



EXECUTIVE SUMMARY

Conference on

European policies and Roma

*3-4 October 2011
Luxembourg*

Introduction

The Luxembourg Institute for European and International Studies (LIEIS) and Professor Jean-Pierre Liégeois convened a conference on “European policies and Roma - From failure to possible adaptation, a critical assessment of content, logic, and aims of the policies concerning Roma at the European level”. Held on 3 and 4 October 2011 in Luxembourg, the conference brought together about 15 experts from Western, Central and Eastern European countries. The proceedings were chaired and steered by Dr Armand Clesse, Director of the LIEIS, and by Prof. Jean-Pierre Liégeois.

I. Setting the stage

In his opening speech, Armand Clesse welcomed the guests and reaffirmed the necessity to discuss the issue of the Roma in Europe in the context of the deterioration of their situation over recent years. It is especially difficult to address the Roma condition at times when the Nazi and neo-Nazi movements are growing more prominent across the European continent.

Jean-Pierre Liégeois recalled that the idea of the conference was prompted a year ago during a meeting with experts in this field. He called for a critical account of Roma policies, claiming that the objective of the conference was not “an immediate resolution of the problem, but rather an analysis of the failures and of the reasons why the current policies don’t work”. On the organizational aspects of the conference, he explained that besides the three lead papers by Claude Cahn, Valeriu Nicolae, and Nicolae Gheorghe, most participants had prepared a paper on one of the three topics: “Roma in Europe and in European politics – What is at stake?”, “The European Union and the Roma – a permanent malfunctioning” and “The organisations representing the Roma: missed opportunities”.



A. Clesse expressed regret that due to health issues, Valeriu Nicolae and Nicolae Gheorghe were not able to attend the conference; their papers would be presented *in absentia*.

The participants continued by introducing themselves and giving a short summary of their previous work and research on Roma policies.

II. Roma in Europe and in European politics – What is at stake?

The first session of the conference focused on analysing the context and evolution of the policies on the Roma as well as assessing their impact on the reality of the Roma communities. An introductory presentation by Claude Cahn explained the current situation of the Roma in Europe, and the role it plays as part of the agenda of the European Union (EU). He compared the situation of the Roma with that of the African-Americans regarding housing segregation, education and so on. He distinguished three stages in the Afro-American movement. In the late 19th early 20th century, it started with some small legal actions especially regarding housing segregation. After the Second World War, the civil rights movement took shape in the USA, especially following serious crimes against African-Americans in some Southern states. At the beginning, the Supreme Court was an uncomfortable ally of the Afro-American rights movement, focusing only on a few federal states where the situation of African-Americans was the most precarious. However, in the 1960s the dynamics of the situation changed, and the Court took issue with a wider range of discrimination cases.

C. Cahn continued by saying that Europe's institutions are not as engaged as the US Government was when they sent in the "national guards" to enforce the decisions of the Supreme Court and abolish segregation. He identified as failings the silencing of EU Commissioner Viviane Reding, at the moment of rage in September 2010, following the expulsion of non-French Roma from the French territory, arguing that this was "not compatible with the European Project. On the other hand, this lack of a proper reaction is only natural, as long as the civil society is not able to put sufficient pressure on EU institutions and to 'force' them to act in case of violation of civil rights".

There is, however, one successful human rights movement, the LGBT (Lesbian, Gay, Bisexual and Transgendered people) rights movement, which seems to have found a way through which to engage EU institutions in passing their agenda. C. Cahn concluded by saying that what is at stake regarding the Roma is a problem of repeated failure. He deplored that most of the things we've worked on have failed in practice. Failure causes further failure; communities we are working with are not expecting too much from institutions or the justice system; every failure reaffirms the conviction that there is no possibility to succeed. Interrupting the cycle of failure would be a way to make people feel empowered. It would show that we are able to tackle some basic injustices.

The introductory speech triggered a lively discussion. Some participants wondered whether the period we are now living in is truly comparable with the USA of the 1960s or with the American period of reconstruction in the 1860s and 1870s (Thomas Acton). Doubts were expressed about whether there is a need for a change of strategy from being reactive to being proactive (Julianna Orsós). András Bíró added that the comparison between EU and American institutions is

questionable. For instance, the Commission President Barroso has no troops to enforce European law. C. Cahn reaffirmed that the civil society must intervene in order to pressure the EU to make human rights a priority. The EU is currently reinventing itself as an entity. Where do justice and human rights fit in? The civil society plays a key role in helping Europe to live up to its own values. He also raised the question as to whether “flooding the field with money” is really a solution in addressing the Roma issue, or whether it is obstructing the question of where we go and how to get there.

