970s, when the policy was one of assimilation. This report sometimes uses the term 'Travellers', which is often the preferred name of a number of communities of non-Indian origin, and is relatively free of negative overtones. The term 'Gypsies' is not generally viewed in a pejorative sense, however it does have some negative overtones, for example in Germany, due to the stigma attached to the word 'Zigeuner' during the Nazi era. However, insofar as the communities covered by these designations have no collective term for themselves and use these terms in the political context (for example 'Tsiganes' in French, 'Gypsies' in English, etc.), they are acceptable options, particularly for Western Europe. As for the name 'Rom' or 'Roma', while it does not cover all of the groups concerned, it is increasingly being used in the political sphere, and it does have the advantage of clear demarcation from terms imposed from outside. Furthermore it is the self-designation of a significant number of these groups, and that which best corresponds to the sociocultural reality and political will of groups in Central and Eastern Europe, which make up 70 per cent of the population identified as Gypsies/Tsiganes in Europe.<sup>2</sup>

## The politics of negation

Policies towards Roma/Gypsies have always constituted, in one form or another, a negation of the people, their culture and their language. Policies can be broadly grouped into three categories: exclusion, containment, and assimilation. While it is possible to trace a general chronological trend from the first to the third, these categories are not mutually exclusive: they can operate side by side during the same period in different states, or even simultaneously, seemingly in mutual contradiction within a given state – even in the twentieth century.<sup>4</sup>

### Exclusion

From the time of their arrival in Western Europe in the fourteenth and fifteenth centuries, Roma/Gypsies have been seen as intruders, erupting into societies just as the state was attempting to organize and control them. Local communities had limited horizons, and faced with these

newcomers, they reacted with mistrust, fear, and rejection. Despite their small numbers, peasants, princes, the Church and the guilds took measures against the Roma/Gypsies. This rejection, localized at first, rapidly became a state affair with the passing of royal edicts condemning and banishing the Roma/Gypsies on pain of corporal punishment.

Examples of exclusion policies are numerous: indeed all of the states under consideration have probably practised this at one time or another. For example, in France in 1504, Louis XII banished Roma/Gypsies altogether; by 1510 the penalty for defying the ban became death by hanging. Subsequently, any gathering of more than three or four Roma/Gypsies was forbidden, and eventually from 1647, simply being a 'Bohemian' was made a crime punishable by being sent to the galleys. In Germany from 1496 onwards, parliament repeatedly denounced Roma/Gypsies as traitors to Christendom, spies in the pay of the Turks and carriers of the plague. Accused of brigandry, witchcraft and child abduction, they were not tolerated in Germany, and could be killed with impunity. In 1721 the Emperor Charles VI ordered the extermination of adult male Roma/Gypsies, while women and children were to have an ear cut off. In 1725 Frederick William I condemned to death any Roma/Gypsy, male or female, over the age of 18 caught on Prussian territory. In Italy between 1506 and 1785, 147 anti-Roma/Gypsy bans (or one for every 1.9 years) were passed.

In the Netherlands, rejection was absolute. From the seventeenth to the early eighteenth century, Roma/Gypsy hunts (*heidenjachten*: pagan hunts) were organized. The same thing happened in Switzerland and elsewhere: popular hunts took place, sometimes to the ringing of the church bells, with orders to shoot if they met with resistance. Sometimes such hunts were highly organized military affairs with the participation of infantry, cavalry and constabulary. Bounties for captured Roma/Gypsies were instituted, leading to the rise of professional Roma/Gypsy-hunters. Similarly, in Venice, a text dated 1692 offers an amnesty to convicts serving galley sentences of up to 10 years, on condition they take up Roma/Gypsy-hunting. Various such policies were also pursued in Scandinavia.

Despite Roma/Gypsies being clearly identified, they were never defined in historical legal documents. The stereotyped image presented in these texts never attempted fairness or accuracy; on the contrary, the negative image was deliberately stressed in order to serve as a basis and justification for repressive measures. For just as no one troubled to define the Roma/Gypsy, they were equally unconcerned with their own reasons for reacting to them as they did. The very fact of being Roma/Gypsy was seen as sufficient reason for condemning both the individual and the group. They were denounced for 'living the life of a Bohemian', and suspected of the worst even when they had done nothing. As a Strasbourg magistrate wrote at the beginning of the nineteenth century:

*'I have no evidence of criminal acts committed by these people, but their situation is such that they cannot but be tempted to commit them if the occasion presents itself... They cannot but be dangerous.'*

Today, the terms that figure in everyday speech, the images propagated in certain songs, popular sayings that

associate Roma/Gypsies with everything negative (e.g. 'to lie', 'steal' or 'be as dirty as a Gypsy', etc.), along with names and even verbs derived from the word 'Gypsy' or local variants thereof, and used as synonyms for lying, cheating, and the like in a great number of languages – all go hand-in-hand with official policies.

In the twentieth century, Nazi Germany staged the ultimate anti-Roma/Gypsy campaign: extermination. Yet from 1899, with the creation of the 'Zigeunernachrichtendienst' (Gypsy Information Bureau) under the direction of the Department of Criminal Investigation, Roma/Gypsies became subject to constant police surveillance. These measures were strengthened still further in 1938 with the passing of two circulars, one concerning 'anti-socials', the other on the 'fight against the Roma/Gypsy menace' (*Bekämpfung der Zigeunerplage*) which stressed that 'experience to date in the fight against the Roma/Gypsy menace, and the findings of bio-racial research, suggest that the Roma/Gypsy question be treated as a racial one'. At first they were put under house arrest, later, from 1939-40, they were deported to Poland. From 1941 onwards, in territories occupied by the German army, many Roma/Gypsies were simply shot. In 1942 and 1943 Roma/Gypsies and those of mixed race were interned, mainly in Auschwitz-Birkenau, Dachau and Buchenwald. Their extermination in Nazi-occupied countries was near-total, and there are virtually no Roma/Gypsy families in Central Europe unaffected by it. Some estimates put the number of Roma/Gypsies murdered under the Nazi regime at 500,000, and systematic extermination is still going on: for example whole families have been wiped out in certain territories of the former Yugoslavia in the name of 'ethnic cleansing'.<sup>5</sup>

### Containment

In a policy of containment, that is, the compulsory, generally violent integration of Roma/Gypsies into 'mainstream' society, the goal of making Roma/Gypsies 'invisible' remains, but instead of pursuing it by pushing them away geographically, it is to take place socially, by enclosing and splitting the group, which is then to conform with the rest of the population either through total absorption or by becoming 'socially useful'. In this way, the death penalty for second offenders was replaced by condemnation to the galleys when these were in need of extra hands, and later by deportation to the colonies, forced labour, and to the workhouse. The most extreme example of containment was seen in Romania, where from the fourteenth century, Roma/Gypsies were held in slavery by the state, the clergy, and the nobility: families were sold at auction, married couples were split up, children were sold to different masters or simply given away as gifts. The abolition of this enslavement, in 1865, gave rise to one of the most important of the Roma/Gypsy migrations.

From the end of the fifteenth century, Spain also operated a policy of containment. Roma/Gypsies were obliged to find a trade and a master; and were restricted in their movements. Measures implemented repeatedly over the course of the following centuries demonstrate an unwavering political desire to forcibly integrate Roma/Gypsies into Spanish society. Banishment was used only as an alternative

punishment for those who resisted integration, and was quickly replaced by consignment to the galleys and mercury mines. One by one, gatherings, travelling in groups of three or more, 'Roma/Gypsy habits and costume', traditional occupations, finally the language and the name Gypsy ('Gitano') itself, were outlawed. Residence was strictly controlled: limited to 41 permitted areas. In 1717, this was increased to 76, with a stipulation of a maximum of one Roma/Gypsy family per 100 of the population, and no more than one family per street. Armed troops scoured the countryside seeking any Roma/Gypsies living outside these designated areas, and were authorized to kill. A gigantic round-up took place in 1749, yet many facilities, particularly prison spaces, were totally insufficient for dealing with the numbers involved, and the Roma/Gypsies were gradually released, a process that was not completed until 1765.<sup>6</sup> Then in 1783 Charles III promoted an extremely detailed (44 articles) act of legislation. The preamble forms a perfect resumé of the ideology accompanying such a policy:

*'We declare that those who are called Gypsies, or who call themselves such, are not so by origin nor by nature, nor do they spring from unwholesome stock. Taking this into account, we order that they, and each one among them, shall cease to practise the language, the costume, and the wandering way of life which they have followed up to the present. The king gives a 90 days' period of grace, so that all Vagabonds of this sort might settle down "and abandon the costume, language, and habits of the designated Gypsies on penalty of being branded with hot irons. And, for those who persist, the death penalty will be applied without appeal".'*

The 'designated Gypsies' thus had 90 days in which to negate and utterly transform themselves, being expected to change both their language and behaviour.

Out of numerous other examples, the policy implemented in the mid-eighteenth century by Maria Theresa of Austria and continued by her son Joseph II is noteworthy. Through a series of legal orders, nomadism, Roma/Gypsy costume, language and trades were forbidden or regulated, and children were taken from their parents to be brought up by local families. Within the sphere of containment policies, the forcible removal of children from Roma/Gypsy parents has been recommended in many states, and occasionally put into practice. One of the most important cases in recent years concerns Switzerland, where from 1926-73 the charitable organization Pro Juventute in its 'Children of the Road' division removed Roma/Gypsy children from their families and placed them in institutions until they could be fostered or adopted, without judicial input. These actions were supported by the authorities.

### Assimilation

In the second half of the twentieth century, ideas with a humanist slant have come to the fore. They have put a stop to corporal punishment and physical coercion, outlawing slavery, tearing children away from their families, blanket impositions and restrictions. At the same time a new, increasingly technocratic model of society has been adopted. These two tendencies merge in transforming containment policy

into one of assimilation, characterized by the goal of absorbing Roma/Gypsies, now redefined as misfits associated with social and psychological difficulties. Once again cultural questions are transformed into 'social problems'.

Every state in Europe has been involved in this type of policy, however it has been most evident under the socialist regimes of Central and Eastern Europe. It should therefore be borne in mind that if this report does not explicitly mention a given state as it outlines its analyses, these are nonetheless relevant to every country in Europe.

The implementation of this general policy takes many forms. First, there is control by means of a multitude of detailed regulations, dealing directly with every aspect of Roma/Gypsy life: travelling, stopping and camping, legal status, the exercise of itinerant and artisan trades, scrap collection, etc. The different elements of such regulations are not always legal, nor constitutional – particularly those dealing with personal legal status when it is negatively defined or treating Roma/Gypsies or nomadic peoples as an undifferentiated group (i.e. when they are subjected to automatic eviction or other discriminatory treatment).

Elements of this policy may be mutually contradictory: for example, legislation limiting the duration and location of stay in urban areas versus the legal obligation of children to attend school. Although these measures do not as a general rule apply specifically to nomads or Roma/Gypsies, it is important to consider the web they weave around those who are caught up in them, confronted in their day to day lives by regulations which prevent them from stopping, from travelling according to their wishes and needs, and curtailing their work possibilities. Roma/Gypsies form a population for whom these laws are mutually reinforcing in their negative effects. For example, a person who is forced to move on too quickly, or to stop in bad conditions, loses his or her sources of income and suffers reduced initiative and adaptability. Moreover these illegal practices, carried out by force and threat, thrive on Roma/Gypsies' ignorance of their legal rights.

It is worth pointing out the selective manner in which many laws are applied to Roma/Gypsies. For example, legislation controlling the stationing of caravans in built-up areas is enforced differently depending on whether the caravans belong to workers on a building site, tourists, or Roma/Gypsies – even if the latter are in fact working or are travelling as tourists at the time. In other words the sole fact of being a Roma/Gypsy, and being perceived as such, provokes discriminatory treatment which is backed up by law.

Regarding legislation, a new approach has developed which, in many states, consists almost exclusively of social welfare. Such social policies, fed by assimilationism, confer an important role on social work and on various official and voluntary bodies formed for, but not by, Roma/Gypsies. Thus control is made more humane, but at the same time tightened, and, within the overall policy of absorption, the trend is towards the 'normalization' of what is perceived as marginal or deviant. This control can act as a block to genuine aid which, if administered in accordance with Roma/Gypsy socio-cultural realities, could help them to adapt successfully to new situations.<sup>7</sup>

## From indecision to innovation?

The failure of assimilation policies is gradually being recognized. There are new general developments, notably, that many states must now acknowledge that immigrant families, which they had assumed would eventually be returning to their countries of origin, are there to stay. Serious consideration of the changes required to improve coexistence in countries which have become multicultural is therefore required. New concepts, such as 'intercultural education', have emerged, spread, and are slowly, hesitantly, being translated into reality. Another very significant development has been the political and social upheaval in Central and Eastern Europe in the 1990s, bringing general destabilization and, for Roma/Gypsies, a further deterioration of their situation. In a number of states, East and West, Roma/Gypsies are once again being cast as scapegoats by politicians and the public.

The goal in most states is for the 'social integration' of the Roma/Gypsies. But the goal is an ambiguous one, and its realization fraught with difficulties. Is not integration, in the sociological sense of the term, the first step towards assimilation? Is this not merely a new, 'politically correct' formulation which has the advantage of being vague and thus open to interpretation and manipulation? And, between a governmental goal of integration which claims to be based on respect, and its effective realization, there are a number of obstacles.

Whatever policy is adopted with regard to Roma/Gypsies, there will always be two fundamental, inseparable questions: the first concerns the recognition of culture, language and lifestyle, and the second, ensuring that Roma/Gypsy citizens of a given state receive the full benefit of laws protecting their rights as a common group and as individuals. Or, to put it another way, is the Roma/Gypsies' distinct identity taken into account? If so, how is this done, and what means are made available to support this identity once the debating stage is over? And, having decided on the means, are they actually implemented? Are they in fact compatible with the criteria of recognition and respect, and what sort of results do they produce? Particular attention should be paid to the content and application of national constitutions, and the gaps between theory, practice, and results.

The present period is one of transition, indecision, hesitation and contradiction. On the whole, however, the general direction is a positive one: today's indecision and the questions to which it gives rise, open the way to new ideas and approaches. Now that the opportunities exist, it is the responsibility, and the duty, of all concerned – politicians, administrators, and those involved at the grass-roots, Roma/Gypsy and non-Roma/Gypsy – to ensure that the new era will be one of innovation.

