Dimensions of Antigypsyism in Europe

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Institutional Antigypsyism in the Western Balkans: The Case of Albania, Serbia and Macedonia

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Introduction

In the last several years, the concept of antigypsyism has received broad academic attention. However, institutional antigypsyism in the Western Balkan countries has not been analysed. Therefore, this article analyses how institutional antigypsyism plays out in the context of the accession process of Western Balkan countries (Albania, Serbia, Macedonia) to the EU. It is based on case study methodology and analyses one case per country. For Albania, we analyse institutional antigypsyism in the field of housing. In the case of Serbia, we analyse institutional segregation in the education system, while for Macedonia, we analyse the issue of border controls and not allowing Roma to leave the country.

According to the Roma Integration 2020 project (n.d.), around one million Roma live in the Western Balkan countries. All Western Balkan countries are currently trying to fulfil the Copenhagen criteria in order to become Member States of the European Union. Chapter 23 of the *acquis* relates to the Judiciary and Fundamental Rights, and includes respecting the rights of minorities. In this context, the EU has sent a clear message to the Balkan countries on several occasions that the rights of Roma community must be respected.

The treatment of the Roma community in candidate and potential candidate countries from the Balkans is continuously addressed by the European Commission, not only in their annual Progress reports on the integration of the Roma community, but also in the Progress Reports for each country.

Country	Data year	Total pop. (official)	Roma	%	Average estimate	x best	Average %
Albania	2011	2,800,138	11,669	0.42%	115,000	10	4.11%
Bosnia and	2010	3,837,732	16,771	0.44%	76,000	5	1.98%
Herzegovina							
FYR Macedonia	2002	2,022,547	53,879	2.66%	197,000	4	9.74%
Kosovo	2011	1,739,825	35,784	2.06%	37,500	1	2.16%
Montenegro	2011	620,029	8,305	1.34%	20,000	2	3.23%
Serbia	2011	7,186,862	147,604	2.05%	600,000	4	8.35%
Turkey	2008	71,517,100	700,0002	0.98%	2,750,000	4	3.85%
Total		89,724,233	974,012	1.09%	3,795,500	4	4.23%

Table 1: The size of the Roma community in Western Balkan countries. Regional Cooperation Council/Roma Integration 2020.

Despite the recommendations of the European Commission, the candidate and potential candidate countries have not taken any serious steps to improve the situation of the Roma community. According to the results from the Regional Roma Survey (UNDP, 2018), the school completion rate among Roma children is still very low compared to the majority. The same survey concluded that the unemployment rate of Roma in the Western Balkans is twice higher than for non-Roma. The situation of young Roma (18 to 24 years old) who are not in employment, education or training is alarming – ranging from 73% in Serbia to 86% in Bosnia and Herzegovina.

The Path to the EU

All three countries covered by this article started their accession process by signing the Stabilisation and Association Agreements, which set the basis for relations between the Western Balkan countries and the European Union. Albania signed the agreement on 12 June 2006, but the agreement entered into force on 1 April 2009. Albania officially applied to join the EU on 24 April 2009. After one year, EU interior ministers decided to introduce visa liberalisation

with Schengen countries for Albania. On 27 June 2014 the Council of the European Union granted Albania candidate status. However, at the fifth "High Level Dialogue meeting" between the EU and Albania in 2015 Johannes Hahn, the EU Commissioner for Enlargement, stated that Albania still needed to work on reforms in five key areas: rule of law, public administration, corruption, organised crime, and fundamental rights (Top Channel, 2015). On 9 November 2016 the European Commission (2016) recommended to start negotiations, which have however not yet started.

Serbia signed the Stabilisation and Association Agreement in November 2005, but the agreement was ratified on 19 January 2011. On 19 December 2009 the visa requirement was ended and Serbian citizens could travel freely within the Schengen area (BBC, 2009). On 22 December 2009 Serbia applied for EU membership. On 12 October 2011 the European Commission welcomed the rapid progress of Serbia and recommended that Serbia become an official candidate. The Council of the European Union on 28 February 2012 accepted the recommendation by the European Commission and Serbia became an official candidate. In January 2014 the accession negotiations started. Serbia is considered as a leader in the region in terms of the European integration, along with Montenegro, and so far has opened 14 chapters and closed two.