In his remarks, Michel Neyens tied in with the comparison of the United States and Europe by pointing to the differences in the legal systems. Only individuals can appeal to the European Court of Human Rights (ECHR) and the US class action system is not possible. Furthermore, the ECHR has no power to execute its rulings in case national authorities refuse to abide by them. Another possibility is to apply collective or joint complaints against a member state before the European committee of social rights if the member state is part of the additional protocol of the social charter (Luxembourg is not part of this additional protocol).

Concerning the EU he explained that, in contrast to the USA, sovereignty is only assigned by the member states. There is no European citizenship, and minorities are not clearly recognized. In addition, since the Maastricht Treaty the right of asylum has been suspended between the members of the EU. At the moment there is an interesting case of a refugee who entered the EU via Greece and was sent back there from the UK (Case C-411/10). This started a debate about whether and how the treatment of asylum seekers violates the European Charter of Fundamental Rights.

In the EU the right to free circulation is not fully applied to Travellers; it is basically for those who work. Every citizen of the EU has the right to stay in another member state up to three months without being entitled to social benefits in view of finding a job. When living more than three months in another member country, one needs to have sufficient funds to live and a health insurance. The amount of money that is needed is not defined in community law. In Luxembourg the maximum amount is fixed in the “règlement grand-ducal” of 5 September 2008, modified by the “règlement grand-ducal” of 11 August 2011 (Mém. A n° 180 du 22 août 2011).

C. Cahn maintained that free movement is not necessarily the most relevant issue when discussing Roma policies. Anti-discrimination law is more important. He stressed that it is important to make the law more accessible to the most marginalized groups, as happened in the USA in the 1960s when the legal environment was particularly favourable. Europe has also made progress in this direction, and it should be a good time for lawyers to use this climate to enforce the rights of the Roma since any legal action must be connected to social and political action. Furthermore, C. Cahn disagreed with M. Neyens and stated that human rights law has transcended the purely individualistic outlook.

A. Clesse thanked M. Neyens for joining the conference and said that in Luxembourg the attitude is very simple: “ignore the fact that the Roma exist and eventually get rid of them by having the police move them across the border to the country they came from”. There have been some Roma beggars in Luxembourg and some refugees. Only in the last month, there has been a large influx of Roma refugees from former Yugoslavia. It is a politically difficult question, which nobody wants to talk about, especially before the upcoming elections. Some mayors have refused to welcome these refugees, so they are now living in tents.

Following this debate, Dragoş Dragoman presented his paper. He remarked that the conference discussions have so far focused on the role of civil society. Roma inclusion implies broad cooperation, and the problems of cooperation are the most salient today, since political movements have benefited from promoting negative attitudes vis-à-vis Roma integration. He gave the example of Romania where the Roma are quoted as a main reason for the non-accession to the Schengen area. Cooperation, however, depends on a series of factors, and one of the most important factors is trust. In Central and Eastern Europe (CEE) there is a lower level of social trust than in other parts of the Europe. The problem in CEE countries is the definition of “others”. There are a number of surveys regarding Roma which show that ethnic trust is based on values and prejudices. Roma are seen as being dirty, thieving and dishonest. This is one issue we need to tackle, since any measure taken in the absence of generalized trust is bound to fail. How do we find a solution for people to cooperate and be more trustful? One solution he proposed is to change the way the Roma are covered in the media, where currently they are depicted in negative ways. Another set of solutions is to use education and trustworthy Roma to change the negative stereotypes about them.

A. Bíró pointed out that the mistrust of the population towards the Roma is a response to the mistrust of the authorities towards them, and that the situation should be looked at in a more balanced way. D. Dragoman stressed again that prejudices can be eliminated through education. His recommendation was to enforce the institutions that prevent prejudices – by, for example, teaching courses at school, and try to shape a different view of the Roma than the one projected in the media (namely, that of a group which is impossible to integrate due to early child marriage, criminal activity, etc.). Sarah Carmona then asked whether the emphasis on prejudices does not actually reinforce them, while D. Dragoman insisted that this focus is the only way to tackle them.

J. Orsós intervened in the discussions, saying that the public regard the Roma as “disadvantaged”. The whole European political vocabulary has to be rewritten. “People expected me, because of my Roma origin, to give them an inside view from the Roma community – what special needs they have. There are no special needs: these youngsters just want to be treated normally”, explained J. Orsós who is part of ternYpe International Roma Youth Network and the Programme Development Consultant of the Phiren Amenca International Voluntary Service Network. Although money is an issue to realize the planned activities, what really matters for J. Orsós are trust and cooperation without any hidden agenda.