# Some aspects of the current situation

## Accommodation, employment and health

Over a number of years the analyses presented in reports compiled for numerous international institutions, as well as studies undertaken by various non-governmental organizations (NGOs), have converged in their exposure, and denunciation, of the difficult conditions in which Roma/Gypsy families live, and are forced to live. A hearing held by the European Commission in 1991 gave Roma/Gypsy delegations from 14 states an opportunity to express themselves, and a resumé of their statements subsequently issued by the Commission provides a succinct overview of their situation. These conclusions were recently reiterated at the Seminar on the Human Dimension of the Conference on Security and Cooperation in Europe (CSCE), 'The Rom in the CSCE Region', held in Warsaw, September 1994:

### Conditions in general

- 'Difficult living conditions, also deteriorating, sometimes sub-human living conditions.
- In these circumstances difficulty of retaining the Roma/Gypsy identity.
- Need for recognition, not criticism. Roma/Gypsies were often forgotten in the midst of current changes and difficulties in most countries. They were kept on the fringes of politics.
- Opening up of Eastern European frontiers: Roma/Gypsies should receive the same treatment as other refugees.

### Rejection

- Racist clichés can be found everywhere, including the media, which all too often carries racist propaganda and encourages rejection in attitudes and conduct.
- Terminology should be reviewed. Roma/Gypsies are often stigmatized and their cultural characteristics are not recognized. Romantic clichés do not improve the image of Roma/Gypsies and Travellers, nor do negative stereotypes which put Roma/Gypsies on the same footing as beggars and outcasts, encouraging a stress on wretchedness in analyses and government action.
- Many publications present a negative image of Roma/Gypsy communities.

- This leads to exclusion from the social scene. There is a flagrant lack of participation in all forms of power and decision-making bodies in the different countries.
- A substantial proportion of discrimination is caused by the authorities themselves, which fail to penalize racist action against Roma/Gypsies; local authorities are frequently guilty of removing Roma/Gypsies with various degrees of violence; there were cases of real administrative ethnocide through false analyses and inappropriate actions.
- Situations of violent conflict up to and including murder are commonplace, and on the rise. In some Eastern European countries democracy has released aggression among people which more often than not is directed against the Roma/Gypsy. In Western Europe, dwellings and caravans have been burnt in the course of action taken against Roma/Gypsies.
- An attitude of rejection is becoming apparent in states with an influx of Roma/Gypsy families from Eastern Europe, expressed as a desire to move them on to third states.

### Justice

- In many cases the judicial authorities fail to deal with attacks against the dignity of the Roma/Gypsy.
- Sometimes the police break their professional secrecy and violate national constitutions by revealing, where Roma/Gypsies are involved, the ethnic identity of detainees.
- Care should be taken with the international development of computerized records, which are tantamount to setting up a police surveillance system.
- Roma/Gypsies are not asking for compassion, but for the right to equality with other citizens. Racist and discriminatory laws are still in force even within the member states of the European Community.

### Employment and economic activities

- Difficulties in the pursuit of economic activities due to repression and rejection by the surrounding environment; these made it difficult to integrate into society.
- Difficulties in adjustment or retraining in connection with current changes in economic activities. Traditional activities should not be discouraged; some of them still have a future.

- The most arduous work is often given to Roma/Gypsies.
- Problems caused by bans on door-to-door sales, as many Roma/Gypsies are involved in itinerant trades. Such restrictions are inconsistent with freedom of movement and free competition in the member states, and should be looked into.
- Many skills are underused.
- Significant shortfall in vocational training. Take-up in training establishments should be improved, particularly since the issue of work permits may be subject to a certain level of education.

### Health

- Life expectancy is poor. Older people are rare, while infant mortality remains significant.
- The birth-rate is very high. Roma/Gypsies form a very young and rapidly expanding population.
- There are numerous chronic illnesses (respiratory diseases, rheumatism, digestive illnesses); access to care is difficult, in many cases registration with health insurance schemes to qualify for reimbursement of medical expenses is problematic.
- Unbalanced nutrition, which led to deficiencies. Smoking is common among the very young and drugs are coming onto the scene. Some groups and families experience real hunger.

### Education

- Conditions for schooling are generally difficult: the education system has ignored Roma/Gypsies for a long time. Studies carried out by the Commission of the European Communities since 1984 have provided evidence and reports on this issue. These conditions result in the well-known, very high proportion of illiteracy, up to 90 per cent of the adult population.
- Inadequate pre-school education.
- Insufficient account is taken of the language.
- Rejection and segregation in the classroom is common.
- Many children are not registered at a school and if they are registered they do not attend.

### Accommodation

- Living conditions are often unacceptable.
- Roma/Gypsies tend to group together on the outskirts of cities in poor conditions.
- There are fewer and fewer camping spaces: the surrounding population also has housing problems.
- Roma/Gypsies are tending to settle, particularly because it is increasingly difficult to travel and park.
- Parking for Roma/Gypsies is a crucial problem. They are harassed. There is a pressing need to deal with this and to establish networks, at least at national levels, to accommodate nomads.
- Shanty towns are still to be found in many member states, alongside problems with water, electricity, sewers and sanitation (with children in the midst of rats).

- Roma/Gypsies have often been obliged to live in isolation and this has led to the development of ghettos.
- Gestures have sometimes been made but not plans. And when plans have been made, they are often woefully inadequate.<sup>8</sup>

## Prejudice and stereotypes

Stereotyped images of Roma/Gypsies are used, whether consciously or not, to inspire and then to justify attitudes and behaviour towards them. Throughout Europe a whole set of imagery has been constructed and developed from the fifteenth and sixteenth centuries onwards, images which rapidly crystallize into stereotypes forming a reservoir into which anyone can dip at will and find something to back up their arguments and justify their policies – be they assimilationist or rejectionist. In describing exclusion policies, we should remember that there was no attempt to find out who the Roma/Gypsies were; it sufficed to designate those who ‘led the life’ and to construct around them a brooding, repellent image, in order to undertake measures of rejection defined by the political mood of the moment.

The politics of assimilation have characterized Europe over the last few decades, and continue to do so. The emergence of the urge to assimilate is correlated with an image of the Roma/Gypsy stripped of cultural and ethnic distinctiveness. General measures aimed at Roma/Gypsies must, to retain an air of legitimacy, be directed at social groups which are also general in every possible sense – for any recognition of the existence of a unique, dynamic culture or language would hamper the implementation of covertly assimilationist measures, now that forced assimilation is no longer ideologically acceptable.

As a rule the representations constructed in connection with this goal tend to blur all cultural characteristics in order to reveal a ‘social problem’. This is clearly illustrated in official modes of designation. Roma/Gypsies are defined through an arbitrary process which fixes upon a term and strips it of any ethnic or cultural connotations with which it may be associated: for example in 1967 the High Court in London defined a ‘Gypsy’ as ‘a person leading a nomadic life, with no fixed employment and with no fixed abode’. The following year a ruling was made indicating that anyone who buys a caravan and parks it illegally is, by this lifestyle criterion, a ‘Gypsy’; thus, a house-dwelling Roma/Gypsy is a Roma/Gypsy no longer, while a caravan-dweller in breach of the law automatically becomes one. Along the same lines, familiar terms are no longer used in official contexts in a number of states, having been replaced by euphemisms and acronyms, all devoid of cultural connotations: for example, in France ‘persons of nomadic origin’, ‘citizens of Gypsy origin’ in the former Czechoslovakia, ‘itinerants’ in Ireland and ‘HWAÖ’ *häufig wechselnder Aufenthaltsort* – ‘person of frequently changing residence’ in Germany.

According to the definition imposed upon them and the image by which they are characterized, Roma/Gypsies are thought to have no linguistic, cultural or ethnic roots. They are instead a ‘social problem’ requiring ‘rehabilita-

tion’ and ‘reintegration’, who can – and must – be brought back into the fold of ‘society’.

It is extremely important to stop and consider these stereotypes and their implications, but it is not easy to do so. The view from one’s own culture is coloured by that culture, seeing all differences in absolute terms, failing to distinguish between the real diversity of one cultural milieu and another, and imaginary differences inspired by stereotypes and misconceptions, which some Roma/Gypsies may even internalize and subsequently articulate.

The consequences of this are extremely negative, because it is these images which inspire, channel, and justify action. This is how cultural questions are reclassified as ‘social problems’; it is this vision which lies behind the assumed duty – and thus the right – of active intervention, and gives rise to measures of ‘assistance’ opening up the way for full-scale drives aimed at ‘reintegration’ and ‘rehabilitation’. These flawed analyses encourage a focus on the consequences of a given situation (such as health problems, poverty, illiteracy, etc.), rather than on their root causes (rejection, inappropriate provision, etc.). The next stage is to juggle these parameters, which only modifies the effects without addressing the causes, and risks aggravating the situations supposedly being rectified.

Another perverse effect of the development and use of this kind of imagery: since it categorizes Roma/Gypsies in social rather than ethnic or cultural terms, means that neither their authors, nor the law, consider the resulting measures are discriminatory. Furthermore, wherever Roma/Gypsies comprise a significant proportion of the population, the ‘Roma/Gypsy question’ takes on an ethno-political dimension manipulated to pander to the expectations of whichever sector can provide the most votes.

## Discrimination and violation of rights

### Selective application of basic rights

The great majority of Roma/Gypsies are citizens of the state in which they reside. In theory, therefore, they enjoy the same rights, and bear the same duties, as any other citizen. Stipulating equality for all citizens, many countries also state that those who, for various reasons, require assistance in order to enjoy this equality, shall receive it; minority rights, particularly in connection with linguistic minorities, may also be enshrined in the constitution. Yet too often the concept of language is implicitly subsumed into that of territory, and it is extremely rare for Roma/Gypsies, who have no territory of their own to be included among ‘recognized’ minorities with a claim to respect and support. When it comes to analyzing and implementing constitutional guarantees, history weighs heavily against the Roma/Gypsies.

Even when the state does agree to recognize and support, for example, the Roma/Gypsy language, this generally has little practical effect (such as in the schools for example), moreover, virtually all relevant legislation is based on permanent residence, effectively penalizing

non-sedentary and geographically dispersed groups.

Similarly, inherited ignorance contributes to justifying, and perpetuating, inequalities. For example, the lack of suitable teaching materials and of properly trained teachers is cited as an explanation for the inequality of educational resources earmarked for Roma/Gypsy children compared with those for members of more acknowledged minorities. Instead of channelling the necessary means into developing teaching aids and teacher training, it is assumed that Roma/Gypsy children can make do with materials which have been produced with others in mind.

Even without going into the specific questions of recognition of minority linguistic and/or cultural rights, to consider the basic rights automatically conferred by citizenship, a number of mundane daily measures are anti-constitutional. Roma/Gypsies are uniquely subject to measures of control, and expulsion, among others, which affect the group as a whole, rather than a given individual under suspicion for a precise reason. Such practices are contrary to international judicial principle with regard to the free circulation of persons, freedom to exercise a trade, freedom to choose one’s place of residence, and also contrary to legislation relating to public order and security, which in theory is applicable solely to the behaviour of the individual. This selective application of basic rights entails acts contradictory to the spirit of the constitutions of the states which practise it, even though – and this is a classic tactic in relation to Roma/Gypsies – it is usually possible to unearth some sort of justification for it under the guise of public order, public health, security, etc.

No state is exempt when it comes to this sort of anti-Roma/Gypsy practice. For example, in Italy, the Ministry of the Interior has repeatedly stressed that prohibiting stopping rights to nomads is unconstitutional. Local authorities have responded by replacing the prohibition on nomads with a prohibition on their caravans, which neatly transfers the issue to one of traffic regulations. In many states, in the name of protection of the landscape, or agricultural lands, or public health, or any number of other reasons, the stopping of even a single caravan can be prohibited. Furthermore, in the Czech Republic and Romania, the authorities are imposing limitations on the travel and residence rights of Roma/Gypsies who have been established there for generations.

Many acts of violence directed at Roma/Gypsies are the work of groups rather than individuals, which makes identifying and punishing the guilty difficult. Given that the victims are Roma/Gypsies, pursuit of the perpetrators may frequently be less vigorous. The notion of collective responsibility, and an appropriate legal response, require further work.

Basic legal protection is essential for Roma/Gypsies, as much for the exercise of their trades as for their children’s schooling. It does not appear necessary to undertake major modifications of existing legislation in order to achieve this. Even as it stands the law tends to favour Roma/Gypsies over those who inflict violence upon them. The problems arise in connection with the arbitrary interpretation and/or application of these laws, in the glut of petty, sometimes mutually contradictory, rules and bylaws, and it is here that change must occur.

## Acts of violence

The litany of acts of violence against Roma/Gypsies throughout Europe is a lengthy one, and includes cases in many countries. Some cases have been highlighted by the media, others ignored. Given the space limitations of this report, we shall focus on a couple of cases from Romania, and the interested reader can consult the numerous reports compiled by various human rights organizations for further details on the particular situation facing Roma/Gypsy communities there and elsewhere. It should also be emphasized that, while Romania has the highest concentration of Roma/Gypsies anywhere in Europe, which justifies singling it out for particular attention, its situation is far from unique: rejection of Roma/Gypsies, and violence against them, exists throughout Europe. While we focus on an event that occurred at Bâcu, Romania, in early 1995, equally horrifying scenes were being enacted: in Austria, several Roma/Gypsies were deliberately murdered in a bomb attack, while in Madrid, 56 Roma/Gypsy families (soon to be joined by a further 80) had been 'reaccommodated' for over a year on one of Europe's major rubbish tips, in contact with highly dangerous toxic waste. Many other examples could be cited. The fact that certain events may be raised to the status of 'incidents'<sup>9</sup> by media attention should not shield the violence and rejection suffered by Roma/Gypsies on a daily basis.

## The events of January 1995, Bâcu, Romania

In the village of Bâcu, some 23 km from Bucharest, on the night of 7-8 January 1995 (the Orthodox festival of St John), following a confrontation between villagers and Roma/Gypsies long settled in the village, Roma/Gypsy houses were set on fire and destroyed. As always in situations of this kind, the facts are difficult to ascertain, with each side blaming the other. It is nonetheless certain that two ethnic Romanians fired a hunting rifle at a neighbouring Roma/Gypsy family, gravely wounding two of its members. In the resulting confrontation three Roma/Gypsies and two Romanians were seriously wounded.

