

The Roma as a Protected Minority? Policies and Best Practices in the EU

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Abstract: *The Roma people are one of the most heterogeneous minority groups in Europe, encompassing a broad variety of cultural traits and linguistic diversity, resulting in numerous sub-groups and fragmented identities. However, the group defines itself as a 'unified non-territorial transnational nation'. The most recent developments at European level show an increasing willingness to adopt minority rights documents directed to autochthonous minorities. This has provided also the Roma, or part of them, with opportunities to be granted effective protection with support in the rights-based approach. The following paper will focus on the issue of Roma minority protection in the EU. The first two sections introduce the key features present in the debate regarding Roma minorities, highlighting the in-group diversity. The third one analyses the different legal status of the Roma communities in the EU. The fourth section highlights the importance of a framework instrument for the protection of territorial minorities at a macro-regional level. The fifth part gives an overview on the European Roma policy and the sixth section looks at best practices in Europe as far as protection of Roma is concerned: lessons can be learned, in this respect, from Slovenia and Sweden. The level of protection will be analysed at both theoretical and empirical level, through the help of the results of a small scale research carried out among minority members.*

Keywords: *minority, Roma, EU, policies, protection*

1. Introduction: terminological premises

Important theoretical distinctions can be made between different types of minorities. The first one concerns the relationship that such minorities have with the territory. From this point of view minorities can be autochthonous or allochthonous.

The former are also called indigenous, historical or territorial minorities; these terms refer to communities whose members have a language or culture distinct from the rest of the population; very often, they became minorities as a consequence of re-drawing of international borders; in other cases they are ethnic groups which did not achieve statehood of their own and instead form part of a larger country or several countries; in some cases they might have migrated to the country very long time ago and therefore are considered territorial minorities. Autochthonous minorities resist assimilation more strenuously, they have a deeper knowledge of the State they are living in and ask not only for equal treatment but also for guarantee of active participation

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in public life through various forms of autonomy. The scope of application of treaties and conventions pertaining to minorities are usually applied to this type of minorities.

The latter are the allochthonous minorities, also called new or non-territorial minorities: these terms refer to groups formed following the decision of individuals and families to leave their original homeland and immigrate to another country for economic, political or other reasons; they consist of migrants and refugees including their descendants.

Where can the Roma be situated? The distinction between these two types of minority can be relative. On the theoretical level, it is not possible to define a clear limit between these two situations. In principle, autochthonous groups can be defined as those who have been living on a territory for a long time so that it has been possible to experiment a mutual adaptation to the physical environment (cultural influence and ecological influence). It is though possible to give some concrete reference in order to distinguish between these two kinds of minorities by referring to a detailed charter of languages at the end of the last period of stability, which is variable, but which, in the case of Europe, comprises a period between the 17th and 18th century (Héraud, 1966: 155-172). In this sense, allochthonous minorities are those stemming from the current migration flows of the last decades.

Taking into account the territory, another useful distinction can be made among three kinds of minorities: spread minorities; islands of minorities; border minorities. Border minorities are usually considered autochthonous or historical minorities, whereas spread minorities and island of minorities can be either autochthonous or allochthonous. Spread minorities are the so called diasporas, they have neither stable nor marked borders neither territorial contiguity; they typically lack a mother land. The Roma, who have been singled out as outsiders, constitute a classical historical example in Europe (Sussi, Boileau, Strassoldo 1992: 65).

Within this framework, they appear to have a rather ambiguous and fragmented status: certain European countries consider them as autochthonous people and as national minorities, according to the time principle; in other countries, distinctions are made between autochthonous Roma, living on the territory since immemorial times, and allochthonous or newly arrived Roma, resulting of massive immigration after WWII and after the collapse of former Yugoslavia.

2. The Romani transnational minority

The Roma community across Europe has been estimated to consist of more than ten million people¹. It is the biggest minority group in the EU. However, there is a lack of precise data throughout Europe on the dimension of the Roma communities: in many countries, in fact, ethnic registration is forbidden while in others official statistics contain no information on ethnicity.

Roma people are one of the most heterogeneous minority groups in Europe. The group's heterogeneous nature encompasses a broad variety of settlement models and cultural, linguistic and religious diversity resulting in numerous sub-groups and fragmented collective identity. Nevertheless, the group has proclaimed to be a unified non-territorial transnational nation². The things that the various groups have in common are of great importance and bind them together in their Romani identity. These are the language, awareness of common origin, similar values,

¹ See European Centre for Minority Issues, <http://www.ecmi.de> (accessed on 11.12.2011).