The Republic of Macedonia signed the Stabilisation and Association Agreement on 9 April 2001. Macedonia submitted its application for EU membership on 22 March 2004. On 9 November 2005 the European Commission recommended to grant Macedonia candidate status. The Council of the European Union granted candidate status to Macedonia on 17 December 2005. The visa obligation for Macedonian citizens was lifted on 19 December 2009. One of the country's biggest problem in launching negotiations with the EU is the name dispute with Greece. However, on 27 June 2018 following the withdrawal of the Greek veto as part of the Prespa Agreement (The National Herald, 2018) to change the country's name to the Republic of North Macedonia, the EU approved the start of accession talks, which are expected in 2019.

Conceptualisation

Several terms are used to explain the long historical struggle of Roma with discrimination, marginalisation and poverty (Feischmidt, Szombati and Szuhay, 2013). According to Martin Holler (Selling et al, 2015), one of the first terms dating from the late 1920s was "antitsyganism", but current use emerges from academic debates between the 1970s and 1980s. The term also started to be used by some institutions in the early 2000s to describe the specific form of racism towards Roma and associated groups. The terms "anti-Romani racism" or "Romaphobia" have also been used.

In 2005 the European Parliament (2005) for the first time used the term "Anti-Gypsyism", which encouraged many other institutions to use the same term when referring to the specific racism towards Roma. The term "Anti-Gypsyism" was also used in the European Parliament's 2015 progress report on the implementation of the EU Framework for National Roma Integration Strategies. However, the Alliance against Antigypsyism (2017) proposes using the term "antigypsyism" instead of "anti-G(g)ypsyism" because "the latter would inadvertently give the impression that something like 'gypsyism' exists".

The human rights activist Valeriu Nicolae was one of the first authors who proposed a definition for antigypsyism. In his paper, *Towards a Definition of Antigypsyism*, Nicolae (2007) underlines that dehumanisation is at the core of antigypsyism. The Alliance against Antigypsyism (2017) goes beyond the idea of dehumanisation and defines antigypsyism as:

- ...historically constructed, persistent complex of customary racism against social groups identified under the stigma 'gypsy' or other related terms, and incorporates:
- 1. a homogenizing and essentializing perception and description of these groups;
- 2. the attribution of specific characteristics to them;
- 3. discriminating social structures and violent practices that emerge against that background, which have a degrading and ostracizing effect and which reproduce structural disadvantages.

We believe that this definition covers all the dimensions of antigypsyism and explains this complex concept adequately.

In the Western Balkan countries, expressions and manifestations of antigypsyism are not as visible as in some other EU Member States. The institutions of the Western Balkan countries try to conceal antigypsyism by proposing and adopting policies and laws that promote social inclusion and equal rights. However, these policies and laws are not implemented, due to lack of human and financial resources and lack of coordination. In addition, the governments of Western Balkan countries often deny the existence of institutional discrimination in their countries. Therefore, the EU frequently turns a blind eye on it and does not react or take any measure to stop such events.

It is therefore of crucial importance that the EU pays attention to the antigypsyist rhetoric in the Western Balkan countries and encourages Western Balkan institutions to work on inclusion of Roma and ensure equality for all minorities. Another way is to trigger EU conditionality, i.e. make Roma inclusion a precondition for joining the EU. This would mean Western Balkan countries would have to "effectively deliver equality, non-discrimination and fundamental rights to Roma individuals" (Carrera, Rostas and Vosyliūtė, 2017).

Case Studies of Institutional Discrimination

In order to explore the institutional antigypsyism that represents a barrier for Roma inclusion in the Western Balkan countries, the article will present three cases of institutional antigypsyism in Albania, Serbia and Macedonia. The decision to use case studies as a research method is based on Robert K. Yin's (1984: 23) approach: when the limits between the context and phenomenon are not clear enough, the best solution is to look into empirical cases within their real-life context.