The Roma/Gypsies immediately notified the police and handed over the gun, which they had confiscated from the villager in question. Fearing further violence, they then fled the village. On the evening of 8 January, and despite the presence of the police, the villagers, called together by the ringing of the church bell, burned down the empty houses belonging to Roma/Gypsies. Three were completely gutted and a fourth partially destroyed. All belonged to families which had had nothing to do with the original conflict. They were destroyed simply because Roma/Gypsies lived in them, and villagers seized the opportunity to force the entire Roma/Gypsy population out of Bâcu.

Continuing police presence helped ensure a return to relative calm. A few days later, following intervention by representatives of Roma/Gypsy associations who had come to act as mediators, Roma/Gypsy residents were able to return to their vandalized homes. It should be

borne in mind that in Romania, as in all other Eastern European states, Roma/Gypsy are full citizens, legal residents in the towns and villages in which they have been settled for a very long time. In principle, they should enjoy the same rights as other citizens.

## Significant precedents

The conflict in Bâcu is the latest in a series of some 30 similar incidents which have occurred in Romania since December 1989. In many of these, frenzied mobs have assembled to the sound of the church bell to attack Roma/Gypsy homes. These scenarios are the contemporary equivalents of the pogroms once common in Central and Eastern Europe. In the district of Giurgiu alone, four incidents of this type occurred during April-May 1991, all in villages close to Bâcu, and all culminated in the burning of Roma/Gypsy homes and the expulsion of their occupants from the village. To this day, the perpetrators have not been brought to justice. Investigations and legal proceedings – launched in response to direct complaints from the victims rather than at the initiative of the authorities have often failed due to lack of evidence because of village solidarity. The victims have been left to pick up the pieces by themselves, with no compensation.

The Federation of Romanian Roma and the Roma Centre for Social Intervention and Studies – Romani CRISS, (members of the International Romani Union and of the Standing Conference for Cooperation and Coordination of Roma Associations in Europe), have denounced these attacks and protested against the authorities' passive attitude in the face of repeated, collective violence directed at the Roma/Gypsies. These organizations fear that the current situation of mass violation of human rights may go on indefinitely unless those in power resolve to put an end to it. They also feel that the national and local authorities bear a direct responsibility for the impunity of those involved. Such an attitude on the part of the authorities is, they feel, an implicit encouragement to repeat such acts of violence, with all the negative consequences this entails both for internal security and for the process of establishing the rule of law. In this context, and with the support of associations in other countries, they also call on international organizations and national governments to reconsider their classification of Romania, and certain other states, as 'safe' countries regarding the repatriation of Roma/Gypsy nationals, until a rule of law capable of protecting all citizens from such persecution has been established.

These organizations, like so many other local and national Roma/Gypsy associations throughout Europe, have been working for a number of years to identify and resolve local conflict, to promote civic awareness among the children of their communities, to support grassroots economic initiatives and instigate others. In Romania, they also work to help families who have been expelled from their villages to re-establish themselves there, and ease the repatriation process of families who have sought, and failed to attain, asylum abroad. The long-term aim of this community work is to build democracy at a local level; in Romania, it is being undertaken in close cooperation with the local authorities in

a number of districts, as well as NGOs from several Western European countries. It is nonetheless imperative to emphasize that only sustained action on the part of the political authorities – aimed at integrating the institutions of the rule of law into the daily lives of all citizens, most of whom live in multi-ethnic and intercultural communities – will bring these efforts to fruition.

## From toleration to insecurity

The authorities' apparent toleration of anti-Roma/Gypsy violence makes it impossible to enforce the civil and criminal liability of those involved in these crimes, and thus to bring them to justice – a state of affairs which cannot but encourage the population at large, bewildered and frustrated by the ongoing period of transition, to project its malaise onto the Roma/Gypsies and make them its scapegoat.

The authorities tend to justify the impunity of the guilty by citing peasant solidarity; the latter are quick to follow this reasoning by claiming that Roma/Gypsies' 'collective culpability' gives rise to collective reprisal. Of course such an attitude goes entirely against the letter and spirit of the law, but villagers claim that theirs is likewise a 'collective culpability', and that their criminal responsibility is attenuated by the fact that their actions are merely a response to Romas provocation, and are a legitimate self-defence. In this context, it is sometimes claimed that an impartial application of the law would lead to a spiral of violence far worse than the simple feelings of injustice aroused by the impunity of the guilty. On the contrary: the authorities' passivity is perceived as tacit consent encouraging the development of an ideology opposing 'locals' and 'outsiders', finding concrete expression in every exercise geared towards the total and definitive expulsion of all Roma/Gypsies from the community, as was done in Bolintin Deal and Ogrezeni, both near Bâcu.

## Position of the experts and human rights organizations

International experts on human rights and inter-ethnic violence have indicated that the Romanian situation is characterized by:

*'The low threshold of mob violence ... whereby individual (common criminal) offences may trigger the burning of many or even all the houses belonging to members of the Romani community.'*<sup>10</sup>

A report by the Fédération Internationale des Ligues de Droits de l'Homme (FIDH), (International Federation of Human Rights Leagues), also points out the 'risk of condoning violent behaviour and attitudes of defiance towards the institutions of the law, and thus of a repetition of such incidents'.<sup>11</sup> The report from Human Rights Watch, goes so far as to say that:

*'Mob violence ... reveals a type of lynch law that is often supported by the local government. The local authorities are, in some cases, active participants in the*

*violence, but more frequently are involved in creating the climate of extrajudicial abuse of Roma, and are active participants in the obstruction of justice after the crimes have been committed. This jeopardises the safety of Roma in Romania and has set a dangerous precedent for the rule of law.'*<sup>12</sup>

The report of the FIDH mission of inquiry, 28 February – 5 March 1994, by Robert Gelli and Jean Delay, states:

*'Judicial response to murder, arson, and the destruction of homes belonging to Roma: the conclusions outlined below concern the events at Hadareni, 21 September 1993: four dead, three of them Roma, 14 Roma homes burnt down, 15 additional Roma homes destroyed, despite the presence of police and firefighters.'*

The report states that the following conclusions may be drawn from the mission carried out in Romania:

- 'Events in Hadareni were not followed up by forced expulsion of the Roma population there, thanks to the fact that – as the Romanian authorities assured us – the Law of 1971 is no longer enforced. At the same time, following consultation with the Hadareni village council, some families are still being prevented from returning.'
- Up to the day of our departure, the perpetrators of the acts inflicted upon the Roma of Hadareni on 21 September 1993 had been neither arrested nor charged in connection with the judicial inquiry, despite the fact that evidence making it possible to identify the main participants had been assembled.
- The themes of public order and opportunity favoured by the hierarchical submission of those magistrates charged with running the judicial inquiry, and the lack of power of the parties involved, must take precedence in the assessment of the legal response to the criminal violations committed.
- The difficulty – indeed, the impossibility – of identifying individual perpetrators of violence and murders, as advanced by the judicial authorities in explanation of the state of their investigations, does not necessarily constitute an obstacle to assigning criminal responsibility to those identified as having taken part in, or having instigated, these acts, through complicity or criminal behaviour recognized under existing Romanian law (for example, failure to render assistance to a person in danger, riotous assembly, mob violence, incitement to racial hatred, provoking others to break the law, associating with criminals, etc.), none of which has been invoked or even examined to date.
- The events at Hadareni are part of a general context of repeated acts and a climate of rejection of the Roma by other communities, relayed and amplified by the media and certain politicians; the disproportionate, violent, collective response of non-Roma populations gives these



events an ethnic dimension, despite the denial by all national and local authorities of any such dimension.

- The lack of rapid judicial response to behaviour of this kind poses a challenge to the rule of law, as does the insistence that each such incident is an entirely isolated case – a strategy geared towards achieving an amicable settlement out of public funds for victims' material losses in each case as it arises, with the effect that those responsible for these crimes are never called to answer for them under civil or criminal law; this policy risks condoning acts of violence and attitudes of defiance towards the institutions of the law, and thus of encouraging similar incidents.
- The establishment and degeneration of the principle of separation of powers and an independent judiciary, as affirmed in the constitution and in general texts outlining the organization of the judiciary, should be further developed through legislative change and an increase in contacts, and exchange, with Romanian magistrates.
- The tense overall situation and the multiple social, economic and cultural factors entailed necessitate the implementation of an overall preventative policy directly involving all concerned parties – police, justice, education, social services, community representatives – at national and local level.<sup>713</sup>

## The authorities' positive measures – and their limitations

The Romanian authorities have responded to anti-Roma/Gypsy violence by putting new police measures into practice, notably through the setting up of a violence-prevention squad under the auspices of the General Inspectorate of Police. It was thanks to this squad that, in 1994, many tense situations involving villagers and their Roma/Gypsy neighbours met with quick intervention, preventing conflict from spreading throughout the community and escalating into violence. Police intervention also proved effective in an incident at Racsă, when arsonists were arrested and brought to justice. These actions were publicly praised by the associations of the Federation of Romanian Roma.

But the case of Băcu, like that of Hadăreni in September 1993, where police presence proved ineffective, shows that police measures are insufficient unless they are followed up by judicial pursuit of the perpetrators of these crimes, accompanied by clear, unequivocal political condemnation of their racist and xenophobic nature as well as sustained civic education programmes for the entire population. These are precisely the areas in which the shortcomings of the political authorities, characteristically lacking in clarity and firmness, are most in evidence. They seem to content themselves with vague condemnations of all anti-social acts, and with citing the Roma/Gypsies' supposed failure to integrate – an attitude reminiscent of the negative 'anti-social' group label.

In Romania as elsewhere, the recent upsurge in violence against the Roma/Gypsy and other ethnic, linguistic and religious minorities reveals the need to build democratic security for all citizens regardless of their sense of identity. This security must be founded in the institutions of the rule of law, and above all else, in justice.

As Max van den Stoel, High Commissioner for National Minorities, said on the occasion of the CSCE Human Dimension Seminar, Romanies in the CSCE Region:

*The problem of racially motivated attacks against Roma and their property ... is not a purely legal one. Certainly a proper legal framework is necessary for protecting persons against racially motivated attacks, but in most cases a basic framework already exists. There must, however, also be clear political will – from the highest to the lowest levels of the state – to combat racial violence.<sup>714</sup>*

## Migratory movements and refugees

It should be borne in mind that nomadism, sometimes in the form of ongoing migration is a fundamental factor in the lifestyle of a significant number of Roma/Gypsy communities. Roma/Gypsy history is marked by migration, some of it involving such large numbers that this appears as successive waves of migration, generally in the direction of Western Europe and the Americas. Such a wave is occurring in the 1990s, a period during which migration has taken on a major significance for Roma/Gypsy communities and for the surrounding communities which welcome or reject them. All over Europe, this movement is giving rise to a reactivation of the policies outlined previously: exclusion, containment and assimilation and these policies are back with an unexpected vehemence and in new forms.

The reasons behind migration are diverse. Roma/Gypsies flee from various forms of persecution: expulsion, banishment, organized hunts, forced settlement, inter-state agreements dictating where they can reside, etc. Given this hostility, their only option is to move on and see if things are better elsewhere. The 1990s offer a vivid illustration of the push factors involved: physical attacks, racist pogroms, murders and burnt-out homes. There are also social and economic reasons for travelling. Moving about gives different groups an opportunity for close contact with each other, which can lead to new ties (sometimes even marriages), or, on the other hand to mutual opposition within which each group feels its own uniqueness justified and strengthened. Travel makes closer contacts possible, but also permits separation if conflict arises, whilst also providing an escape route when the environment proves hostile.

The economic functions of travel are at least as important as the social ones. Economic independence is essential for Roma/Gypsies, and it is often in order to retain it that they take to the road. Travel also plays a role in economic equilibrium, in the sense that when families exercising the same trade live side by side, they find

themselves in direct competition; moving on avoids market saturation. In tandem with the diversity of reasons for travelling, there are a variety of practices connected with it, evident in the range of means of transport, frequency of moves, scope of travel, types of accommodation, etc.

To convey this schematically, we note that for those who travel there exists, on the one hand, a 'structural nomadism' due to certain forms of social and economic organization, and on the other, a 'reactive nomadism' brought about by outside factors: eviction, regulations, family illness, economic opportunity, etc. These two sets of factors combine to determine actual moves.<sup>15</sup>

Thus the key to understanding every Roma/Gypsy-related question is diversity: diverse situations and diverse groups, socio-cultural and socio-political contexts must be considered in their entirety. A proper examination of nomadism and migration – fundamental components of Roma/Gypsy history – would require an encyclopaedia all to itself. Within the limits imposed by the scope of this report,<sup>16</sup> let us summarize and say that nomadism is neither entirely a product of Roma/Gypsy culture, nor entirely the source of that culture. The two are closely linked, notably because these communities have, by choice or obligation, always had to make mobility a factor in their lifestyle. In this context, migration is a particular manifestation of nomadism, a variant usually dictated by a set of circumstances which launch the Roma/Gypsy family on to new roads.

Currently, and increasingly, migration and other forms of travel are taking on great significance in the collective Roma/Gypsy consciousness, not so much in the sense of day-to-day mobility as is generally thought, but more as an explanation of the dispersal resulting from centuries of movement. The Roma/Gypsy people are becoming increasingly aware of this, and the ongoing rapprochement of Roma/Gypsy and Traveller communities, regardless of where they are based, is clearly expressed in the emergence of a transnational Roma/Gypsy identity, that of a non-territorial people whose members are linked by culture and language.

Diversity is also operative, given that in international law, Roma/Gypsies moving from one state to another may be classified as immigrants, migrant workers, refugees, asylum seekers, displaced persons, stateless persons, etc., a jumble further complicated by legislation and other regulations at national level, with their own specifications and corresponding terms, and administrative language with its own variants such as 'itinerants', 'nomadic populations', 'populations of nomadic origin', etc.