² Delegation for Roma Issues Fact Sheet, JU 2006:10.

traditions, cultures and experiences, all of which have made the Roma culturally indomitable in the face of all attempts to assimilate them. Their common language Romani, or É Romani chib/Romani, is related to Sanskrit and consists of some 60 dialects, if not more.

The word Roma or Romanies also needs clarification. By that we mean all those individuals who identify themselves as Romanies as well as those groups of Romanies included in the minority policies of the States. The Council of Europe and OSCE recognize five main groups, which may be further divided into more subgroups. The exact number of all subgroups is still uncertain.

Across Europe the Roma experience greater social exclusion than the majority community, especially in accessing employment, education, health and social services: they still present high rates of illiteracy and poor school attendance of children. Roma is a minority group whose minority rights and in some cases human rights exhibit the lowest level of implementation in all European countries, in spite of attempts to harmonization of linguistic and cultural rights (Kai, Pejić, 2010:5).

As a largest transnational minority in Europe, the Roma experience very divergent attitudes. In many European countries Roma is not recognized as a national minority, yet a number of states have recognized Roma through the international instruments such as Framework Convention for the Protection of National Minorities (FCNM), bringing forward the development of national strategies for Roma inclusion.

3. A protected minority?

Virtually every EU country hosts Roma minorities (see table n. 1). Though, their legal status differs from country to country and also from group to group; a considerable part of the Roma population in the European member States does not even have any authorized legal status. Overall, most of EU countries recognized Roma among their ethnic minorities gave them full rights as citizens and launched development plans aiming at their full integration into public life. Nevertheless, a lot of divergences still exist among national legislations.

Table no. 1: Presence of Roma in the EU

| Country | Minimum | Maximum |
|----------------|---------|---------|
| Austria | 20,000 | 25,000 |
| Belgium | 10,000 | 15,000 |
| Bulgaria | 700,000 | 800,000 |
| Cyprus | 500 | 1,000 |
| Czech Republic | 250,000 | 300,000 |
| Denmark | 1,500 | 2,000 |
| Estonia | 1,000 | 1,500 |
| Finland | 7,000 | 9,000 |
| France | 280,000 | 340,000 |
| Germany | 110,000 | 130,000 |

| | | |
|----------------|-----------|-----------|
| Greece | 160,000 | 200,000 |
| Hungary | 550,000 | 600,000 |
| Ireland | 22,000 | 28,000 |
| Italy | 90,000 | 110,000 |
| Latvia | 2,000 | 3,500 |
| Lithuania | 3,000 | 4,000 |
| Luxembourg | 100 | 150 |
| Malta | ? | ? |
| Netherlands | 35,000 | 40,000 |
| Poland | 50,000 | 60,000 |
| Portugal | 40,000 | 50,000 |
| Romania | 1,800,000 | 2,500,000 |
| Slovakia | 480,000 | 520,000 |
| Slovenia | 8,000 | 10,000 |
| Spain | 650,000 | 800,000 |
| Sweden | 15,000 | 20,000 |
| United Kingdom | 90,000 | 120,000 |

Source: data provided by the European Roma Rights Centre, 2011

The status of Roma is related to the period of migration of the groups and to the recognition in each country as an ethnic or national minority. Some groups of long-established migration are citizens of the country where they live where they are considered national minorities or ethnic minorities and have full citizenship. In the same countries some other groups are considered refugees or asylum-seekers and have no residence permit; in other countries they are considered asylum-seekers/refugees, but not in the condition to obtain the status. In most of the countries, many of the Roma are still considered illegal immigrants.

After ratifying the Framework Convention for the Protection of National Minorities (see section 3), every State was supposed to list its national minorities falling within the scope of the Convention and therefore enjoying special treatment. But many countries have never listed explicitly their national minorities whilst others have basically considered all minorities as national minorities, thus creating a lot of confusion in the application of the Convention.

Some times the terms used are also ambiguous and in some cases it has been “considered” or “assumed” that the Framework Convention would *de facto* cover certain groups. In some countries, Roma are considered national minorities but they have not clarified the personal scope of application to be given to the Framework Convention.

The topic of the legal status of Roma people is therefore complicated and should be analyzed country by country. The following table presents a rough summary of the status of Romany communities in the EU landscape.