Selita Case – Albania

According to the 2011 population census in Albania, there are 8,301 people declared as Roma, which is around 0.3% of the total population (Simon, Galanxhi and Dhono, 2015). However, different international and national organisations estimate that 40,000 to 120,000 Roma live in Albania (Ibid). There are different estimations because of the

long-standing census cycles that did not include division of national minorities in the country (Mejdini, 2017). Having said this, Roma only in 2017 had the opportunity to self-declare as people of Roma ethnicity (Council of Europe, 2017). Roma in Albania are a dispersed group which lives in all parts of the country, but Tirana has the highest density of Roma, followed by smaller cities such as Shkodra, Fier, Gjirokaster, Berat, Korca etc. (De Soto and Gedeshi, 2002).

Roma in Albania face serious housing problems. International organisations have repeatedly warned about the segregation and the conditions in which Roma are living in the last couple of years. According to the 2011 census, around 15% of Roma households have sub-standard living conditions (Simon, Galanxhi and Dhono, 2015). These dwellings usually do not have drinking water, asphalted roads, public lighting and many other characteristics that define a decent standard of living.

Albania has also had several cases of forced evictions as well demolition of settlements which are mainly inhabited by Roma. Since the 2014 law on the legalisation of property, which allows the state to demolish illegal constructions, state authorities have continuously targeted Romani settlements. Although Roma have been living for more than 15 years in some settlements, state authorities forcibly evict Roma living in these settlements (UNDP, 2013). One of the most recent and visible cases was the Selita settlement in Tirana. In October 2014, around 200 Roma were forcibly evicted from the neighbourhood by the municipal authorities of Tirana (Cela, 2016). As the area was to be used to build a new road according to the urban plan, these families were asked to leave the area although they lived in the neighbourhood for more than 20 years (Cela, 2017).

As a result, Roma and pro-Roma organisations launched advocacy campaigns, petitions and protests for more than a year, targeting state authorities, the government and international organisations, including the European Union (Ibid). The government claimed that the eviction was lawful and the demolition was in accordance with the law on the legalisation of property. However, Roma activists highlighted the failure to respect fundamental human rights, national laws and international treaties.

The European Commission, using the progress reports as an instrument to underline the shortcomings of the country during the accession process, continuously highlighted the Roma housing issue. Its last report stated: "In 2016, the government developed a social housing strategy but the budget allocated for (social) housing programmes is limited and does not provide for all proposed actions to be carried out" (European Commission, 2018a). Although the government has significantly increased budgetary allocations for housing of Roma, they remain insufficient to address their needs (Ibid).

Despite the recommendations from the European Commission, the state authorities continued to implement the law on legalisation, urbanisation and integration of illegal constructions, ignoring Roma's fundamental right to housing. Authorities attempted to solve the Selita case with temporary solutions such as a two-year minimum compensation for the families (Cela, 2017). Families protested the decision and the case is still pending. Some houses have already been demolished while the rest remain due to pressure from NGOs' advocacy and legal action (Ibid). Roma remain vulnerable to forced evictions. NGOs, activists and the inhabitants are still calling for a long-term solution for the families living in Selita.

Vuk Karadzic Primary School Segregation - Serbia

According to the 2011 population census, there are 147,604 Roma living in Serbia, amounting to around 2.05% of the total population (Statistical Office of the Republic of Serbia, 2017). However, estimates from different international and national organisations range from 250,000 to 500,000 Roma living in Serbia (Council of Europe, 2012). The population has had a dynamic trend due to several factors including the conflict with Kosovo, migration to western European countries and the fact that part of the Roma population is registered as internally displaced persons (European Roma Rights Centre, 2012). Roma in Serbia are a widely scattered group living across the Serbian territory. The southern and eastern parts of the country are the most populated by Roma, in the municipalities of Kostolac, Bojnik, Vranjska Banja etc. (Statistical Office of the Republic of Serbia, 2015).