## Current migration and its significance

Since the early 1990s, a new preoccupation with immigration in general, and fear of a 'Roma/Gypsy invasion from the East' in particular, have given rise to much discussion, particularly in the media. Most international organizations have commissioned studies on the subject. The European Union, Council of Europe, OECD, OSCE, and the United Nations High Commissioner for Refugees

(UNHCR) have all demonstrated a growing interest in this question, which is now high on the international political agenda. In fact this international interest is a response to the sudden increase in Roma/Gypsy visibility as a result of migration from the Balkans (Romania, Bulgaria, former Yugoslavia) in search of temporary residence or political asylum in Western Europe. The situation in which the Roma/Gypsy communities live – the deterioration of their social situation, violent attack, burgeoning xenophobia etc. – is perceived primarily from the angle of real or potential migration as a 'problem' which may give rise to difficulties, a problem with an 'international dimension':

*In view of the seriousness of the situation of the Roma (Gypsies) in the CSCE region, the High Commissioner on National Minorities was requested at a meeting of the Committee of Senior Officials on 26-28 April 1993 "to study the social, economic and humanitarian problems relating to the Roma population in some participating states and the relevance of these problems to the Mandate of the High Commissioner and to report thereon to the Committee of Senior Officials through the Chairman-in-Office. In the discussion, it was furthermore stated that these problems, which fall into the larger category of migration problems, could also have an international dimension".<sup>717</sup>*

The 'danger' of massive Roma/Gypsy migration is often exaggerated, and little hard information is available as yet to provide a more accurate understanding of real movements. Existing statistics cover neither families in transit through a given state, nor illegal immigrants. Various reports have offered estimates, subsequently amalgamated in the CSCE report which emphasized their provisional nature. We know, for example, that 30,000 Roma/Gypsies from Bosnia and Serbia have sought refugee status in Austria, that Germany has taken in 70,000 Romanian Roma/Gypsies, and that Austria, Germany and Italy are still receiving considerable numbers of Roma/Gypsy immigrants. We are also aware of the pressures giving rise to this migration: living conditions all too frequently below a tolerable minimum act as a push factor, sometimes exacerbated by a rise in racist attitudes and behaviour from surrounding populations. Some reports stress that the worst might indeed come to the worst:

*It may, therefore, be useful to have in mind what a "worst case" scenario could look like. Should the Roma situation, as a result of failing human rights, further poverty, and/or racist attacks, lead them to attempt to flee from any one country, we can anticipate that they will encounter increasing numbers of fully armed border patrols along the frontiers of Central and Eastern European, and adjacent Western European, states, who will do their best to stop them. Should the Roma find themselves blocked in their flight, they may well believe that in order to survive they will have no alternative but to try to force their way across the borders or, despite the fact that they have no history of civil violence, to turn and fight those who have been attacking them.<sup>718</sup>*

Yet migrants of this type, in the popular image of refugees and asylum seekers, are not the only Roma/Gypsies crossing the new political frontiers of 1990s Europe. For example, significant numbers of Romanian Roma/Gypsies travel to Poland and/or the Czech Republic for the summer, and Roma/Gypsies travel within the Balkan countries in connection with commerce and seasonal agricultural labour. Migration may also take place in highly organized forms. For example, Romanian Roma/Gypsies have tended to emigrate in family groups rather than individually. Groups of Roma/Gypsies from a given locality or region of Romania have congregated in the same towns or regions abroad, thus recreating their original kinship networks. The first Roma/Gypsy to travel to Germany from Romania came from those regions which traditionally had a high concentration of ethnic Germans. These Roma/Gypsies followed the example of mass migration of Saxons and Swabians from Transylvania and the Banat in emigrating to Germany, a trend actively encouraged by the German government prior to the fall of communism, and resulting in massive population movements over the 1970s and 1980s. Families and groups with prior experience of forced displacement (for example Roma/Gypsies deported during the Second World War), or voluntary migration/nomadism within the state in connection with seasonal agricultural labour, the building trade and so on, demonstrate a greater disposition to emigrate abroad; travel practices developed within Romania were simply transferred to new territories. It is these groups which have experienced the most envy, hostility and violence from the local Romanian population from 1990 onwards, and which have also evoked such negative reactions in the states to which they have emigrated.

Over the 1970s and 1980s, a number of national administrations developed integration programmes for immigrant Roma/Gypsy communities, particularly those from Yugoslavia: this was the case in, for example, the Netherlands and Denmark, and in several German cities, among them Berlin, Düsseldorf, Hamburg and Cologne. The 1990s have seen the evolution of new policies, some of them expulsion tactics. For example, there is a Convention signed in September 1992 by the Ministers of the Interior of the Federal Republic of Germany and Romania, 'concerning the repatriation of German and Romanian nationals to their respective countries', dealing with 'Romanian and German nationals who have entered one of these two countries illegally'. However, statements made at the signing favoured the interpretation that the measures were directed primarily at Romanian Roma/Gypsies entering Germany, whether as asylum seekers or *Gastarbeiter* (migrant workers), and not against German immigrants in Romania. The number of Roma/Gypsies expelled from Germany under its terms is difficult to assess. Human rights organizations and Romanian Roma/Gypsy associations have monitored repatriation procedures, and an action-research programme has been jointly developed by Romanian and German NGOs to observe developments in the social reinsertion of repatriated families. A similar accord on the repatriation of illegal immigrants whose request for asylum has been denied was concluded between the Romanian and French governments in May 1994. This agreement provides financial incentives

for voluntary repatriation; the number of Roma/Gypsies potentially affected by it is estimated at 3-5,000. Bulgaria, the Czech Republic, the Republic of Macedonia and Poland have all signed similar agreements with Germany.

Acts of anti-Roma/Gypsy violence similar to those in Bâcu have occurred in the former Yugoslavia, both before and during the war: for example at Mostar (August 1991), at Kazarisi in Bosnia-Herzegovina, at Torianici, Baranya district (November 1991), in Belgrade's Zemun quarter (April 1994), at Zrenjanin (July 1994), at Gilane (September 1994), at Kosovo in Serbia, etc. During the battle of Vukovar, the Serbs forced Roma/Gypsies into the front lines; those who refused were executed, except for the few who managed to escape and report what was happening. Circumstances like these explain why the states of the European Union must not expel Roma/Gypsies from the former Yugoslavia when they request asylum or refugee status, and must acquaint themselves with the real situation in any given country before classifying it as 'safe' for the repatriation of Roma/Gypsies.

In the former Yugoslavia there is simply nowhere left for the Roma in territories sliced up along ethnic lines without taking them into account. Their safety cannot be guaranteed due to their lack of clearly established citizenship.

The Roma/Gypsy exodus of the 1990s is manifestly linked to the frequency with which they encounter violence, the passivity of local and national authorities, and the absence of an adequate judicial response. All of these forms of behaviour clearly defy the rule of law, as does the denial of any ethnic dimension to these recurrent events, which are presented as simple, isolated civic disturbances. In this context, international organizations have stepped up their attentions with regard to the specific situation of Roma/Gypsy in relation to human rights, and in particular their vulnerability to violence of a racist or xenophobic nature.

From the early 1980s, European institutions have been drawing attention to the problems associated with the free movement and migration of Roma/Gypsies, as a question on a European scale. Thus, in 1981, a group of MEPs submitted the motion to the European Parliament:

*'On a coordinated approach to reception arrangements for Gypsies resident in the Community. Whereas large groups of Gypsies without a homeland have been roaming for years around Western Europe; whereas the Council of Europe has made repeated appeals for an international approach to the Gypsy problem, which is particularly acute in the case of stateless Gypsies (...) believing that only an international approach to the Gypsy problem in Western Europe can lead to its solution.'*

The authors proposed that the governments of the member states adopt a coordinated approach to reception arrangements for Roma/Gypsies and investigate the possibility of providing them with an 'itinerant visa', and harmonizing provision throughout the member states.<sup>19</sup> Around the same time, in a statement from the Commission of Social and Employment Issues in the European Parliament, proposing a resolution 'on the discrimination faced by Gypsies', the MEPs pronounced that:

*'It is without doubt that because they have no home country and that they travel about without passports, that the Gypsies are often evicted by the authorities and repelled from one country to another. It is the duty of the Community to put an end to this inhumane situation', adding 'the Community must show solidarity with this group'.*

Within the Council of Europe, in 1981 the Standing Conference of Local and Regional Authorities of Europe (CLRAE) adopted a resolution 'On the role and responsibility of local and regional authorities with regard to the cultural and social problems of populations of nomadic origin', in which it recommended that the Committee of Ministers:

*'Draw up a legal instrument providing that travelling people living in any member country shall have the possibility of obtaining identity papers enabling them to travel at least in all member countries'.*

The Conference also called upon the governments of member states to sign and ratify the relevant conventions on the status of stateless persons and refugees. In 1983 the Committee of Ministers adopted its own resolution 'On stateless nomads and nomads of undetermined nationality', outlining proposals for action and stressing:

*'That it is desirable to contribute at a European level to a harmonized solution of these problems, particularly for humanitarian reasons in a way consistent with the legislation of each member state, while at the same time respecting the nomads' way of life.'*

Many more texts could be cited,<sup>20</sup> but these few references suffice to indicate both the significance of this question at European level, and the existence of convergent proposals from diverse institutions – proposals which may serve to improve the situation.

The idea of a comprehensive, coordinated approach to the problems associated with migration was endorsed at the Warsaw Seminar on the Roma, organized by the CSCE and the Council of Europe in late 1994, where it clearly emerged that an effective response to these difficulties will require an international approach. In this context, it is extremely important to guard against the development of a perverse side-effect: where Roma/Gypsy migration is concerned, the facts are often dramatized more, at international meetings, a practice associated as much with NGOs, both Roma/Gypsy and non-Roma/Gypsy, as with governments and their delegations. 'Roma/Gypsy migration' becomes a byword for the 'problem' of migration. Such a focus obscures the importance of positive thinking and action in areas such as education, local politics, cultural development and social action, while legitimizing the development of restrictive and coercive measures. We noted above that current migration is reactivating anti-Roma/Gypsy policies: there is a great risk that this contagion will spread all the way up to the international institutions which have up to now pursued important and positive actions in favour of Roma/Gypsy communities. Certainly, Roma/Gypsy-related issues should be looked at in connection with migration policies but, in view of the historical tendency towards homogenization of national

policies in relation to Roma/Gypsies, there is a very real danger that migration may serve as a pretext for a 'reductionist' perspective, starting with intergovernmental committees whose remit does not include reflection on education and culture.

## Consequences for the Roma/Gypsy

The current situation is a very grave one:

- Assimilationist policies have not led to integration, nor to adaptation and harmonious coexistence, but to the marginalization of Roma/Gypsies;
- Rejection remains the dominant attitude of society at large; tension develops into open conflict; scapegoats are quickly identified, with the result that they are harshly treated in an atmosphere of constant insecurity;
- Reality is always effectively obscured by the imaginary, and prejudice and stereotypes continue to inspire and subsequently to justify attitudes and behaviour.

It is difficult to remain immune from the effects of the treatment one is forced to endure. A small but growing number of those subjected to such treatment feel exhausted and crushed. The negative imagery surrounding Roma/Gypsies, the use of certain regulations as insidious instruments in undermining community cohesion, as well as false promises and pseudo-consultation indicating a lack of respect for people and their human rights, all combine to erode the resilience of individual men, women and children, and that of the community as a whole.

Extract from a letter written by Rajko Djuric, President of the International Romani Union, November 1990:

*'The Romani Union, the standing organization of the World Roma (Gypsy) Congress, wishes to express its worry and concern regarding the increasingly difficult, dramatic, indeed tragic situation of Roma and Sinti in many countries of the world, particularly in the states of Eastern Europe. In the wake of cruel persecution down the centuries, the Holocaust during the Second World War that caused the deaths of more than half a million men, women and children of our people, and a total absence of rights under communist dictatorships, nearly 15 million Roma and Sinti are currently the object of the most overt racist discrimination.'*

*'This people does not enjoy the protection of its national liberties nor its collective rights in any state, a situation in flagrant contradiction of international acts and documents. For this reason the Romani Union has repeatedly addressed itself to the United Nations, as well as the Council of Europe and the Commission of the European Communities, asking them to implement an initiative and to find ways and means of protecting the elementary collective rights of Roma and Sinti. Any further delay in the defence and protection of Roma and Sinti will entail grave consequences for the men, women and children of our people.'*

In addition to the discriminatory, coercive treatment to which Roma/Gypsy communities are often subject, and the difficulties arising from the transformations currently rocking the states of Central and Eastern Europe, the present period is also characterized by significant change affecting the form and nature of contact between Roma/Gypsies and surrounding populations. This includes the changing needs in societies increasingly motivated by consumerism, linked with profound economic and technological change. These developments have both economic and psycho-cultural consequences, affecting Roma/Gypsies in very particular ways such as the deteriorating quality of life on the road, the increase in suburban nomadism and urban settlement, and the resulting population concentrations in poor conditions. Negative social, economic and health effects have resulted.<sup>21</sup>

This is a critical period in Roma/Gypsy history – but it is not only the Roma/Gypsies who are in crisis. Apart from the centuries-old discrimination to which they are subject, and the regulations by which they are encompassed, the present crisis is, for the large part (notably on the economic plane) the crisis of surrounding societies. They too are finding it difficult to adapt, and find expression in a mounting rejection of others. Yet there are no grounds for overall pessimism: the culture of most Roma/Gypsy groups is thriving, lived as a daily, complete and coherent reality, and age-old adaptive strategies are still being exercised. Moreover, the present period, with its characteristic indecision and the introduction of innovative approaches in certain states, the increasing support of international institutions and the emergence and activism of Roma/Gypsy political, social and cultural organizations, forms a context which may favour positive progress.

# The emergence of a political space for Roma/Gypsies

## Analysis of examples at the national level

Among the encouraging signs already noted is the ratification by more and more states of international conventions, particularly those which open up possibilities for combating discrimination on ethnic and racial grounds (although Roma/Gypsies have yet to be recognized as something other than a social category). There is also a growing number of legal decisions, more and more often in Roma/Gypsies' favour, which are all the more important in that they form the basis for further legislation (rulings by the Council of State in France, the Supreme Court in the Republic of Ireland, the Supreme Tribunal in Spain) and they are gradually providing a way out of the legal void surrounding Roma/Gypsies, despite the plethora of existing regulations. Reform of legislation, however, can have a two-edged effect: on the one hand, increasing the penalties for discriminatory behaviour – particularly on the part of the authorities, for example by prohibiting forced mass evictions and protecting groups from hindrance of their lifestyle for no particular reason (see the recent reform of the Spanish penal code, and in particular its articles 18, 137A, 165, and 181A) – and on the other, breaking the long tradition of stigmatizing nomadism, which is generally classed in the penal code as 'vagabondage'; a disturbing way of life to be penalized, treated as an aggravating circumstance in case of transgression and a cause for suspicion at all times.

