

Roma People in Europe: A Long History of Discrimination

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Racial discrimination, xenophobia and intolerance have proved particularly difficult to eliminate in Europe. The Roma, one of Europe's oldest minorities, have endured a long history of discrimination and disadvantage throughout Europe, which has only recently begun to be acknowledged and addressed. The Roma form one of the largest ethnic minority groups in Europe. Nearly 80% of the European Roma population (around 10 million people) live in EU Member and candidate Member States (Amnesty International 2010a).

Discrimination and human rights violations keeping Roma in poverty

In 21st Century Europe, despite all the groundbreaking laws and mechanisms in place to ensure that human rights are respected, millions of Roma are still discriminated against. Racial discrimination occurs when individuals or groups are treated differently to others on account of their ethnic origin, without objective justification. It can be direct (where a law or policy singles out a particular group for differential treatment) or indirect (where an apparently neutral law or practice has the effect of disadvantaging a particular group). Both forms of discrimination are prohibited under international human rights law; nevertheless, racial discrimination is the thread running through most of the human rights violations suffered by Roma people (Amnesty International 2010e). Amnesty International has documented how, in both the East and Western Europe, the Roma continue to face obstacles in accessing basic goods and services and securing equal rights to housing, healthcare, education and work. Millions of Roma still live in informal settlements with no or inadequate sanitation, startlingly high levels of unemployment and limited access to healthcare services. Throughout Europe, the Roma are poorly represented in political and administrative structures and face considerable difficulties in integrating into mainstream society while preserving their distinct cultural identities.

In many European countries, there is a lack of reliable and up to date data measuring the social inclusion of Roma. This is often due to the reluctance of states to collect ethnically disaggregated data. This lack of data makes it difficult for states to develop programmes tailored to the real needs of disadvantaged

Roma and to measure the success of such programmes. The data that does exist paints a disturbing picture of the marginalisation of Europe's Roma. A World Bank report published in 2005 concluded that the life expectancy of Roma in Central and Eastern Europe was on average 10 years lower than the rest of the population (Ringold et al. 2005, cited in Amnesty International 2010e).

A United Nations Development Programme (UNDP) study of the situation of Roma in Hungary, Slovakia and the Czech Republic published in 2003 found that infant mortality rates among the Roma population were twice that of non-Roma. The marginalisation of Roma is reflected in statistics on their housing situation. The UNDP report on the situation of Roma children across south-eastern Europe estimated that 25% of Roma lived in shacks, compared to 3% of non-Roma, and that 55% of Roma homes were not connected to a sewage system (UNDP Regional Bureau for Europe and the Commonwealth of Independent States 2003, cited in Amnesty International 2010e, p 5).

Across Europe, Roma struggle to find regular employment. A detailed survey of 402 working-aged Roma men and women in Bulgaria, Czech Republic, Hungary, Romania and Slovakia carried out in 2006 by the European Roma Rights Centre found that only 38% were in paid employment; almost two-thirds reported that they had been refused employment because they were Roma (Hyde 2006). A survey of 3,510 Roma in 7 EU countries carried out by the EU's Fundamental Rights Agency in 2008 revealed that 15% of respondents were illiterate and 31% had received less than 6 years of formal education (Fundamental Rights Agency 2009, cited in Amnesty International 2010e, p 6). The result, as the 2003 World Bank report concluded, is that the Roma are "poorer than other groups, more likely to fall into poverty, and more likely to remain poor" (Ringold et al. 2005, cited in Amnesty International 2010e, p 6).

The right to adequate housing

The right to adequate housing is guaranteed under Article 11 of the International Covenant on Economic, Social and Cultural Rights, and in other international and regional human rights treaties. As the United Nations Committee on Economic, Social and Cultural Rights has emphasised:

[T]he right to housing should not be interpreted in a narrow or restrictive sense

which equates it with, for example, the shelter provided by merely having a roof over one's head ... Rather it should be seen as the right to live somewhere in security, peace and dignity. (United Nations Committee on Economic Social and Cultural Rights 1991)