Sofiya Zahova continued with a presentation on the situation of the Roma in Montenegro, which was the last federal state of former Yugoslavia to become independent in 2006. The country particularly stressed minority rights in order to distance itself from the Serbian policies. It adopted international documents regarding Roma inclusion and recognized the Roma as a national minority, thus giving them an identity. Montenegro has an economic interest in joining the EU and therefore had to subscribe to certain values such as adopting charters on minorities. S. Zahova asks herself whether these EU values regarding Roma rights are actually being respected in the EU itself. Furthermore, some Roma policies taken at the government level or initiatives taken by NGOs had counterproductive effects on the majority population. For instance, grants to Roma organizations can reinforce prejudices and create tension within the majority population.

The presentation was followed by a discussion, which developed primarily the issue of the productivity of the money targeted exclusively at the Roma. The main argument of the extreme right, and also of the simple citizens, is that Roma receive funds while other groups don't – particularly at a time of financial crisis (A. Bíró). S. Zahova explained that Bulgaria and Romania were making real efforts in investing in Roma projects before accession, and their effort stopped once the accession had been completed. In Montenegro, the Roma who were settled there, are considered to be part of the society. However, problems appeared after the recent influxes of Roma refugees from other parts of the former Yugoslavia, especially from Kosovo.

C. Cahn proceeded with the presentation of his own paper, describing the development of decisions taken by the ECHR regarding cases dealing with Roma. The history of Roma rights before the ECHR is tied to groups of young attorneys from Central and Eastern Europe, particularly from Bulgaria and Romania, who were the first to launch requests before the Court. In the beginning, most cases dealt with forced eviction and police brutality. The initial approach of the Court was quite problematic, as the Court easily found countries in violation of articles 2 (Right to life) and 3 (Prohibition of torture), but was reluctant to find violations of article 14 (Prohibition of discrimination). Until 2004, the Court never found a violation of Article 14 on grounds of racial discrimination. However, some of the judges such as the Maltese judge adopted dissenting opinions on the topic, claiming that the Court repeatedly faced cases where horrible things happen to blacks or Kurds or other ethnic minorities but the Court was not persuaded that their race, colour, nationality or place of origin has anything to do with it. This is not an acceptable practice.

For the first time in 2004, the ECHR found a violation of Article 14 in the case of *Moldovan and others v. Romania*, and *Nachova v. Bulgaria*. Subsequently, the Court adopted several important judgments on segregation in schooling, traditional marriage (against Spain), the right to stand in elections (Bosnia) and forced sterilization (Czech Republic and Slovakia). There is now a case against Turkey pending before the ECHR dealing with anti-Romani information in dictionaries. C. Cahn ended his presentation with saying that judging the shift of approach in the Court's rulings regarding Roma rights in the past years; the conclusion is that work and practice can change an institution's approach to a problem.

III. The European Union and the Roma – a permanent malfunctioning

At the start of the second session, Claire Auzias presented her paper on “The EU and the Roma – a permanent malfunctioning”. For her the 1990s were the most productive period in the struggle for Roma rights. She considered this period to have been “a historic fight where its actors, whether Roma or non-Roma were united in fraternity”. The Council of Europe was an active player during those times and “took part in this fight as simply as everybody else”. However, since 2000, the situation has deteriorated.

C. Auzias continued with a critical view on the European Union and its budgetary practices regarding Roma policies. For example, institutions that have nothing, or very little, to do with the Roma received funds to support the Roma from Romania. In fact, the last decade has been marked by political blindness and intellectual futility regarding the Roma issue, and such practices can only reinforce prejudices against the Roma, especially at a time when the extreme

right is getting triumphant in Europe. Another aspect of the presentation dealt with the role of Romani women and the problems they face. She proposed an institution where young girls who want to escape marriage by abduction can be sheltered and receive an education. C. Auzias concluded that there is furthermore the necessity to develop Romani studies of good quality and to encourage the EU to abandon the practices of “blind social charity”.

A discussion about the role of women in the Roma communities followed. Participants reaffirmed the key role played by women in the Roma society, but attention should not be focused exclusively on women empowerment since this can be counterproductive (J. Orsós).

In the next presentation Kristina Magdolenova described her practical work as a journalist and TV producer within the Slovak Roma communities. While other minorities receive governmental funding for the promotion of their image in the media, the Roma minority doesn't get anything. She accused the government of being more interested in ruling over poor people than over informed people. Her documentary about elections in Slovakia exposed the common practice of paying Roma to vote for non-Roma parties. This documentary, however, was never broadcast. K. Magdolenova closed by asserting that the only way to change the current situation of the Roma in Slovakia is to communicate directly with the Roma. She feels that being in the Roma communities daily, playing the role of intermediaries between them and the authorities and gaining their trust is the only way to build bridges for the integration of Roma into society.

The discussions that followed the presentation developed more in detail the work done by K. Magdolenova, revealing that the programmes they are broadcasting are done in the Romani language with Slovak subtitles. There is also a website maintained by her organisation, and for 6 years they have produced in a partnership with the Slovak public TV Roma-related programmes, which are being broadcast twice a month. A radio feature is aired twice a week on the Slovak public radio. “We are trying to show the Roma children that they must dream of a future as a lawyer, or a medical doctor and not only of a future as a housewife or worker” (K. Magdolenova).