In fact an examination of practice at national level with regard to the legal and administrative treatment of the Roma/Gypsies indicates a great variety of situations. This stems from the diversity of political traditions, especially with regard to public recognition of the cultural make-up of groups within society, and in particular the legal recognition or non-recognition of national, ethnic, linguistic and religious minorities. This diversity is further accentuated by the changes currently taking place in the states of Central and Eastern Europe. As we have noted, current policy is often marked by indecision, giving rise to transitional situations characterized by ambiguity and paradox, but which also sometimes favours the emergence of new ideas and innovative practices. To these considerations must be added significant, positive development due to states' ratifying more and more international declarations and conventions directly impacting on the political and administrative treatment of Roma/Gypsies.

Further study needs to be undertaken in this field, and may in fact be one of the first projects launched in the wake of the CSCE/Council of Europe meeting of September 1994 (see below); such analysis would also require frequent updating.<sup>22</sup> The following is a brief catalogue of quotations from various national texts, with some of the measures taken. This classification is therefore solely illustrative covering only the legal situation. However, we can distinguish a number of broad categories:

- The neglect or non-recognition of Roma/Gypsies as a minority in legislative systems which fail to cover the particular rights of national and/or cultural minorities in general. In those states with a strong democratic tradition, the rights of ethnic and cultural (linguistic) minorities are covered within the provisions of common law, and Roma/Gypsies, as citizens, (theoretically) enjoy these general rights with no supplementary, specific legal protection.
- Failure to recognize Roma/Gypsies as a minority with specific rights, in those legislative systems which do recognize the rights of other minorities, which are clearly defined and recognized in the constitution and legislation, and/or in bilateral treaties covering political and cultural life. Non-recognition of Roma/Gypsies in connection with such provision is discriminatory; it is usually justified on the pretext that they fail to qualify under existing criteria for recognition of 'historic' national or linguistic minorities.
- Legal recognition of Roma/Gypsies as a minority through various legislative and other measures, such as the inclusion of Roma/Gypsy representatives (whether elected or appointed) on diverse bodies at local and national level, in particular those concerned with minorities and their rights. The constitutions of most Central and Eastern European states drawn up since 1989 include provision for minorities, including Roma/Gypsies. Moreover the principles and rights provided for in the case of national minorities may be reaffirmed in additional official documents and declarations specifically recognizing Roma/Gypsies as a national or ethnic minority. They may also be mentioned specifically, alongside other minorities, in the constitution itself and/or in laws adopted with regard to minorities. There may also, in addition to general provisions covering all national minorities, be legislation specifi-

cally targeting the situation of the Roma/Gypsies, and protecting them.

- 'Indirect' or implicit institutional recognition through the setting up of a government commission specifically in order to deal with Roma/Gypsy-related questions, and/or by developing programmes specifically targeting Roma/Gypsy communities and organizations.

To complete the picture, this typology must be cross-referenced with administrative practice, the development of concrete action and the amount of funding made available for the implementation of legislation and other provisions. At one end of the scale there are places where Roma/Gypsies enjoy recognition and legal status in theory, but virtually never in practice, and at the other extreme a total absence of legal provision accompanied by concrete support for Roma/Gypsy communities.

Some additional considerations may be useful in analyzing the situation:

- In this regard, there is no sharp dividing line nor difference between the states of Western, and those of Central and Eastern, Europe.
- In the current context of indecision, ambiguity and paradox are rife, but taking a constructive perspective it may be useful to analyze these with a view to a clearer definition of proposals aimed at improving Roma/Gypsies situation and legal standing.<sup>23</sup> The magnitude of change can be identified, as can the directions it is taking, and in examining instances of discrimination we can identify whether these are an expression of political resistance, entrenched routine, or a conservative attitude towards minorities in general.
- In relation to the previous point, it is important to note that states with little experience of their own can benefit from that of other states which have been developing activities in this field; further lessons can be drawn from the experience of other minorities in those cases where Roma/Gypsies have yet to be taken into account (for example, bilateral treaties on national minorities, none of which, to date, mentions the Roma/Gypsies).

## International institutions and their contribution

### European Union

The genesis and development of interest and concrete support on the part of the institutions of the European Union can be summarized in the following stages:

- In March 1984 the European Parliament adopted a resolution on the education of children of parents of no fixed abode, and another on the situation of Roma/Gypsies, in which it recommended to the governments of the member states that they should coordinate their outlooks, and called on the Commission to develop Community-funded programmes aimed at

improving Roma/Gypsies' situation without negating their cultural values.

- The Commission and the Gypsy Research Centre of René Descartes University, Paris, undertook a critical overview of the situation regarding school provision for Roma/Gypsy children within the Community. It set up meetings of Roma/Gypsy experts to guide and coordinate the study, and later to discuss recommendations; the resulting report, *School Provision for Gypsy and Traveller Children*,<sup>24</sup> was published towards the end of 1986. Following an extension of the study to cover new member states Spain and Portugal, the exercise culminated on 22 May 1989 with the adoption by the Council and the Ministers of Education of a resolution on school provision for Roma/Gypsy children.
- This text is one of the most basic gains made by and for the Roma/Gypsy communities. One of the opening paragraphs recognizes – indeed, emphasizes – that Roma/Gypsies' 'culture and language have formed a part of the Community's cultural and linguistic heritage for over 500 years'. It goes on to outline a catalogue of measures adopted by the ministers to be developed by the member states at national level, while the Commission was charged with stimulating national initiatives, organizing exchanges of views and of experience, ensuring coordination, documentation, and ongoing evaluation of measures as a whole.
- More and more actions have been undertaken at both state and Union levels, notably organizing meetings, a newsletter in several languages and support for publications, inter-school exchange, the networking of pilot projects, assistance to enable Roma/Gypsy organizations to hold meetings on school-related questions, etc.
- While it is true that education-related questions were the first to engage the sustained interest of the Commission's services, it subsequently broadened the scope of its concern. Thus, a hearing bringing together experts and Roma/Gypsy representatives was held in May 1991, giving the Commission an opportunity to acquaint itself with the analyses and proposals of Roma/Gypsy associations. At the conclusion of this hearing, and after distribution of the report arising from it, the Commission undertook to study conditions relevant to developing activities relating to Roma/Gypsies.
- Many ongoing programmes include actions of relevance to Roma/Gypsies. For example, the 'Second Combat Poverty Programme' assisted teams in Ireland, Spain, and Portugal. The third programme, 'Poverty 3', also entails action for Roma/Gypsy communities: of its 39 projects, four (in Greece, Spain, Italy and Ireland) directly involve Roma/Gypsies. Other actions have been developed within the framework of the European Social Fund and the 'Horizon' programme, enabling numerous associations work-

ing with Roma/Gypsies to develop projects of their own. Other activities are being expanded, notably in connection with aid programmes for Central and Eastern Europe.

- The European Parliament, which regularly questions the Commission with regard to the action it undertakes, has a sustained interest, evident in oral and written questions, resolutions, and active support in the field of education through the adoption of a budgetary line enabling the implementation of the Resolution of 1989.

### The Council of Europe

- Through its Recommendation 563 (1969) on the situation of Roma/Gypsies and other nomads in Europe, as well as by the many questions it has submitted to the Committee of Ministers, the Parliamentary Assembly has drawn attention to the situation of Roma/Gypsy communities.
- Resolution (75)13 (Containing Recommendations on the Social Situation of Nomadic Populations in Europe, adopted by the Committee of Ministers on 22 May 1975) addressed questions of general policy, stopping, accommodation, education, vocational guidance and training, social and health provision, and social security. The Committee of Ministers:

*'Invites the governments of member states to inform the Secretary General of the Council of Europe in due course of the action taken on the recommendations contained in this resolution.'*

Twenty years on, the time has come to examine what the member states have to report;

- Resolution 125 (1981) of the Standing Conference of Local and Regional Authorities in Europe (CLRAE) 'On the Role and Responsibility of Local and Regional Authorities in Regard to the Cultural and Social Problems of Populations of Nomadic Origin' addressed the overall situation of Roma/Gypsy communities in detail, and put forward a series of recommendations. It was in direct response to the education-related section of this resolution that the Council for Cultural Cooperation (CDCC) decided, in 1983, to organize an international seminar which was to be the first of a series. The Council of Europe has also provided both the original impetus and ongoing support for a number of publications, most of them education-related.<sup>25</sup>
- Consideration has not been confined to education-related matters. In 1983, the Committee of Ministers adopted Recommendation R(83)1 on Stateless Nomads and Nomads of Undetermined Nationality. The *ad hoc* Expert Committee for Identity Documents and the Circulation of Persons adopted its final activity report on the examination of legal questions relating to the circulation of nomads in 1986. The Committee of Ministers has, in response to members' questions, emphasized certain important points, for

example at its meeting in April 1984, in reply to question no. 271 'On the Recognition of the Roma People as an Ethnic Minority'.

- Among more recent developments, in February 1993 the Parliamentary Assembly adopted Recommendation 1203 'On the Situation of Roma in Europe'. The Assembly drew attention to the difficult situation of Roma/Gypsy communities and the importance of implementing texts already adopted, and recommended that the Committee of Ministers take the initiative, if necessary in the form of proposals addressed to the national governments, regional and/or local authorities of the member states, in the fields of culture, education, information, equal rights, and daily life, as well as general measures such as research, cooperation with the European Community, consultation with representative international Roma/Gypsy organizations, and designating mediators. This recommendation repeatedly emphasizes that, 'as one of the very few non-territorial minorities in Europe, Gypsies need special protection'.
- Following a hearing in 1991, CLRAE organized a colloquium in Slovakia in 1992, bringing together local authorities, representatives of Roma/Gypsy communities, and experts. This confirmed the results of the 1991 hearing. Its conclusions emphasized the necessity both of updating and of reactivating the 1981 resolution, and of putting forward concrete work proposals.<sup>26</sup> CLRAE decided, on the basis of the combined conclusions of the hearing and the colloquium, to prepare a new text. This Resolution 249(1993), 'On Gypsies in Europe: The Role and Responsibility of Local and Regional Authorities', was adopted in March 1993. The Conference expressed its regrets that texts already adopted had been followed by so few concrete effects. It urged local and regional authorities to adopt a holistic approach, within which they should take the necessary measures to facilitate Roma/Gypsies' integration into local communities, develop consultation and participation with Roma/Gypsies themselves, combat prejudice, and take part in developing a network of municipalities.
- The Committee of Ministers of the Council of Europe has been asked to urge governments to implement the adopted texts, to invite the CDCC to intensify the work in which it has been engaged for a decade through publications, organizing seminars, commitment to establishing and participating in the municipalities network, launching a 'European Gypsy Cultural Itinerary', and taking account of Roma/Gypsy-related aspects within the new 'Democracy, Human Rights, Minorities: Educational and Cultural Aspects' programme. The resolution also carries proposals in relation to human rights, the study of migration-related questions (through the activities of the European

Committee on Migration [CDMG]) and the study of questions relating to the mass media. It invites Roma/Gypsies and their organizations to actively participate and emphasizes the importance of the work being carried out by the European Community and the OSCE, as well as the necessity of ensuring the complementarity of their work. The municipalities network was launched in 1995, and the Council for Cultural Cooperation has commissioned a preliminary study with a view to developing the European Roma/Gypsy Cultural Itinerary project.

- The CDMG has intensified its work in relation to Roma/Gypsy communities: in January 1994, it received a mandate from the Committee of Ministers to:

*'Carry out an in-depth study on the different aspects of the situation and living conditions of Gypsies in the new European context. This work should be undertaken with due regard to Recommendation 1203 (1993) of the Parliamentary Assembly on Gypsies in Europe, and in close cooperation with work being pursued in other fields, notably within the European Union.'*

#### Organization for Security and Cooperation in Europe (OSCE)

(Formerly the Conference on Security and Cooperation in Europe, CSCE).

- At the conclusion of the Copenhagen meeting of the Conference on the Human Dimension of the CSCE, in June 1990, an important document was adopted by the participating states. This final document says that these states have come together 'to reinforce respect for and enjoyment of all human rights and fundamental freedoms, the development of human contacts and the resolution of the issues of a related humanitarian character'. Chapter IV is entirely devoted to national minorities: its Article 40 concentrates on questions of racism, and it is important to note that Roma/Gypsies are the only minority mentioned by name in this context.
- As a follow-up to the Copenhagen meeting, a CSCE expert group on national minorities held a meeting in Geneva, in July 1991. In Chapter VI of this meeting's final report, participating states expressed their concern in relation to the proliferation of acts of violence on racial, ethnic or religious grounds. In this context:

*The participating States ... reaffirm their recognition of the particular problems of Roma (Gypsies). They are ready to undertake effective measures in order to achieve full equality of opportunity between persons belonging to Roma communities ordinarily resident in their state and the rest of the resident population. They also encourage research and studies regarding Roma and the particular problems they face.'*

- Following these conclusions, the governments of the participating states have begun to focus on Roma/Gypsy-related questions, and these are now being pursued within the broad context of the consideration of problems and practices developed within the OSCE. At the Moscow Meeting on the Conference on the Human Dimension of the CSCE (September-October 1991), representatives of participating states again drew attention to the situation of Roma/Gypsies, and did so yet again at the CSCE meeting in Helsinki (March-June 1992). In the chapter dealing with questions of involvement and cooperation in the human dimension:

*'The participating states ... reaffirm the need to develop appropriate programmes addressing problems of their respective nationals belonging to Roma and other groups traditionally identified as Gypsies and to create conditions for them to have equal opportunities to participate fully in the life of society, and will consider how to cooperate to this end.'*

- In April 1993, the CSCE's High Commissioner for National Minorities was charged with:

*'Studying the social, economic and humanitarian problems concerning the Roma population in several of the member states and their relevance to the mandate of the High Commissioner (decisions in Helsinki, chapter II, paragraph 2.7) and to report on the question to the Committee of Chief Civil Servants. During the discussion it was also stated that these problems can also have an international dimension.'*

The report, based on analysis of reports compiled on other occasions, and referring back to texts already adopted (notably the Resolution of 22 May 1989 adopted by the Ministers of Education of the European Community, as well as Council of Europe and UN texts), was submitted in September 1993. It contains proposals of a general nature but also proposals expressed specifically in terms of the dynamic of the human dimension developed within the CSCE. It makes reference to the texts mentioned above, adopted by the participating states, and demands the implementation of the CSCE's commitments, particularly those measures mentioned in the document issued at the Copenhagen meeting.