Governments should ensure that everyone has a minimum degree of security of tenure that guarantees them legal protection against forced eviction, harassment and other threats. Governments should seek to ensure minimum standards for housing in relation to habitability (access to safe drinking water, sanitation and energy) and location (housing should be located in areas that are not close to pollution sources and that enable access to employment options and essential services). Housing should also be affordable and housing programmes should prioritise the most vulnerable. Unfortunately, across Europe, governments are regularly failing to fulfil these obligations. Many Roma living in informal settlements or slums lack even a minimum degree of security of tenure because of the irregular status of the settlement or their lack of official documents to confirm tenure arrangements, making them vulnerable to forced eviction. Forced eviction violates international human rights standards. Forced evictions are evictions that are carried out without appropriate safeguards (without adequate notice or prior consultation with those evicted), and without provision of legal remedies, adequate alternative housing or compensation. Victims of forced eviction can lose their possessions, social contacts, and jobs and have their schooling disrupted. They are also at risk of further human rights violations and often end up homeless. Amnesty International has documented forced evictions in Greece, Italy, Romania and Serbia (Amnesty International 2010a).

Minority Rights Group-Greece claims that in 1999 the number of Roma in Greece was between 300,000 and 350,000, comprising around 3% of the total Greek population (Minority Rights Group-Greece 1998). In the past decade, local authorities have forcibly evicted a large number of Romani families and are continuing to ignore obligations under international law. In June 2006, more than 100 Romani families living in Aghiou Polykarpou Street, near the centre of Athens, were forcibly evicted from the land where they had been living for 10 years. With no alternative accommodation offered

by the authorities, these families moved into an abandoned factory in Iera Odos. They were forcibly evicted from there by the police just a few days later. Again, the authorities made no attempt to provide them with adequate alternative accommodation. A few months later, they were forcibly evicted for the third time after they moved to land owned by a private company in Aegaleo, Athens. This time the eviction was ordered by the Magistrates Court of Athens. In January 2008, they relocated again to an unattended plot nearby. They were then ordered to move again. The families were forcibly evicted four times, yet not once were they consulted or offered alternative accommodation (Amnesty International 2010a, p 3).

In Italy, where between 12,000 and 15,000 Roma live (Amnesty International 2010b, p 4), forced evictions have become more frequent since 2007. Romani settlements in Italy fall into three categories: some are 'authorised' and maintained by local authorities; some are 'tolerated' and receive some support; some – the vast majority – are considered 'irregular'. Residents in irregular settlements live in hastily constructed shacks and have limited access to basic services such as water and sanitation. They are also the most vulnerable to forced eviction.

Forced evictions are often carried out at short notice and without consultation. The authorities do not inform residents about alternatives to eviction and do not offer adequate alternative accommodation. Many are evicted before they have the opportunity or the time to challenge their eviction. The majority are forced to find shelter in unauthorised areas from which they may be evicted again. In May 2008, a Presidential Decree declared a 'Nomad Emergency' and gave special powers to local authorities in several regions. In July 2009, the Italian authorities in the city of Rome issued a 'Nomad Plan' with the aim of closing and relocating Roma camps. This Plan – misleadingly titled because the vast majority of Italy's Romani population is not, and has never been, nomadic – is the first scheme based on these special powers and contains several discriminatory provisions. It paves the way for the forced eviction of thousands of Roma from the Italian capital. The Plan, developed without any genuine consultation with Roma and with scant regard for their rights, provides for the resettlement of Romani communities in new or expanded camps on the outskirts of the city. These camps will continue a pattern of Roma living in poor and segregated conditions and will disrupt the lives of the communities affected. Disturbingly, official estimates envisage that at least 1,200

people, most of them foreign nationals, will be left out of the resettlement process.