In her intervention S. Carmona examined the study of Roma history and the role that the European institutions play in promoting Romani studies. She first dwelled on the diversity of Roma history and culture in different European countries, which are a wonderful asset but make general statements about Roma impossible. Policy-makers are incapable of adapting to this diversity. In consequence, existing EU measures concerning the research on Roma history and culture are ineffective. European initiatives for the development of research on history and the providing of pedagogical materiel should respond to the needs, especially the needs of the Roma community itself. For example, in France the lack of knowledge among Roma concerning their own history had disastrous consequences for the cultural and social evolution of the French Roma community. In February 2010, S. Carmona participated in a meeting convened by the European Commission to discuss the relevance of the newly created *European Academic Network of Experts on Romani Studies*. However, there already exists an informal network of experts, and the creation of a network controlled by the EU entails the danger of an institutionalisation of the knowledge on Roma in order to render EU policies more credible. What is needed in this field is above all a sufficient funding of research projects and a larger quantity of scholarships for students. T. Acton pointed out that the network elects its own scientific committee, and scholars should join in order to vote.

In the discussion that followed, C. Auzias wondered whether it should be the role of the EU to take care of academic problems. An animated debate over whether there is enough information on Roma history started. A. Bíró argued that there is an urgent need for material which helps us discuss these very deep prejudices for which we don't have answers. T. Acton replied by linking the situation of the Roma today with the failings of a positivist approach to history and said that only when we look at the development of the arguments of historians over time and contrast them with each other do we begin to understand the social construction of historical narratives. T. Acton concluded that without contrasting the various interpretation of history Roma intellectuals will not succeed in understanding Roma history.

Saimir Mile's intervention developed the background of the prejudices regarding the Roma. He stated that the Roma as such do not exist for the EU. The malfunctioning between the EU and the Roma follows logically from the current state of affairs. The more one talks about the Roma, the less one specifies who exactly one is talking about. The word "Roma" replaced the general word "Gypsy". It is seen as a politically correct word, because the International Romani Union (IRU) managed to impose it without defining what it actually means. He added that "various people gave us various names, Gypsy, Tzigane, Gitan and others. Those words used in various languages are alien stickers posted on an undefined group – one no one is really interested in – and behind those terms hides a group of people who do not conform to the local norms, but have their own strange rules and habits". Even today, in some regions children are told they will be "stolen" by the Gypsies if they go out on streets.

It is a labelling for the outside; there is no real interest of the people who are applying the label, and it is a very vague label. Anyone can be called a "Gypsy" if he/she corresponds with one's understanding of a Gypsy. For instance, in Italy the media called the killer of an Italian woman a Roma although he was in fact a Romanian. So "Roma" is a label given to people who are regarded as aliens. S. Mile finished his speech with acknowledging that a solution to the Roma problem starts with defining the real Roma identity.

Santino Spinelli reacted by saying that the "malfunctioning" mentioned by S. Mile in the EU-Roma relationship is deliberate and planned by the EU institutions. He claimed the only way for the Roma to defend their interests within these institutions is to become politically active. He feels that "we, the Roma have no power if we are not part of the EU institutions. We are a European people who are not represented in Europe, thus we do not exist". The EU is active in many conflicts, working for peace, but it fails to work in the direction of helping the Roma. And he continued that "we are meant to live in the ghettos. We can change our situation only when we come inside, as part of the decision-making. Only when we have one representative in the government of every country, we will have real power to discuss what our priorities are. We, Roma, know what we are and what policies we need in the political, social and the cultural field".

S. Spinelli emphasized the importance of the Roma culture in fighting prejudices against Roma. There is numerous legislation on the Roma without any concrete results for them. On the contrary, the situation of the Roma has deteriorated: "we have never been as threatened by cultural disappearance as today, because they are planning assimilation and not integration. The differences between us are cultural, and it is culture that should be shared by all".

The first day of the conference ended with a controversial exchange of opinions between T. Acton and S. Mile on the importance of an exact definition of the Roma. “Are you suggesting that if the EU had a more accurate definition of the Roma, its policies would have improved?” (T. Acton). “We are not anymore in the position to think of how to improve the situation of the Roma – we are now only able to say how to stop the degradation” (S. Mile). According to him, this degradation itself is a result of the social labelling of the people.