During a CSCE-organized seminar on minorities (Warsaw, May 1993), in connection with the work of the subgroup on 'dispersed minorities', Roma/Gypsy-related questions were once again given prominence. In 1994 the CSCE, in cooperation with the Council of Europe, held another seminar in Warsaw, this time focusing on the situation of Roma/Gypsy communities. This seminar confirmed and strengthened concepts and working guidelines developed over a number of years, and a marked willingness for inter-institutional cooperation was shown in connection with the development of a partnership involving Roma/Gypsy organizations. The Roma/Gypsy came up yet again at the CSCE's Budapest meeting in the autumn of that year, when the CSCE Office for Democratic Institutions and Human Rights (ODIHR) was mandated to develop a 'Contact Point' for Roma/Gypsy-related questions.

#### United Nations

Roma/Gypsies made their first appearance in a UN text in 1977 when, in the wider framework of the Economic and Social Council's Commission on Human Rights, the Sub-Commission on the Prevention of Discrimination and Protection of Minorities appealed: *'to those countries having Roma (Gypsies) living within their borders to accord them, if they have not yet done so, all the rights enjoyed by the rest of the population'*, (resolution adopted on 31 August 1977). In August 1991, the Sub-Commission on Prevention of Discrimination and Protection of Minorities, recalling its resolution of 1977, drew attention to:

*'The fact that, in many countries, various obstacles exist to the full realization of persons belonging to the Roma community of their civil, political, economic, social and cultural rights, and that such obstacles constitute discrimination directed specifically against that community, rendering it particularly vulnerable.'*

It also stated that 'manifestations of prejudice, discrimination, intolerance and xenophobia' affect the Roma/Gypsy community, and recommended a draft resolution for adoption by the Commission on Human Rights (33rd Session, 28 August 1991, 1991/21, Protection of Minorities). Finally, the Commission on Human Rights, during its session on 4 March 1992, adopted Resolution 1992/65, entitled 'On the Protection of Roma (Gypsies)'.

ECOSOC, the Economic and Social Council of the United Nations, took a highly significant step in March 1979, when it recognized the International Romani Union (IRU) as an NGO representing Roma/Gypsies. The IRU went on to play an important role in meetings of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, as well as a vital informing and sensitizing role within the CSCE. In March 1993 the UN upgraded its classification of the IRU to that of Consultative Status, thus giving greater weight to its contributions.

The problems faced by Roma/Gypsies in different states are highlighted by special rapporteurs of the Commission and Sub-Commission on Human Rights, and are also included in the activities carried out by specialized UN departments. In 1993, UNHCR published a report on the situation of Roma/Gypsy communities in some Central and Eastern European states. This carried a series of recommendations addressed primarily to the UNHCR itself. It aimed to protect Roma/Gypsies from persecution; ensure equal treatment for those seeking asylum; engage the attention of NGOs; particularly those of a humanitarian nature, and to organize sustained observation and information on the part of each UNHCR bureau with a view to being able to understand and improve the situation. One of the results of this intensified attention is that, over the past few years, the reports periodically presented by national governments to specialized UN bodies such as the Committee for the Elimination of Racial Discrimination and the Committee on the Rights of the Child, mention the situation of Roma/Gypsies in their respective states with increasing frequency.

UNESCO has given moral support to a number of short-term projects related to research, teaching, and/or publication, especially in connection with the Romani language (for

example the seminar on standardizing Romani, Warsaw, April 1990, to which UNESCO sent the head of its linguistic division). It has also provided financial support for two summer schools organized by the IRU (Belgrade 1989 and Vienna 1990). UNESCO is currently involved in literacy- and education-related pilot projects in a number of states, as well as a pilot project focusing on Roma/Gypsy culture.

UNICEF, through its International Child Development Centre, has turned its attentions to the situation of Roma/Gypsy children, particularly with regard to education, in several states. A comparative study, a seminar, and a publication have all resulted, and a more in-depth evaluation and networking of certain projects has been undertaken and will be intensified over the course of 1995. In this context, too, the experience accumulated by European Community projects may be of direct benefit to project development in Central and Eastern Europe; conversely, the West has a great deal to learn from activities developed in these parts of Europe.

#### International support

An overview of the activities of the past few years shows that European institutions have responded positively to some of the promptings of such resolutions, and their member states are taking an active stance. There are signs that a more wide-ranging approach is being adopted. This is characterized by a three-pronged approach, which should open up the way towards examining questions within their overall context: an intensification of reflection; a diversification of interest; and a collaborative system.<sup>27</sup>

In the context of the present period of indecision, international institutions have an important role to play, and can exercise significant influence. An evaluation of the implementation of certain measures, for example in the field of education,<sup>28</sup> reveals that new practices contributing to greater respect for Roma/Gypsy communities and their cultural and political dynamics are emerging at both national and international level. However, there remains a need for independent, solid, fully competent management to ensure consultation, coordination, evaluation and continuity.

#### The development of political action by Roma/Gypsies

##### Roma/Gypsy organizations

The history of Roma/Gypsy organizations goes back a long way, and has passed through a number of stages which cannot, however, be covered in depth.<sup>29</sup> In the 1920s Roma/Gypsy associations were set up in Russia, Belarus and Romania, and in other countries in the 1930s. In the aftermath of the Second World War, there is hardly a state in Europe in which Roma/Gypsy organizations have not emerged. Meetings – local, regional, national, sometimes even international – are being held. In conjunction with the profound transformations taking place in the states of

Central and Eastern Europe since 1989, there has been a mushrooming of Roma/Gypsy associations there, and these are taking their place in the political arena; the number of associations is on the rise in Western Europe too.

At international level, the Comité International Tsigane (International Gypsy Committee) was founded in 1967; and organized the first World Gypsy Congress (London, 1971) with delegates from 14 countries and observers from a number of others. The presidential address by Slobodan Berberski encapsulated the spirit behind the Congress:

*The goal of this Congress is to bring the Rom together and to encourage them to act throughout the world, to bring about our emancipation in accordance with our own intuition and ideals – to go forward to a rhythm that suits us ... Everything we do will bear the mark of our own personality, it will be amaro Romano drom, our own Gypsy way ... Our people must plan and organize action at local, national, and international level. Our problems are the same everywhere: we must make use of our own models of education, maintain and develop our Rom culture, encourage new dynamism in our communities and forge a future compatible with our lifestyle and beliefs. We have been passive for long enough, and I believe that we can succeed – starting today.*

Delegates rejected the terms 'Tsiganes, Zigeuner, Gitanos, Gypsies' etc., which are not their own, and opted instead for the term 'Roma'. In a strong feeling of unity, they declared that, 'all Roma are brothers' – a reference to the old Romani proverb, 'sa e Rroma phrala'. They felt that their aspirations were the same in the various countries; and as organizations came together, the Roma became increasingly aware of their shared identity, just as they were asserting their presence to the world at large. The International Gypsy Committee, which was to be renamed the International Rom Committee, became the standing secretarial and executive organ, providing delegates to national and international bodies to represent the Congress, which remained the sovereign body. A flag and anthem were adopted, and five commissions (on social affairs, education, war crimes [i.e. researching Nazi genocide, perpetuating the memory of Roma/Gypsy war victims, compiling files for war reparations], linguistics, and culture) were established. A single slogan sums up the Congress: 'The Roma people have the right to seek out their own path towards progress'.

The Second World Congress was held in Geneva in 1978. This brought together approximately 60 delegates and the same number again of observers, representing a total of 26 countries. It was marked by mutual recognition between the Roma/Gypsies and India, of India being the 'homeland', but also by certain changes of direction. The Congress action programme aimed for the recognition of Roma cultural specificity, their right to maintain and develop this and the recognition of international bodies. It also aimed to combat the politics of rejection and assimilation, as well as to pursue attempts to standardize the language. A new international organization, Romano Ekhipe (Romani Union) emerged from this Congress, and sought to attain recognition by ECOSOC, an essential point in realizing the goals they had set themselves. By the time

the Romani Union submitted its dossier to the UN, it represented 71 associations in 21 different states. In March 1979 the organization was granted consultative observer status in the 'Roster' category, which occasionally brings NGOs together to enable them to contribute their expertise to ECOSOC as well as to other bodies within the UN. Fourteen years later, in March 1993, its status was upgraded from the 'Roster' to full Consultative Status. What is more, the organization has also set up a cultural foundation, Rromani Baxt, with its headquarters in Warsaw, and is gradually establishing branches further afield.

The Third World Gypsy Congress took place in Göttingen, Federal Republic of Germany, in May 1981, with some 300 delegates representing 22 states. It focused on remembering the Holocaust and Roma/Gypsy victims' continuing demand for war reparations. The Fourth Congress was held in Serock, near Warsaw, 8-11 April 1990, and brought together 320 participants from 24 states. This was the first time a Congress was held in Eastern Europe, and the great majority of delegates came from this region, with large delegations from states which had been unable to send representatives to earlier Congresses, among them Romania, just emerging from its own revolution. Similarly, this was the first opportunity that representatives from many Soviet republics, and Albania, had had to participate in an event of this kind. Significantly, the states of Western Europe were poorly represented.

Today, national and international meetings are taking place at an ever-quickening pace. The International Romani Union has, from the early 1990s, played an increasingly important role as a pressure group. As an NGO dealing with national governments it takes an active and constructive role at seminars and conferences, particularly at the OSCE and also in a more *ad hoc* fashion with the Council of Europe and the European Community.

The Roma/Gypsy political movement is taking shape on other continents as well. The International Roma Federation was founded in 1993 in the United States, with the aim of intensifying cooperation between Roma/Gypsies in that country with Roma/Gypsies in Europe. There are also organizations in Latin America, Australia etc. However, here we shall concentrate on the European context.

## Towards a European partnership

A general rallying is also in evidence among Roma/Gypsy organizations at European level: recognizing the necessity of developing partnership with European institutions such as the Council of Europe and the European Union, and they are clarifying their own self-definitions in order to optimize their response. From this arose the idea of EUROM, the European Roma Parliament, put forward at a November 1990 meeting at Millheim, in Germany, organized by the Rom & Cinti Union. The project is currently defining regulations for Europe-wide elections with a view to achieving democratic representation at European level, and developing contacts with European institutions. Following further

meetings in Moscow and Vienna, and in order to proceed with the realization of the idea, notably by putting the question of drawing up statutes for debate, the Hungarian Rom Parliament (Ungritkone Themesko Romano Parlamènto) hosted a meeting in Budapest in August 1992. Another development has been the setting up, at the initiative of the International Romani Union, of the European Committee of the Romani Union (Europaqo Komite e Rromane Uniaqoro). This was established in September 1991 by delegates to a conference in Ostia, near Rome, representing some 15 European states, again with the objective of developing partnership with European organizations and institutions.

In June 1994, at a meeting in Strasbourg under the auspices of the Council of Europe (convened in preparation for the seminar on the Human Dimension of the CSCE on the situation of the Roma/Gypsies, to be held in September of that year), participants advocated the setting up of a Standing Conference for the Cooperation and Coordination of Romani Associations in Europe. The concept was clarified over the course of preparatory meetings and at the seminar itself. This Conference is not intended as a new organization, nor does it replace any existing body at national or international level. Its purpose concerned the practical goal of optimizing preparations for the September CSCE seminar, and of establishing dialogue, information exchange and cooperation between existing associations to improve coordination and avoid duplication. The role of the Conference is essentially the coherent promotion of Roma/Gypsy associations in their dealings with national and international officialdom. At the September seminar, a desire was expressed for the Conference to remain in existence as a means of consolidating Roma/Gypsy partnership. The current climate is largely favourable to such a development, and the openness and flexibility of the 'standing conference' formula should enable it to fulfil this role.

## Developing political strategies

The development of Roma/Gypsy political organizations indicates political maturity, diversity, and plurality. The current blossoming of Roma/Gypsy ethno-politics is being accelerated by questions arising from migration, refugees and defining the status of the Roma/Gypsy people, all of which are the subject of wide debate within Roma/Gypsy associations, particularly regarding prioritizing response.

### The reaffirmation and reclaiming of Roma/Gypsy identity by migrants and asylum seekers

As they undergo the experiences associated with migration and the seeking of refuge, individuals, families, and entire groups of Roma/Gypsies discover new aspects about themselves and their collective identity. They may also find themselves sharing these experiences with other individuals and ethnic groups from different countries, all part of the same currents of migration and all confronting the same attitudes from majority/native populations.

In all of these new situations, Roma/Gypsy groups find

fresh allies (humanitarian organizations, groups defending the interests of refugees or human rights in general) and new competitors for the same limited resources (a quota on how many asylum seekers will be taken in, a limited number of temporary work contracts, etc.). They thus discover themselves in entirely new contexts: not just different countries and cultures, but also refugee camps or suburban hostels where they are allowed to stay for a time, living alongside people and families from very different places and ethnic origins, in complex, multicultural social contexts, characterized above all by their international/transnational nature. Talk of human rights becomes more understandable and appealing, more promising in direct personal terms: perception of violation of these rights in the country of origin, the right to freedom of movement, the rights of, and protective measures for, refugees and asylum seekers etc.

An awareness of ethnic identity as Roma or Gypsy is taking shape: people classed simply as 'poor' in their Balkan homelands discover and assert the fact that they had been experiencing political persecution for their beliefs or simply for their Roma/Gypsy identity in countries where prejudice, discrimination and rejection of their group are endemic. In some extreme cases, individuals from the ethnic majority in the country of origin claim to be members of the 'Roma/Gypsy' ethnic minority in order to justify their demand for political asylum abroad. This development has given Roma/Gypsy asylum seekers and migrants an additional need: to clarify the criteria of Roma/Gypsy identity.

### Practical steps in support of human rights for Roma/Gypsy migrants and refugees

A number of Roma/Gypsy associations, particularly in Germany, have mobilized around administrative issues and the specific demands raised by diverse Roma/Gypsy groups and families: those who travel out of choice (and who are confronted with the requirements imposed by national and international regulations governing freedom of movement); the right of abode for foreigners; procedures for seeking political asylum; those who have come in seeking long-term residence as migrant workers; those whose efforts to regularize their situation as one of the above, have been unsuccessful, and who find themselves facing forced repatriation; etc.