In Romania, there are almost 2.2 million Roma who make up about 10% of the total population. As a result of discrimination, both by public officials and society in general, 75% of them live in poverty (Amnesty International 2010c, p 2). Although some Roma people live in permanent structures with secure tenancy, many other long-standing Romani dwellings are considered by the Government to be 'temporary' and unofficial. The inhabitants of such dwellings do not have any proof of tenancy, which increases their vulnerability to eviction. The forced eviction in 2004 of more than 100 Roma from a building in the centre of Miercurea Ciuc (Csikszereda), the capital of Harghita County in central Romania, is typical of the way many Roma communities are treated and of the continuing failure of public authorities to guarantee their right to adequate housing. Twelve Romani families had been residing lawfully in a large town house since the 1970s. Over the years a number of other Roma families had joined them. In 2004, following a number of years of discussions with the municipal authorities over the dilapidated state of the building, the municipal authorities decided to evict all the Romani residents. The families legally residing in the building were re-housed in eight metal cabins next to a sewage treatment plant on the outskirts of town. The remaining families were offered no alternative accommodation at all and most resorted to constructing their own shacks alongside the metal cabins. They were not consulted before the decision and no other alternatives to the eviction, or to the location of the new settlement, were offered. In August 2010, most of these Roma families were still living next to the sewage treatment plant, despite the promise that it was only a temporary solution. More than five years after their forced eviction, their right to adequate housing continues to be violated (Amnesty International 2010e).

Between 450,000 to 800,000 Roma live in Serbia and almost 100,000 live in Belgrade: a third of them in around 147 informal settlements (Amnesty International 2010d, p 11). In recent years, large-scale construction projects in Belgrade have threatened hundreds of Roma families with forced eviction. In August 2009, 178 Roma families were forcibly evicted from an irregular settlement under the Gazela Bridge in Belgrade. The eviction was carried out in advance of repairs to the bridge, which are being partly funded by loans from the European Bank for Reconstruction and Development and the European Investment Bank. After a new resettlement plan was approved by city autho-

rities, without any consultation with the Roma communities and without adequate notice, the Roma families were evicted from their homes. The destruction of the camp was completed in less than three hours, leaving families insufficient time to gather their belongings. One hundred and fourteen families were resettled in metal containers at 6 sites on the outskirts of Belgrade, in accordance with the new resettlement plan decided by the city authorities. The rest were transported to municipalities in southern Serbia. On the day of the eviction one resident received papers informing her that she would be resettled in a metal container at a site 47 km south of Belgrade. The new accommodation offered to the Roma does not meet the criteria for adequate housing under international law, either in terms of habitability or location, and perpetuates their social exclusion. None of the Roma people affected have been offered accommodation in social housing units. The best they have been offered is "rights to and opportunities to compete for flats equal to any other socially vulnerable citizens of Belgrade". With 13 other priority groups and an extremely small quota of available housing, their chances of accessing social housing are extremely slim (Amnesty International 2010e, p 10).

Segregation in education perpetuating the situation

Millions of Roma across Europe are severely disadvantaged by low levels of literacy and poor quality or incomplete education. Across Europe, Roma have significantly lower enrolment and completion rates in primary education. National governments and policymakers are increasingly realising that improving the access of Roma to education is crucial to breaking the cycle of poverty that so many are trapped in. However, many Roma still face widespread violations of their right to education, which encompasses the right to free and compulsory primary education, and equal access to secondary, technical, vocational and higher education. Many European governments are failing to implement and adequately fund effective measures to promote the inclusion of marginalised Roma in public education systems. They are also failing to eliminate long-standing discriminatory practices and attitudes within their education systems, despite positive legislative reforms in many countries in recent years. Numerous factors contribute to the alarming rates of educational exclusion and underachievement, including geographical and financial barriers to access to education faced by children living in Romani settlements; the cost of transport, clean clothes and school materials; lack of

teaching materials in Romani language; and the hugely discouraging effect of likely discrimination when applying for jobs, no matter how well qualified the Romani applicant.

Amnesty International has documented how the marginalisation of Roma has been perpetuated by their segregation in the education systems of a number of central and eastern European countries. In several districts in Slovakia, Romani children represent up to 100% of pupils who attend special schools and classes intended for children with 'mild mental disabilities'. Romani children are also ethnically segregated in mainstream schools and classes (Amnesty International 2010f, p 2).

According to a 2009 survey by the NGO Roma Education Fund, in regions with large Romani populations, at least three out of four special school pupils are Roma; across Slovakia as a whole, Roma represent 85% of children attending special classes. Yet, Roma comprise less than 10% of Slovakia's total population (Roma Education Fund 2009).

Roma are segregated not only by their placement in the special education stream, but also within the mainstream school system, where children are often separated into Roma-only schools or classes. Teachers in Roma-only classes often have lower expectations of their students. They also have fewer resources and poorer quality infrastructure at their disposal.