IV. The organisations representing the Roma: missed opportunities

The third session started with a presentation by A. Bíró on “The lack of democratic practices: The stumbling block of the Roma movement”. A. Bíró first made some general remarks on the differences between Roma in Eastern and in Western European countries. While Roma living in the West continued the traditional way of life with partial itinerancy, Roma in former Communist countries were mostly settled and were forced to integrate into the majority society. This process of proletarianization had the biggest impact in Hungary where 80% of male and 40% of female Roma were employed during the Communist era. The slum culture that developed after the fall of Communism because of mass unemployment and a demographic explosion did not happen in the West. Even the often violent anti-Tsiganism that has developed in the East during the last decades does not exist to the same extent in the West.

A. Bíró then concentrated on the situation in Central and Eastern Europe, especially on Hungary. This whole region has a democratic deficit given the lack of societal experience of democracy during the socialist rule, which explains the weakness of civil society organisations at the beginning of the 1990s. Socialist mass organisations such as the Roma Cultural Association served primarily the aim of controlling the minority. Since the transition of 1989-90 hundreds of Roma NGOs appeared and disappeared but only few well-managed local organisations gained some influence at the local level. In 1993 the 13 minorities in Hungary were given cultural autonomy. Contrary to the 12 national minorities which did not experience any discrimination, the Roma, as the only ethnic minority in Hungary, were not satisfied with the local Roma self-governments created by the law of 1993, as they were not empowered to solve problems of discrimination but only to deal with cultural issues. Thus, less than one third of the Roma entitled to vote participated in the elections for the state-dependent local self-governments. Furthermore, only 200.000 out of 650.000 Roma in Hungary identified themselves as Roma in the last census. This particularly low figure in comparison to other CEE countries points to the high level of acculturation in Hungary and the low level of ethnic identity among Roma. In addition, strong sub-ethnic clan identification among the less integrated Roma groups and a negative identity based on victimhood prevented the development of an all-Roma civic consciousness. However, a new sense of ethnic identity is developing among younger Roma in the last years.

A. Bíró continued his presentation by pointing out that government policies now tackle specific problems of the Roma populations, like social, educational and health problems, without addressing the problem as one of ethnic discrimination. Due to the large amount of funding, Roma NGOs concentrate on, and compete for, the money provided in these fields. The huge amount of external capital that is invested in Roma projects for example by the Open Society Institute (OSI) is not only a blessing but also a curse as it blocks creativity. Furthermore, the

leadership of the Roma organisations lacks legitimacy as it often doesn't have the support of the Roma community as a whole but only the support of a clan. A. Bíró concluded that in light of the crisis and the growing anti-tsiganism there is an awakening of Roma organisations. As a possible way out Roma should find their place in society as active citizens, provide their leaders with democratic legitimacy and cooperate more with the non-Roma population.

The debate that followed these remarks centred on several points made by A. Bíró. Whereas S. Zahova argued that victimhood could be useful in the process of developing identity, C. Auzias reminded that this question does not only concern Roma but that in a sense everybody is a victim. Therefore, victimhood should not be a founding factor of identity. On the contrary, liberation comes from within; the Roma should take into account the example of the Zapatistas who act and create schools and institutions without any funding. S. Spinelli explained the passivity of many Roma with discrimination and frustration that is caused by the degradation of their situation. Furthermore, he characterised the work by the OSI and others as an unhelpful "assistentialism".

Several participants argued that the artificial creation of NGOs in response to the market created by foreign sponsors focussing on the poverty problem represents a serious problem. A. Bíró contended that the motivations of the founder of the OSI, George Soros, are deeply honest and that the question is rather how the funding is handled. The European Roma Rights Centre, for example, is not efficient. Despite its professional work it has no social impact because it does not raise the consciousness of the Roma of their rights. He agreed with C. Cahn that in the field of education the funding of minority structures has often contributed to segregation, as in the Hungarian case where special funds for the education of Roma children were used to create separate Roma classes.

A. Clesse intervened and explained what he has seen in South-Eastern Europe. In Varna or Shkodra people are living in awful places. There one can also witness a total disaster of the schooling systems with teachers unable to teach the children. Most of these children will never get a chance. A. Clesse said he cannot share the optimism of some of the participants when he sees this deeply corrupt funding system.

T. Acton spoke only shortly about his own paper and then commented on the paper submitted by N. Gheorghie who was not able to attend the meeting. In his own paper he wanted to underline the Romani achievements of the last 30 to 40 years. He suggested that a sense of pessimism with regard to these achievements is misplaced. The perception of missed opportunities is the result of the frustration of international organisations complaining the lack of a single negotiating partner and of Roma organisations aspiring to become that partner. Despite the various dangers for Roma that still exist, there has been a growing strength of the Romani people – a strength that derives from their diversity. He concentrated on the example of the variety in internal social control mechanisms of Roma communities in various European countries which lead to different political approaches among Roma organisations. T. Acton contested the conception of a body of Romani law determined by Romani culture. On the contrary, social control mechanisms developed in response to the particular situation in a given country at a given time. Whereas some Roma communities practice some form of criminal law, others have only developed civil law. Differences appear also between more traditional systems in which tribunals are permanently composed of elders and ad hoc tribunals which aim at recreating consensus between the parties. These internal systems have been influenced from outside and sometimes the

practiced Romani law has been changed in order to maintain autonomy. Any single body representing Roma when negotiating with international organisations would threaten this autonomy. Consequently, T. Acton argued that the failure to create such a powerful organisation is not a missed opportunity. On the contrary, Roma communities have resisted the pressure of assimilation and preserved their cultural diversity. Resources to meet the present dangers for Roma are now bigger than ever before.