In outlining Roma/Gypsy organizations' current lines of action, mention should also be made of their relations with NGOs, as well as a growing militancy in opposition to expulsion measures taken against Roma/Gypsy asylum seekers, and in response to the situations prevailing in different states regarding Roma/Gypsy families' accommodation, school provision, economic activities etc. To these should be added their developing partnership with national institutions and international organizations.

There is thus ongoing debate within the Roma/Gypsy movement. The 'transformation' augured by developments in the early 1970s is currently being consolidated. In fact the transformations have already taken place, and are now being fine-tuned. An entirely new book would be required to update that which, when published over 20 years ago, bore the title *Mutation Tsigane* ('Gypsy Transformation').<sup>30</sup>

The ethno-political discourse and practice of Roma/Gypsy associations in their defence of Roma/Gypsies on international migration routes, may involve human and minority rights. Alternatively, a growing awareness of ethno-political identity may lead to the assertion of the 'Roma/Gypsy exception', an insistence on Roma/Gypsy specificity which renders their situation unique in comparison to other cultural and ethnic minorities competing for resources and stability within the migratory movement. Here we have a new stage in 'Roma/Gypsy transformation': different Roma/Gypsy groups, their separate identities forged in the diverse 'waves' of migration characterizing their history, defining and redefining their various stances with regard to such questions, both in relation to each other and in their relations with the authorities of the states on whose territory they find themselves. Examples include:

- A demand for the protection of Roma/Gypsy rights and for special legal status at European level, as defined in the 'European Charter for Roma Rights' (position of the Roma National Congress).
- A demand that Roma/Gypsy and Sinti be protected from discrimination and enjoy their full rights as citizens of their respective countries: in other words, no legislation specifically for Roma/Gypsies, and no specific mention of Roma/Gypsies in general legislation (position of the Zentralrat Deutscher Sinti und Roma);
- The middle ground between these options is to be found in the demand for protection of Roma/Gypsies through adapted implementation of general legislation, human rights and minority rights, at local, national and transnational levels. As previously noted, the law in general (and specific legislation where it exists) is generally on the Roma/Gypsies' side, but it is often selectively applied, hence the necessity for enforcing it by various means, notably through developing partnerships between Roma/Gypsy organizations and international, national and regional bodies.



# Confirming a cultural space for Roma/Gypsies

## The variety of Roma/Gypsy groups and the construction of a cultural identity

Roma/Gypsy reality is enormously varied. The historical experience of various groups, their encounters, stopping-places, routes travelled and intersected, and the diversity of their contacts with constantly changing surroundings, have given rise to a great variety of cultural and social characteristics within various groups – and continue to do so. Always immersed in other culture(s), Roma/Gypsy life is characterized by continuous adjustment and adaptation to a changing environment. Roma/Gypsy society has thus been characterized, throughout its history, by the invention and development of strategies of adaptation and negotiation. The result is a tradition of change and innovation. Public misunderstanding of Roma/Gypsies – and even research concerning them, by seeking to establish constancy and uniformity where in fact there is only change and variety – have contributed to popular misconceptions and given rise to analyses based on total inaccuracy – which have a very direct impact on policies affecting the Roma/Gypsies themselves. After all, it is argued, Roma/Gypsies are changing; they are not what they were in the past, so they are no longer 'real Roma/Gypsies', i.e. they are no longer themselves, so they need to be helped to 'integrate'. A different analysis is required, recognizing the permanence of lifestyle and profound sense of identity characterizing Roma/Gypsy culture.

Social organization is one of the elements which sustain this lifestyle and enable it to adapt to changing circumstances. Roma/Gypsies form a 'worldwide mosaic of diversified groups'.<sup>31</sup> This is to say, on the one hand, that a mosaic constitutes a whole, the elements of which are in some respects linked to each other, and that the connections permeating the whole contribute to its organization and structure; and yet, each element of the whole possesses its own individual characteristics which, taken in isolation, make it appear to be different from every other component. Out of the differences which arise and develop (affecting trades, travelling practices, language, various rituals etc.) emanates a complementarity, and it is this complementarity which constitutes the whole.

The variety of ethnic self-identifications are an obvious sign of diversity: hundreds of names formed by a wide range of diverse criteria cover hundreds of groups, each of which insists on its own uniqueness. Generally, these groups comprise extended families, however, no group

can be understood in isolation. Family groups are part of wider social groups and thus, like a series of Chinese boxes, sets and subsets are formed, taking in more and more groups. It is the group system itself which must be taken into account in any comprehensive, dynamic approach to Roma/Gypsy society: groups exist because of, and for, one another, and it is within this framework that a balance is established, applying to alliances by marriage as much as to business deals. Roma/Gypsy political life is diffuse, an inextricable presence in every social act and in all relations, be they of association or opposition. It sometimes crystallizes in connection with certain mechanisms such as the kris, an organ of justice and social regulation in certain Roma/Gypsy groups. While there are certainly families whose fortunes have, in one way or another, detached them from this great group network, these generally maintain an awareness of such relations in preceding generations.

The interlinking of these groups, and their adherence to common values, are maintained through encounter and exchange; links are woven day by day, reinforced, refined, sometimes discontinued. This organization is entirely adaptable to circumstance, to the variety and challenge of the encounters and conditions which come its way. Groups may draw closer together or even merge, while others retreat, subdivide, or even fragment down to the individual level if they are absorbed by their environment: the whole is capable of encompassing all of these processes, and it is regulated by mechanisms of social control, thus guaranteeing the continuity and cohesion of social structures.<sup>32</sup> While the relative distance between groups is felt in a wide variety of ways, and is sometimes significant, a feeling of closeness and community nonetheless exists; for example, in some groups the saying '*sem Rroma sam*' ('we are Roma, after all') is frequently cited to emphasize Roma/Gypsy identity and in praise of cherished group values (hospitality, generosity, friendship), to soothe inter-family tensions or as an expression of a desire to unite in the face of adversity brought about by non-Roma/Gypsy.

## Cultural wealth

### Contribution to European cultural heritage

As previously discussed, one of the most important texts ever issued by an international organization with regard to Roma/Gypsy people is the Resolution of 22 May 1989 on school provision for Roma/Gypsy children, adopted by the Council and the Ministers of Education of the member states of the European Union. Its significance is far-reach-

ing, particularly because it acknowledges and recognizes that Roma/Gypsy culture has formed part of the European heritage, and this places a duty on the international authorities and governments of the member states to provide this culture and language with the means, not merely to survive, but to develop, giving short shrift to the assimilationist pulls still very much in evidence in these states.<sup>33</sup>

The Council of Europe, for its part, is working on a 'European Gypsy Cultural Itinerary' as a feature of its European Cultural Itineraries programme. This will provide invaluable support for Roma/Gypsy culture, from any number of different angles (recognition, validation, visibility etc.).

## Education policies: a concrete hope

In the course of confirming a cultural space for Roma/Gypsies, scholastic questions as well as those of a broad educational nature, figure prominently. It is these which have occupied pride of place in the attentions of the European Union, the Council of Europe, and a number of national governments over the past decade, and which continue to do so. These are delicate and sensitive issues, but among the most crucial in developing a positive future, and several points should be noted:

First, the gap between in-family education and the school world as it is most often proposed, must be taken into account. To date, too little attention has been paid to ascertaining the educative values and dynamics operating within the Roma/Gypsy family. As a result, teaching practice is all too often in opposition to in-family education, instead of complementing it. Second, the manner in which Roma/Gypsy parents educate their children must not be judged according to the criteria employed by surrounding societies in educating theirs; to do so is to adopt an ethnocentric, deprecating attitude. Indeed, in many regards, the education Roma/Gypsy parents give their children corresponds to many of the values which the professional educators around them wish to convey to the children of their own society: autonomy, responsibility, community values etc. Finally, in developing the scope and duration of schooling, European countries have sometimes allowed it to take over much of the role of in-family education, with a correlative transfer by parents of their educative role to the school; gradually, 'schooling' and 'education' have become virtually synonymous. Yet if this is the reality for most, it is not so for all, and it is worth pointing out that for some, including Roma/Gypsies, school is merely a part (and sometimes less than that) of their children's education.<sup>34</sup> Jean-Pierre Liégeois describes the current situation:

The situation is very grave. All Roma/Gypsy communities are deeply affected by difficult living conditions. Throughout Europe, rejection in a variety of forms remains the dominant characteristic in relations between Roma/Gypsies and their immediate environment: accommodation difficulties, health hazards, evictions, denial of access to public places etc. Tension can rapidly escalate into open conflict, particularly during periods of economic difficulty and widespread unemployment; for Roma/

Gypsies, the upshot is harsh treatment in a climate of perpetual insecurity.

In such a context, and given the fact that the school as an institution is often part of what Roma/Gypsies perceive to be an aggressive environment, education may be seen as yet another imposition, and one whose quality leaves much to be desired. Parents may feel that the school's proposed 'formation' of their children may de-form, that is, culturally estrange, them. And for many, this analysis is well-founded. Parental resistance and the persistence of these communities are a sign of the strength of Roma/Gypsy culture and of parents' capacity to educate their children over the generations.

As a consequence, we must not take the effects of the overall situation (disinterest, absenteeism, outright refusal) as the causes of scholastic failure. As long as relations between Roma/Gypsy communities and surrounding society remain conflictual, parents', and children's, relations with the school will remain largely determined by the negative profile of these broader relations.

We have thus identified a very strong primary link between the general situation, and that pertaining in the schools. In the member states of the European Community in the late 1980s, only 30-40 per cent of Roma/Gypsy children attended school with a degree of regularity; over half received no schooling at all; a very small percentage got as far as, or entered into, secondary level. Scholastic achievement, particularly as regards the attainment of functional literacy, is not in keeping with the amount of time spent in school.

Study and reflection indicate the existence of a second link, just as strong as the first, between the general situation and that pertaining in the schools. Roma/Gypsies' age-old adaptability is currently being tried to the limits, and their established strategies for adapting to their environment are becoming inadequate. Therefore, their difficulties in surviving as a cultural minority group are on the rise. Today virtually any activity, particularly of an economic nature, demands a basic grasp of reading, writing, and arithmetic. Illiteracy no longer provides protection from the aggression of other cultures as channelled through the school and what is taught there, but becomes a serious handicap in an environment in which the written word is an omnipresent, unavoidable reality.

Lack of schooling is a serious handicap for economic reasons, but equally serious for social and psychological reasons as well: for example, dependence on the social services, a situation which is incompatible with the Roma/Gypsies' legitimate pride in handling their own, and their children's, affairs. For Roma/Gypsies, schooling is synonymous with autonomy, and providing them with it will ensure significant savings for the public purse: the cost of adapted school provision is far less than the expense of providing social assistance which Roma/Gypsies by and large reject.

In other words, the future of Roma/Gypsy communities depends to a large degree on the schooling available to their children. Active adaptation to the environment, in social as well as economic terms, today requires a grasp of certain basic elements which enable one to analyze and comprehend a changing reality. On the cultural plane these same elements can serve as tools for those wishing to conserve,

affirm and develop their own unique identity.

Parents are aware of this, and are increasingly willing to send their children to school. Here we find a crucial second link between the general situation and the schools: the transformation of living conditions for economic activities, entails a necessity for basic schooling, and with it parental desire to ensure that their children receive it. At present, there is a widening rift between Roma/Gypsy children and those of surrounding society, and many already difficult situations will deteriorate rapidly and dramatically with the concomitant risk of certain forms of marginality and/or delinquency.

The analyses carried out nonetheless emphasize that it is possible to envisage a more positive future:

- Measures associated with intercultural education open the way to new practices validating the different cultures present in the classroom, taking each child's own capabilities and experiences as their starting-point. Such measures make it possible to adapt the school to Roma/Gypsy children.
- Every state has attempted, through diverse experiments and/or programmes, to respond to Roma/Gypsy parents' wishes regarding school provision for their children. Some aspects of these efforts have been successful, others less so. It is important to identify, analyze, and publicize those approaches which have demonstrated their value, to support innovative projects implemented in partnership, and to suggest new ones. The broad evaluation made possible by the study prepared for the European Commission clearly demonstrates that the recommended holistic, structural approach (through cooperation, coordination, and information) has a significant impact on overcoming the major obstacles blocking Roma/Gypsy children's access to school.

In many ways Roma/Gypsies demonstrate better adaptation to present changes, and to future ones, than other sections of the population: due to their economic flexibility, geographic mobility, in-family education, and communal lifestyle linking the individual into a network of reciprocal security and giving him or her a solid identity. Their society is young, with as many children as adults. Schooling is gradually on the rise. The children will read – and then they will write, enriching European culture with their contributions. These children must have the opportunity to get into school, to stay in school, and to be personally and culturally respected while there.

There are possibilities for action. After six centuries in Western Europe, Roma/Gypsies are still waiting for a coherent, concerted, respectful policy concerning them to be drawn up and applied. Scholastic policy is part of the package, and must indeed be a driving force. The means of achieving this are both simple and inexpensive.<sup>35</sup>



# Conclusion

A great deal – indeed, nearly everything – remains to be done in order to achieve respect for the rights of the Roma/Gypsy minority. The proposing of working guidelines lies outside the remit of this report; however, if one considers the body of texts put together at the initiative of various international organizations (European Union, Council of Europe, OSCE, UN), one realizes that many such proposals have already been formulated.<sup>36</sup> The time has come to implement them, through a practical approach taking into account the dynamics of the different communities involved, as well as a realistic recognition of the diverse socio-political and socio-economic parameters involved. A detailed outline of the practicalities of such an approach has been undertaken elsewhere,<sup>37</sup> briefly, it is a question of:

- flexibility in diversity,
- precision in clarity,
- internal dynamics as the baseline,
- dialogue,
- coordination,
- study and reflection,
- information and documentation.

We shall only stop to focus, in this text on minority rights, on the development of partnership within a framework of intensifying dialogue. Consultation and cooperation can lay the foundations for respect for rights, and the demand for such a partnership has long been expressed by Roma/Gypsy organizations. It is now shared by international institutions (see the numerous texts issued on this subject, and their proposals), and concrete advances are occasionally being achieved at state level. We stress that a consensus is currently emerging, and with it the potential for establishing real partnership. The authors of this report have, over a number of years, repeatedly submitted proposals along these lines to the European Commission, Council of Europe, and OSCE; conditions are now ripe – provided existing will is transformed into action – for establishing concrete working methods characterized by a relationship of true partnership. The different ‘actors’ have taken their place on the political stage, the instruments of knowledge and the working tools have been developed, at the service of all, and each of the partners is directly concerned with promoting the rights of the Roma/Gypsy communities both at national and international levels.