In Serbia, a lot of attention has been paid to segregation cases in education in the last years. Roma who completed primary education progressed by 4% from 2002 to 2011, from 29% in 2002 to 33% in 2011. However, completion of secondary school was only 11% in 2011 (Tsiklis, 2016). The percentage of Romani children in schools or classes for disabled children is around 30%, which is excessively high, and Roma children are still over-represented in these "special schools" (Open Society Institute, 2010). Moreover, segregation of Roma children still occurs, especially in poor urban primary schools where the situation has worsened significantly. This phenomenon has resulted in a "white flight" following the school reform in 2008/2009 which allowed parents to choose their local school (KROS, 2017).

In the context of Serbia, segregation was the practice of keeping Roma separate from Serbs and treating them differently because of the colour of their skin, identity, tradition, heritage, culture and other characteristics (Study, 2018). Among some of the school segregation cases in Serbia, the Vuk Karadzic primary school case is one of the most alarming. The school is located in Nis and the classes are composed of approximately 98% of Roma (KROS, 2017). Although there are several other schools in the nearby area, they only have a few Roma children from families with a better socio-economic status attending. Generally, the Vuk Karadzic school is considered as a "gypsy school" with lower quality education compared to the other schools due to the over-representation of Roma students (Ibid). The school administration of Vuk Karadzic has never challenged the issue of over-representation of Roma children but rather highlights the school conditions in which pupils attend education. Students from the Vuk Karadzic school barely continue to secondary education, as they are less prepared to advance to secondary education in comparison to students from the mainstream, non-segregated primary schools (Ibid).

Several international and national NGOs raised the alarm on the situation of the school, highlighting the unacceptable reality of Roma students and the lack of action by state institutions. The case was taken on by Praxis (2018), a human rights NGO, which initiated a legal action and advocated for the elimination of systemic

obstacles in access to education. The NGO filed a complaint to the Commissioner for the Protection of Equality against the Nis City Administration, Department of Education, Culture, Youth and Sport, and against the Headmaster of the Primary School "Vuk Karadzic" (Praxis, 2012).

The European Commission has repeatedly underlined that Serbia has a serious problem with segregation in its yearly progress reports, and that it should be adequately addressed by state institutions in order to fulfil the criteria needed to join the European Union. The Commission in its last report warns: "Segregation in education needs to be addressed" and "Some progress was made in increasing the participation of Roma students in all levels of education. The implementation of measures to reduce the Roma drop-out and segregation should be strengthened, in particular on the local level" (European Commission, 2018c). Nevertheless, the government has made little progress in taking measures against segregation, and the school remains segregated with low quality education for Roma.

Although international organisations and the European Commission have alerted about this situation, especially with regard to Vuk Karadzic, solutions have not been found. Following the complaint by Praxis, the Commissioner for the Protection of Equality responded with an opinion which called for investigation of the segregation case and stated that in this specific case the problem is more complex than segregation (Praxis, 2012). She put forward recommendations which included a set of measures that would hold the primary school, and the department for education, culture, youth and sport of the Nis City Administration accountable for the implementation of these measures. However, the opinion and the recommendations by the Commissioner did not have any effect (Ibid). Segregation still exists, and the reform of the law on the education system, which gives parents the freedom to choose their children's primary school, results in non-Roma parents avoiding enrolling their children in the "gypsy school".

The Case of Emra Kurtisova – Macedonia

The last census in Macedonia was conducted in 2002. Since the data is older than 16 years, the relevance of the census data is debatable.

According to the 2002 census, there were officially 53,879 Roma, i.e. 2.6% of the total population of the country (Statistical Office of the Republic of Macedonia, 2002). National and international organisations estimate a range from 80,000 to 134,000 Roma living in the country, i.e. 9.5% of the total population (European Commission, 2014). Similar to other countries in the Western Balkans, Roma in Macedonia live in all regions of the country, but are mostly present in Skopje, Prilep, and Kumanovo (Statistical Office of the Republic of Macedonia, 2002).

Since December 2009 citizens of the Republic of Macedonia are allowed to travel visa free to the Schengen area (Ministry of Foreign Affairs, 2009). Since the introduction of the visa liberalisation in 2009, many asylum seekers from Macedonia were registered in western EU Member States. In this regard, the Prime Minister of Belgium and the State Secretary for Migration of Sweden were the first to underline the increasing number of asylum seekers from Macedonia (Shakjiri, 2014).