Furthermore, T. Acton approached the question of racism. In his view, one has to deconstruct the effects of some historical narratives. The stereotype of Roma as thieves, for example, is “an effect of racism and not a cause.” The “most important racism is your own racism”; people have to look at their own racism first. Being anti-racist is first of all a state of self-criticism.

In his paper, Nicolae Gheorghe argues that “the liberal, human rights-oriented approach failed to reach many of its expected goals in the field of Roma integration.” One sign of this failure is the rise of anti-Gypsism and of violent attacks against Roma in some Eastern European countries. The reluctance to speak about certain issues because this seemed not to be politically correct has become a source of contemporary anti-Gypsism as it left the field to actors from the extreme right. N. Gheorghe pleads for an open debate on these issues beyond the limits of political correctness in order to find solutions.

Consequently, he addresses the concept of “şmecherie” (cunningness) which describes the attitude of nomad service providers: “to be smart with the clients for a short time, before moving to another place and use the same tricks with others.” This controversial way of survival and other strategies for economic success which are often called “Gypsy work” without being unique to the Roma are often justified by Roma leaders referring to the “culture” of Roma. N. Gheorghe argues that Roma recognizing such adaptive strategies towards non-Roma place themselves out of the mainstream society. Furthermore such attitudes are sometimes reproduced in politics leading to fraud and misuse of funds. Hence, the Roma civic movement should define common interests, morals and ethics and provide itself with a code of conduct. Furthermore, NGOs should base their work on funds provided by their own members and contributors. Today, lots of Roma organisations are dependent on funds provided by governments and European institutions and act as service providers for these institutions “instead of organising the Roma communities”. Consequently, there is a widening gap between “clusters of Roma political elite” and the Roma communities. The group mentality of these activists has become a stumbling block in the development of the Roma movement. Furthermore, self-proclaimed traditional Roma leaders reappear and fill the gap between the elites concentrated in cities like Budapest and the local communities. Their legitimation based on cultural arguments is an example for the deterioration of democratic legitimacy within the civic Roma movement. Finally, N. Gheorghe pleads for the creation of a Roma nation which cannot be based on ethnicity and territory but on culture. Cooperation with pre-modern elements of leadership legitimacy within the Roma community is needed in order to build democracy without imposing “hegemonic and abstract discourses from the outside”.

A first criticism by T. Acton concerned the question of internal democracy in Roma organisations. He pointed out that he shares the idea of democratic legitimacy as moral ideal but that it is important to ask how legitimacy is created. According to Max Weber, the sources of legitimacy lie in charisma, tradition and bureaucracy/democracy. Current hegemonic notions of democratic legitimacy are the results of particular traditions and bureaucracies. It is naïve to be

surprised that movements of resistance to the powerful create counter-legitimacies which can only build democracy by asserting their own charisma and traditions. Hence, the building of any intercultural consensus on moral legitimacy requires the prior deconstruction of hegemonic legitimations.

T. Acton further criticised N. Gheorghe for confusing the consequences of migration and the consequences of slavery. In his paper N. Gheorghe complains about those organizing now the trafficking of Roma and others from Eastern Europe to the West. For those criminal traffickers “migration means above all an entrepreneurial opportunity”. T. Acton contended that traffickers enforce the moral right to cross borders. He knew asylum-seekers who owed their very lives to traffickers; he had never met anyone helped in any way by an immigration officer. Crimes like exploitation, forced prostitution and slavery are of course illegitimate; whether borders were crossed in their commission is irrelevant. The fact that people cross borders is not in itself a crime.

The lively debate that followed the remarks by T. Acton focused particularly on the question of trafficking. A. Bíró criticised what he called the characterisation of trafficking as a revolutionary act. C. Cahn agreed that a strong anti-trafficking discourse is necessary in order to assist the victims. Nevertheless, he was concerned about the general discourse on trafficking that promotes an approach concentrating on criminal law measures, which in his view are mostly counterproductive. C. Auzias praised the courage of N. Gheorghe in tackling this topic in his paper, though he ignored the particular question of Roma women. Angela Kóczé argued that the majority population problems of trafficking and early marriage, although illegal, are regarded as cultural facts and that an open debate is needed to address these problems without demonising the Roma man.