# Annexe

## Romnea/Gypsy women’s manifesto, Seville, May 1994<sup>38</sup>

On the occasion of the ‘First Gypsy Congress of the European Union’, and following a proposal put forward by the women of the European Working Group on School Provision for Gypsy and Traveller Children, namely Jovhanna Bourguignon (France), Ana Giménez (Spain), Mary Moriarty (Ireland), Carmen Carillo (Spain), and the President of the Gypsy Women’s Association Sinando Kalí, a parallel meeting of Roma/Gypsy women took place.

These women unanimously signed the following declaration:

*‘The Gypsy women coming together on the occasion of the “First Gypsy Congress of the European Union”, driven by their concern over the condition of Gypsy women in the European Union, and in particular by the problems associated with the education and schooling of their children, reached the following conclusions:*

*Given the gravity of the social, educational and cultural situation of Gypsy women and their children, we state the need for:*

1. *The establishment of urgent measures in the political, social and economic fields with the aim of eliminating poverty, marginalization and ethnic discrimination;*
2. *The strengthening and developing of measures in the field of education so that girls and boys will have the same educational opportunities, a sine qua non for their social adaptation, and for their acceptance as full citizens of the European Union;*
3. *The enabling of the Gypsy woman to fully take on and develop the cultural role and traditional values defined by Gypsy culture, including in contexts which curtail such expression.*

*We feel:*

- *That one of the main problems that we, as Gypsy women, face, is low self-esteem. There is an urgent need to strengthen our awareness of our own value and of our ability to resolve our own problems.*
- *There is no doubt that such self-awareness would lift our social, educational, political and cultural awareness. It would also lead to our undertaking social and educational action ourselves.*

*We therefore propose:*

1. *To hold European-level meetings of Gypsy women, with the aim of analyzing the social, political and educational problems we face;*

2. *To encourage the formation of communication and socio-educational programme coordination networks among Gypsy women;*

3. *In order to achieve this, we propose setting up a communication and coordination infrastructure at European level, establishing ourselves as a reflection, opinion, and action group in which Gypsy women from the European Union and other countries will participate.*

*Finally, we launch an appeal for Gypsy solidarity, and express our anguish and anxiety for the Gypsy people in the former Yugoslavia and in particular for the women and children suffering the atrocities of war. We demand that all Gypsy and humanitarian organizations redouble their efforts to remedy this appalling situation. Similarly, we demand a stop to the expulsion of Gypsy men, women and children from one country to another, one region to another, one village to another; this traumatic situation is hampering the social, cultural, educational and human development of our people.*

*As a consequence, and in full awareness of the importance of intercultural education – the foundation for Gypsy/non-Gypsy coexistence – we appeal to the European Commission, the various Ministries and international, national and local organizations, for their support and assistance in our pursuit of these objectives.’*

# Recommendations

## Recognition of identity

The UN Declaration on the Rights of Minorities makes it clear that states have a duty to protect the existence, and the national or ethnic, cultural, religious and linguistic identity, of minorities within their respective territories and shall encourage conditions for the promotion of that identity.

## Non-discrimination

Roma/Gypsies are entitled to equal treatment before the law and have the right to expect that those guilty of crimes directed against them be subject to investigation in accordance with the law. They should enjoy full and equal rights both as citizens of a given state and as a recognized minority group.

## Equality of treatment

Roma/Gypsies should receive the same treatment as other refugees when seeking asylum. The basic principles of the Convention on the Reduction of Statelessness should be applied to Roma/Gypsies when they do not have the nationality of the state in which they reside.

## Participation

Roma/Gypsy-based NGOs should receive financial and institutional support. Their work should be promoted and recognized as a way to enhance participation of the Roma/Gypsy in devising and implementing policies which affect them. Informed consent of the population should be sought before entering into implementation phases of projects.

## Education

Multicultural approaches to Roma/Gypsy education and to the education of young people as a whole should be fostered and encouraged throughout Europe as a vital component in combating prejudice and negative stereotypes. Better vocational training and economic opportunities, including the encouragement of traditional occupations are also required.

## Need for comprehensive approaches at the international level

An integrated approach to the various measures adopted by a variety of European institutions should now be adopted. MRG welcomes the creation of a Roma/Gypsy contact point under the auspices of the OSCE and calls for cooperation of all institutions and NGOs in the sharing of information and expertise.

## Right to self-designation

All minority communities have the right to choose their own identity. No country has the right to change the appellation of a particular community without their consent.

- 1 For further details on this point see Kenrick, D., *Gypsies: From India to the Mediterranean*, Gypsy Research Centre-CRDP Midi-Pyrénées, *Interface Collection*, Toulouse 1994.
- 2 For more in-depth treatment of the topics covered in this chapter, see Liégeois, J-P., *Roma, Gypsies, Travellers*, Council of Europe Publications, Strasbourg, 1994.
- 3 Source: Gypsy Research Centre, René Descartes University, Paris, 1994; this table gives 'stable' numbers more indicative of the long-term picture than of recent population movements; the inclusion of new arrivals would entail a significant rise in the figures given for several Western European states such as Sweden, Italy, Germany, Austria, etc.
- 4 This typology and the examples illustrating it have been developed by Jean-Pierre Liégeois in a number of works, for example 'Le discours de l'ordre: pouvoirs publics et minorités culturelles', in *Esprit*, Paris, 1980 and *Tsiganes*, Maspéro, Paris, 1983. A synopsis is presented in *Roma, Gypsies, Travellers, Op. Cit.*
- 5 The *Interface Collection* has a number of works on this tragic period of Roma/Gypsy history (see Bibliography).
- 6 See Gómez Alfaro, A., *The Great Gypsy Round-up*, Gypsy Research Centre-CRDP Midi-Pyrénées, *Interface Collection*, Toulouse 1994.
- 7 On this point, see Liégeois, J-P. (ed), *Idéologie et Pratique du Travail Social de Prévention*, Privat, Toulouse, 1977.
- 8 Extracts from the report on the hearing held in May 1991 by the European Commission, General Directorate for Employment, Industrial Relations and Social Affairs, Directorate for Social Security, Social Protection, and Living Conditions.
- 9 For more detailed analysis see *Roma, Gypsies, Travellers, Op. Cit.*
- 10 Project on Ethnic Relations, Report Concerning Anti-Romani Violence in Eastern Europe: *The Snagov (Romania) Conference and Related Efforts*, Princeton, 1994.
- 11 Fédération Internationale des Ligues des Droits de l'Homme, May 1994 – Robert Gelli, Magistrat et Jean Delay, Avocat Honoraire au Barreau de Lyon, Rapport de Mission, 28 Février-5 Mars 1994, *Suites Judiciaires Données aux Meurtres, Incendies, et Destructions de Maisons Appartenant des Rom (Tsiganes), Romani* ('Judicial Response to Murder, Arson, and the Destruction of Homes Belonging to Roma, [Gypsies], Romania').
- 12 Human Rights Watch, *Lynch Law: Violence against Roma in Romania*, vol. 6, no. 17, November 1994. See also Helsinki Watch, *Destroying Ethnic Identity: The persecution of Gypsies in Romania*, New York, Human Rights Watch, 1991.
- 13 Published in *La Lettre Hebdomadaire de la FIDH* (FIDH Weekly Letter), Special Edition no. 189, May 1994.
- 14 *Romanies in the CSCE Region*, CSCE Human Dimension Seminar – Warsaw, September 1994.
- 15 For a more detailed analysis see *Roma, Gypsies, Travellers, Op. Cit.*
- 16 *Ibid.* In addition, the OECD compiled a report in 1993: Reyniers, A., *Evaluation of Gypsy Populations and of their Movements in Central and Eastern Europe and in some OECD Countries*, focusing on the issues of migration, application for asylum, demography and employment.
- 17 *Roma (Gypsies) in the CSCE Region*, Report of the High Commissioner on National Minorities, The Conference on Security and Cooperation in Europe, Meeting of the Committee of Senior Officials, 21-23 September 1993, p. 1.
- 18 Braham, M., *The Untouchables, A Survey of the Roma People of Central and Eastern Europe*, A report to the Office of the United Nations High Commissioner for Refugees, 1993, p. 114.
- 19 The full text of this resolution proposal is reproduced in *On Gypsies: Texts issued by international institutions*, documents compiled by Marielle Danbakli, Gypsy Research Centre – CRDP, *Interface Collection*, 1994.
- 20 *Ibid.*
- 21 See also *Roma, Gypsies, Travellers, Op. Cit.*
- 22 Certain texts issued by international institutions have expressed a demand that such a study be undertaken; see for example Resolution 1203 (1993) of the Parliamentary Assembly of the Council of Europe, which, under 'General measures', recommends that 'independent research should be initiated into the national legislation and regulations concerning Gypsies, and their application in practice, and regular reports on this research presented to the Assembly' (Article xix).
- 23 On this point, in connection with school provision, see for example the report *Schooling for Gypsies' and Travellers' Children: Evaluating innovation*, Council for Cultural Cooperation, Council of Europe, Document DECS/EGT(87)36, Strasbourg, 1987.
- 24 See bibliography for reference details.
- 25 See bibliography.
- 26 The proceedings of this seminar were published: *Gypsies in the Locality*, Strasbourg, Council of Europe Press, 'Studies and Texts' Series, 1994.
- 27 For further details see the quarterly information newsletter *Interface*, published by the Gypsy Research Centre, René Descartes University, Paris.
- 28 See Liégeois, J-P., *School Provision for Gypsy and Traveller Children, Report on the implementation of measures provided for in the Resolution of the Council and of the Ministers of Education*, 22 May 1989, European Commission [in press].
- 29 For details and further development of the points touched upon in this section, see 'Gypsy Organizations' in *Roma, Gypsies, Travellers, Op. Cit.*, and Liégeois, J-P., *Mutation Tsigane*, Editions Complexe, Bruxelles/Presses Universitaires de France, Paris, 1976.
- 30 Liégeois, J-P., *Mutation Tsigane, Op. Cit.*
- 31 See *Roma, Gypsies, Travellers, Op. Cit.*
- 32 *Ibid.*
- 33 We remind the reader that a detailed report on the implementation of the resolution subsequently adopted by the Ministers of Education is in existence: see Liégeois, J-P., *School Provision for Gypsy and Traveller Children, ibid.*
- 34 In connection with compiling *School Provision for Gypsy and Traveller Children*, a specially commissioned report on Gypsy in-family education was written:

Piasere, L., *Connaissance Tsigane et Alphabétisation* ('Gypsy Knowledge and Literacy').

- 35 Extract from Liégeois, J-P., *School Provision for Gypsy and Traveller Children*, *Ibid.*
- 36 See *On Gypsies: Texts issued by international institutions*, *Op. Cit.*
- 37 In *Roma, Gypsies, Travellers*, *Op. Cit.*
- 38 In Romani language there is a distinct word for women, i.e. Romni/Romnea.

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### The Interface Collection:

A European collection of reference works developed with the support of the European Commission by the Gypsy Research Centre of René Descartes University, Paris, in collaboration with expert groups (of historians, linguists, anthropologists, education specialists etc.) and a network of publishers in several countries. Some titles receive Council of Europe support for distribution in Central and Eastern Europe. The following titles are currently (August 1995) available:

1. Kurtiade, M., *Sirpustik Amare Chibaqiri*, CRDP de Midi-Pyrénées, 1993. Pupil's book and teacher's manual (available in Albanian, English, French, Hungarian, Polish, Romanian, Slovak and Spanish).
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3. Kenrick, D., *Gypsies: From India to the Mediterranean*: English version, CRDP de Midi-Pyrénées, 1993; French version, CRDP, 1994; Spanish version, Editorial Presencia Gitana, 1995.
4. Lopes da Costa, E.M., *Os Ciganos: Fontes bibliográficas em Portugal*, Editorial Presencia Gitana, 1995.
5. Danbakli, M., *On Gypsies: Texts issued by International Institutions*, English and French versions, CRDP de Midi-Pyrénées, 1994.
6. Leblon, B., *Gypsies and Flamenco*, French version, CRDP de Midi-Pyrénées, 1994; English version, University of Hertfordshire Press, 1995; Spanish version, Editorial Presencia Gitana, 1995.
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- O Rukun Zal and-i Skòla*, Research and Action Group on Romani Linguistics, Romani Baxt-UE, 1994.
- ç *Kaj si o Rukun Amaro?* Research and Action Group on Romani Linguistics, Romani Baxt-UE, 1994.

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- 3 – Liégeois, J-P., *Gypsies and Travellers, Socio-cultural Data*, Socio-political Data, Council of Europe, for the English edition.\*\* French original, *Tsiganes et Voyageurs*, Council of Europe, Strasbourg, 1985;°° Italian edition, *Zingari e Viaggianti*, Lacio Drom, Roma; Portuguese edition, *Ciganos e Itinerantes*, Santa Casa da Misericórdia de Lisboa, Largo Trindade Coelho – P - 1200 Lisboa; Spanish edition, *Gitanos y Itinerantes*, Presencia Gitana, Madrid. Totally revised new edition, *Roma, Gypsies, Travellers*, see 'General Works', above.
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- 6 – *Gypsy Children in School: Training for Teachers and other Personnel*, report from a summer university organized by the Gypsy Research Centre and held in Montauban, France, 4-8 July 1988. English and French versions, Council for Cultural Cooperation, Council of Europe, DECS/EGT(88)42.°°° Italian edition, Associazione Italiana Zingari Oggi. Complementary

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- 10 – *Interface*, free quarterly newsletter published by the Gypsy Research Centre with the support of the European Commission in connection with the implementation of the Resolution of the Council and the Ministers of Education, 22 May 1989, on school provision for Roma/Gypsy children, with Council of Europe support for distribution in Central and Eastern Europe, and the participation of the Kultusministerium Nordrhein-Westfalen for the German-language edition. Available in English, French, German and Spanish from the Gypsy Research Centre, Université René Descartes, 106 quai de Clichy, 92110, Clichy, France.
  - ° Available throughout Europe via sales agents for official publications of the European Communities, or direct from the Office for Official Publications of the European Communities, 2 rue Mercier, 2985, Luxembourg.
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    - Associazione Italiana Zingari Oggi, Corso Monte Grappa, 116, 10145, Torino, Italy.
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