The European Commission's progress reports from 2010 to 2014 raised the issue of Macedonian nationals seeking asylum in EU countries. Several recommendations in the progress reports obliged the Republic of Macedonia to take measures to reduce the number of asylum seekers and motivate people to remain in the country (24, 2014). Following these recommendations, there were repeated cases of Roma being prohibited or denied travel to the EU. Roma were the most common cases of asylum seekers and authorities usually used ethnic profiling at border controls. The Macedonian government was using Roma as scapegoats for all the asylum seekers from Macedonia (Ibid).

The government started to launch local campaigns in Roma neighbourhoods to explain that they cannot claim asylum in EU countries because Macedonia was considered safe and prosperous. In addition to these efforts, ambassadors started visiting Roma neighbourhoods with the aim of decreasing the number of asylum seekers from the country (Ibid). However, the number of asylum seekers continued to increase, and the government adopted repressive measures for potential asylum seekers. Among many of the Roma who were

denied travel was Emra Kurtisova (Akademik, 2014), a Romani actress employed at a youth theatre. In 2014 she claimed that an employee at the passport control cancelled her ticket and prohibited her from travelling. Although she had all the necessary documents, including a confirmation letter from her work and a guarantee letter together with 500 euros in cash, the passport control employee sent Emra to take her baggage and leave the airport (Ibid). The Ministry of Interior stated that she did not fulfil the formal requirements to travel in accordance with Article 15, paragraph 4 of the Law on Border Control. The statement also underlined that Emra had insufficient funds for the planned stay, as well as an inadequate guarantee letter (Ibid).

This case was assessed by many lawyers and NGOs which started to raise public awareness of the targeted denial to travel. The Roma NGO ARKA documented several of these cases but none of them was reported to the relevant institutions. In addition. Member of Parliament Samka Ibraimoski submitted a complaint to the Constitutional Court that the country violates the right to freedom of movement, but the Constitutional Court did not react. The ombudsman also claimed that although many Roma declared that they were not allowed to leave the country, it did not receive any formal complaints and therefore could not start a procedure (Shakjiri, 2014). Following these remarks, there were numerous complaints for such cases, and NGOs and other stakeholders took many of the cases to court. Most of these cases violated the right to freedom of movement and to non-discrimination through the use of ethnic profiling. The primary court Skopje 2 for instance found violation of the right to equality in the practice of the border services to restrict the right of certain categories of citizens to leave the territory of the Republic of Macedonia under the unjustified suspicion that these are false asylum seekers (Ibid). After several positive decisions by the courts, Macedonian authorities relaxed the control and the identification process of "fake asylum seekers".

Conclusion

In conclusion, these cases from three different countries demonstrate the institutional antigypsyism which leads to stigmatisation and marginalisation of Roma. Unfortunately, the pervasiveness of antigypsyism in the Western Balkans means that Roma internalise

it and get used to such mistreatment. The situation in the Western Balkans is characterised by institutional inefficacy and lack of interest in addressing issues faced by Roma, and Roma are the common scapegoat for the failure of national and EU policies. The only watchdogs that monitor and address the situation of Roma and antigypsyism are NGOs, which do not have sufficient capacity to tackle this phenomenon.

An unequal level playing field and stigma generate many situations where Roma remain powerless and discrimination remains unpunished. In Western Balkan countries, there is a significant lack of effective mechanisms that would tackle discrimination. Thus, Roma who are victims of discrimination, believe that institutions cannot offer any support and most of them do not trust the institutions.

Not only do these cases show how national institutions reacted, but they also highlight how the EU assessed and addressed issues of antigypsyism. In addition, these cases show how Roma organise and put pressure on authorities to address specific issues.

The Western Balkans still reinforce discrimination towards Roma due to a lack of institutional awareness and by not taking responsibility for the inclusion of Roma. Although in some cases pressure from the EU helps to put discrimination against Roma on the national agenda, there are also cases where the EU has highlighted Roma-related issues through progress reports but national governments have not responded to these concerns.

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