S. Mile criticised that the debate on trafficking is not based on valid data. According to his own observations, the trafficking of migrants from Romania to France more or less stopped in 2002 with the end of the visa obligation as trafficking only works in case there is pressure on the migrants. However, seeing delinquency where it does not exist only helps politicians willing to exploit the topic as it intensifies prejudices. The same applies to the question of stealing. He suggested that those Roma in France who exploit their children for stealing originate mostly from former Yugoslavia. They do not have any documents neither in their country of origin or in Italy, where they first migrated to, nor in France. A. Bíró gave the example of Hungary where extreme-right groups show their presence in Roma neighbourhoods and threaten the Roma population. They base their actions on a strong anti-Tsiganism which refers to the several hundred year old stereotype of Roma as thieves.

In his remarks S. Spinelli particularly dwelled on the evolution and present situation of Roma organisations. In 1971 when the IRU was created in order to tackle discrimination and to support the development of Roma communities, a strong sense of unity among different Roma groups prevailed. Today the IRU – just like the European Roma and Travellers Forum (ERTF) created in 2004, which each year brings together two hundred delegates from various European countries – have lost credibility because their leaders are more interested in keeping their power than in developing their organisation. As a result of survival strategies, many associations are driven by individualism and a welfare-oriented mentality. Thus, “even today, the Romani population is politically fragmented and deeply divided”, despite all efforts to unite the Roma in one

movement and to promote a growing consciousness of being Roma. Nevertheless, Roma associations remain essential for the development of the Roma communities.

For S. Spinelli the promotion of cultural development represents a means of raising consciousness among young people in order to leave behind “the natural individualism inherited from a thousand years of persecution”. Especially art as a means of communication helps to overcome prejudices which are often the basis of discrimination of Roma. This discrimination still exists because Roma are not represented in the institutions. Furthermore, democracy in Roma organisations is not possible without entering democratic institutions like the European Parliament.

In response to these remarks S. Mile proposed looking at the way Roma organised themselves in the past and analysing which elements could be kept in order to democratise Roma organisations. Finally, the conclusions of such an analysis should be put in a wider context. For A. Bíró this is the centre of the problematic. Should there be representativeness or not? Until now Roma have been members of the European Parliament only as party representatives but not as representatives of the Roma minority. On the associational level there is a need for a civic Roma movement because today there is only a small elite acting on behalf of the Roma. So one should not only think about the aim but also about how to achieve it.

In her presentation A. Kóczé continued this debate by asking “who should represent whom on what basis?”. Today, lots of professional pro-Roma NGOs speaking on behalf of the Roma are mainly run by non-Roma and are perceived as “technocratic”. The OSI plays a key role in funding projects and organisations and dominates the priorities of a large part of civil society. Grassroots initiatives are weakened by a sort of “brain-drain”, as highly skilled Roma activists are attracted by the high salaries of international NGOs. Furthermore, local Roma organisations often lack legitimacy because internal democracy and transparency remain weak. So, the weakness of grassroots organisations and the domination of professional NGOs run by non-Roma shows that “solidarity can easily turn into hegemony”.

International organisations like the Council of Europe international NGOs have turned their attention to the Roma because of the work of the global pro-Roma civil society. Since the 1980s, the focus of attention has shifted from self-determination to human rights and in the recent decade to social and economic inclusion. The concentration on these factors separately proved to be insufficient and even counter-productive as each of them only represents one “important segment of reality”. There have been few results despite the emergence of a global pro-Roma movement and an increasing attention of governmental organisations. The social situation of Roma has not significantly improved. Global civil society indeed helped to lift the veil of ignorance concerning the legal, political and social exclusion of Roma. “However, Roma actors must lead the struggle for equality”, while pro-Roma organisations should provide them only with the necessary support without dominating the movement.

C. Auzias finally proposed to set up a charter concerning the relations between applicants for funding and the EU. The first and most important point of this charter should be that the investors or providers of money should not make the decisions. Secondly, some kind of an ethics committee composed equally of Roma and non-Roma with knowledge of the functioning of international institutions should be in charge of decision-making. Funding should not be provided for organisations that employ Roma only as an alibi. In order to improve the access to

EU funding for small Roma organisations, a translation fund and an EU office in charge of helping those organisations with the submitting of applications should be put in place. Furthermore, the cooperation between the organisations dealing with similar projects should be enhanced to stop needless competition. Pseudo-Roma organisations that get the bulk of European funding should be excluded if they are not able to prove the utility of their work. Moreover, social work should be provided by or at least associated with the relevant public service. Similarly, an official documentation centre should be created that provides access to relevant information online. Finally, a residential school under European trusteeship should be created in order to provide security and education for girls escaping for example child marriage.