The segregation of Romani settlements, often on the outskirts of towns, is also a factor in their segregation at school, because schools draw pupils from their surrounding areas. But parental choices and school and local authority policies also effect school segregation regardless of this link.

By law, parents have the right to choose their child's school. In theory, this eliminates segregation in schools by allowing Romani children to enrol at any school. In practice, Romani children are often rejected by schools. The Government is obliged under national law to ensure that freedom of school choice does not lead to indirect discrimination (Amnesty International 2010e, p 17). In 2006, only 3% of Romani children reached secondary school in Slovakia, while only 8% enrolled in secondary technical schools (Amnesty International 2009a, p 2). A new Education Act passed in 2008 bans all forms of discrimination in education, particularly segregation. However, this ban was not accompanied by any effective measures to ensure that it is implemented in practice (Amnesty International 2009a, p 2).

In the Czech Republic, authorities are continuing to place Romani children in schools for

pupils with 'mild mental disabilities', leaving them with a sub-standard education. Others are effectively segregated in Roma-only mainstream schools and classes, where they receive a lower quality education. In November 2007, the European Court of Human Rights found that the Czech Republic discriminated against Romani children by placing them in special schools, and the Government was obliged to adopt corrective measures. Two years later, however, the discrimination continues. Government studies reveal that Romani children still lose out in the Czech education system and Amnesty International's research confirms this (Amnesty International 2009d, p 2).

A new Schools Act, which entered into force in 2005, renamed 'special schools' as 'practical elementary schools', but the system which places children in these schools and teaches them limited curriculum essentially remains the same. A disproportionate number of Romani children continue to attend these schools. In some places, Romani children make up more than 80% of the student body of practical elementary schools. The Government has acknowledged that the proportion of Romani pupils attending such schools is much higher than the average percentage of children with mental disabilities in any given population. But the problem is not just in practical schools: in mainstream elementary schools, many Romani children are placed in special classes for pupils with mild mental disabilities (Amnesty International 2010e, p 19).

Call for a comprehensive EU framework strategy on Roma inclusion

The last decade has seen an increase in the attention being paid to the rights of Roma, particularly at the international and intergovernmental level, where a number of initiatives have been developed. These include the Organization for Security and Co-operation in Europe's (OSCE) Action Plan on Improving the Situation of Roma and Sinti within Europe, the establishment of a Roma, Sinti and Travellers Forum by the Council of Europe, various European Union initiatives and, most significantly, the Decade for Roma Inclusion 2005–2015. This last initiative has seen 12 participating Member States commit to improving respect for the rights of Roma in four key areas: education, employment, health and housing, through a series of national action plans. As with other national initiatives, however, these initiatives have suffered from a lack of concrete targets, fitful implementation, particularly at the local level, and ineffective monitoring. As a result, there has been little concrete improvement in respect for the rights

of the great majority of Roma.

Breaking the cycle of prejudice, poverty and human rights violations requires more than piecemeal measures in each of these areas. It requires comprehensive, proactive policies to promote the social inclusion of Roma and combat entrenched discrimination in the provision of essential public services and in society at large. It requires concerted action at all levels – international, national and local. It requires political will and long-term commitment. Above all, it requires the voices of Roma to be heard and heeded.

Sporadic and incomplete responses by the EU and its Member States have failed to secure structural and sustainable improvements in the situation of millions of Roma in access to education, housing, health and employment. The EU has both a responsibility and the tools to take a more active role in addressing one of the most extensive and complex human rights problems within its territory. However, it still has no integrated and comprehensive policy specifically targeting discrimination against Roma. Amnesty International is calling for a comprehensive, human rights-based EU framework strategy on Roma inclusion to make more effective use of existing EU funds and instruments (Amnesty International 2009c, p 30).

Ultimately, the main responsibility for ensuring that Europe's Roma can access their human rights to housing, health, education and employment, and to participate in public life, lies with national governments. For too long governments have failed to develop or implement national plans that effectively reach out to disadvantaged Roma. The policies of national governments and local authorities often actively obstruct the access of Roma to essential goods and services. It is time for governments to put an end to such discriminatory practices and to make the social inclusion of Roma a real priority. ■

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