Panel discussion

At the end of the second conference day a panel discussion on the same topic with Thomas Acton, Claude Cahn, Angela Kóczé and András Bíró as speakers and Jean-Pierre Liégeois as chairman took place at the University of Luxembourg. C. Cahn and A. Bíró made presentations based on their papers which they had already presented at the conference. (For a summary of their remarks, see page 4 [Cahn] and page 7 [Bíró]).

T. Acton made a brief presentation on the history of Roma as it is impossible to understand the situation of the Roma today without the history since the 16th century. However the history of the Roma, which was written mostly by non-Roma, is contested. From the end of the 18th century until the 1970s, the guiding theory of the history of the Roma was some sort of scientific racism. Roma were presented as the exception of primitives within Europe that proved the rule about the significance of ‘race’. The 1952 Moscow conference of biologists organised by UNESCO was the first official general principled rejection of scientific racism, but writers like H. Arnold (“The Gypsy gene”) and J. Vekerdí continued to publish papers explicitly using scientific racism in academic publications down to the 1970s. The first non-racist general history of Roma was published by A. Fraser only in 1992. It located the origin of the Roma in India but did not give an explanation. It was left as a mystery. This a-theoretical positivism was criticised by historians of the ‘Dutch School’ like W. Willems and L. Lucassen, who proposed a relativistic social constructionism, or constructivism, which proposed the accepted Fraserian history was a narrative constructed during the “racialisation” of Gypsies by Grellmann and his followers from the end of the 18th century. Linguistic positivists like Y. Matras, and at first I. Hancock, led a counter charge, asserting that there can be no doubt that the Romani language, and therefore Roma came from India. Hancock, however, changed his position with a self-criticism in 2004, and with A. Marsh has built a new position of historical revisionism, acknowledging that Roma identity must have been constructed at some specific historical era, but suggesting this was in Anatolia in the 12th- 13th century, not in the Austro-Hungarian Empire in the 18th century, as the Dutch School implied. One paradoxical consequence of this, Marsh suggests, is that since the “Gypsy/Egyptian” stereotype dates back to Byzantine occultists of the 8th century, it is several centuries older than the Romani language. The first Romani speakers walked into it when it was already old.

Modern Roma history in Europe is the history of two genocides. In the 16th century newly founded nation-states in Europe defined themselves in the blood of ethnic minorities. As a consequence, Roma who survived that genocide often did not declare themselves openly as

Roma. The history of West European “Traveller” groups starts at that time when Romani-speakers combined with existing commercial-nomadic groups. The second genocide was committed by the Nazis and their allies, and was the culmination of European-wide eugenicist tendencies. This holocaust dramatised the fact that in highly organised industrial states the strategy of accepting marginalisation or slavery – the classic “Gypsy way of life” – as the price of survival by the Romani survivors of 16th century genocides did not work anymore.

A. Kóczé dealt with the situation of Roma women who suffer double discrimination. Roma women suffer from discrimination not only based on their ethnic origin but also based on gender. Forced sterilization as exercised during the Second World War is just one example. In the field of education this double form of discrimination is even more visible. Illiteracy is 8 times higher among Roma women than among non-Roma women. Many women drop out of school in order to marry or to work. This is problematic especially in light of the crucial role women play in families, as they are mostly responsible for the education of their children. Furthermore, women working as school teachers or occupying positions in local administration are very rare.

In the debate that followed, somebody wondered whether it is not an act of discrimination, too, when administrations apply different standards to members of an ethnic minority like the Roma. She referred to the case, mentioned by C. Cahn in his presentation, of a Spanish Roma woman who was denied a widow’s pension by local authorities because she had only married traditionally. The ECHR ruled that administrations had to take into account traditional forms of marriage. C. Cahn explained that in this case the right to a peaceful enjoyment of one’s possessions is applicable. A. Kóczé added that in Hungary couples living together have a right to social benefits similar to those of a married couple.

In answer to another question concerning the future situation of Roma in Europe, A. Bíró argued that recent migration of Roma from the East to Western Europe is a consequence of the current crisis in the East, of continuing discrimination and of the constant threat posed by extreme right groups. In Hungary neo-Nazi groups threaten the local Roma population, and an extreme right party won about 17% in the national elections with the only proclaimed aim of fighting Gypsy criminality. Unfortunately, in Hungary but also in the whole region of Eastern Europe the situation of Roma will worsen in the near future. C. Cahn contradicted this view by pointing out that the situation of Roma in the West is not better than in the East. He referred to the denial of the right to vote to French Roma, to the expulsion of Roma from Italy and to Roma asylum seekers from Kosovo suffering from long detention periods in Germany. In order to improve the situation of Roma in Europe, a strong intervention of the European Union and of civil society is needed.

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