Table no. 2: Legal status of Roma communities in the EU

| Country | Recognition <i>de jure</i> or <i>de facto</i> of Roma as a territorial minority | Remarks |
|-----------------|---|---|
| Austria | Yes | It is not explicitly mentioned whether they are included in the scope of application of the FCNM. |
| Belgium | No | - |
| Bulgaria | No | - |
| Cyprus | No | - |
| Czech Republic | Yes | The specification of national minorities seems to be auxiliary to the definition of national minority. Scope of application of FCNM is not clear. |
| Denmark | No | - |
| Estonia | No | - |
| Finland | Yes | The term national minority (or an analogous one) is not provided in Finnish legislation |
| France | No | - |
| Germany | Yes | Roma and Sinti who reside traditionally in Germany and have German citizenship |
| Greece | No | - |
| Hungary | Yes | Regarded as ethnic minorities |
| Ireland | No | - |
| Italy | No | - |
| Latvia | No | - |
| Lithuania | Yes | Any ethnic/linguistic minority is regarded as a national minority |
| Luxembourg | No | - |
| Malta | No | - |
| Netherlands | No | - |
| Poland | Yes | Regarded as ethnic minorities |
| Portugal | No | - |
| Romania | No | - |
| Slovak Republic | Yes | Regarded as nationalities |
| Slovenia | Yes | Regarded as ethnic minority with special status |
| Spain | No | - |
| Sweden | Yes | - |
| United Kingdom | No | - |

Source: table drawn up by the author

As we can see, only a small number of EU countries give full legal recognition to Roma people. And even in such countries, although they are recognized as indigenous minorities, there are many ambiguities concerning terminology, so that some times it is not clear whether they are regarded as national minorities or as minorities with special status. Another issue regards the enormous gap between an official recognition and the actual implementation of laws through *ad hoc* policies.

4. An official recognition at European level?

Since 1990, the protection of minorities became an important content of multilateral and bilateral treaties and various international bodies, international organizations, sub-regional integration forms were created with the mandate of monitoring the treatment of minorities³. However, Roma people remained for long time excluded from such documents and did not gain the same attention as other historical minorities within the EU.

The Council of Europe, which has played the lead role in relation to minority issues and in the development of minority rights standards in Europe, partly filled this gap when it decided to draft a framework convention setting out the principles for the protection of national minorities, adopted in 1994 and entered into force in 1998. The *Framework Convention for the Protection of National Minorities* represents one of the weightiest contributions to the international protection and promotion of minority rights as well as one of the most comprehensive documents.

Unlike most other international instruments on minority rights that contain only political obligations, the Framework Convention is legally binding for member States of the Council of Europe. The Convention represents an important step towards the creation of a coherent minority protection system in Europe.

However, the Convention does not contain a definition of the concept of national minority nor does it define its application *ratione personae*. As there is no general definition agreed upon by all members of the Council of Europe, each party is given room to assess which groups of persons are to be covered by the convention within their territory, leaving it a wide margin of discretion in the application of the Convention. This selection must be made in good faith and in accordance with general principles of international law and the fundamental principles set out in article 3 of the Convention itself.

The lack of a definition of minorities also means there is no strictly worded distinction between “traditional national minorities” and the so-called “new minorities”. Likewise, it is not necessary for these national minorities to be citizens of the given country. The legislator did not explicitly provide the inclusion of Roma minorities in the notion of national minorities, since discretion is left to the States, though it encourages this kind of interpretation.

Several States have formulated declarations regarding the notion of national minorities upon ratification of the FCNM, while others have only made declarations giving their interpretation of the notion of national minorities. Some States have explicitly listed the groups of the people to which the FCNM applies within their territory (Denmark, Slovenia, Sweden, the Netherlands, Germany).

³ The Council of Europe documents: The Framework Convention for the Protection of National Minorities (1994); The Charter on the Protection of Minority and Regional Languages (1992); The High Commissioner on National Minorities and European Commission Against Racism and Intolerance.

The Framework Convention applies in principle to all parts of the ratifying states, unless a particular article carries an “area” designation. That means that a minority group in a certain country can be considered as a minority only in a particular territory within the country. For example, Slovenia makes a distinction between the national autochthonous minorities and the Roma/Gypsy community. Sweden distinguishes between recent immigrants and others. Germany makes a difference between national minority and ethnic groups traditionally resident in Germany including Roma/Gypsy and Sinti.

The FCNM provides for a certain flexibility dependent upon the type of minority group, typology of rights and particular circumstances of each State. In any case, the Convention and its Explanatory Report, referring to certain provisions on the use of minority language in public administration and on public signs and relating to education in the mother tongue may be invoked only by persons belonging to a national minority living either traditionally in a given area or in a substantial number and only if there is a real need or a sufficient demand.

The Convention elaborates on the obligations of States towards national minorities in such spheres as non-discrimination and promotion of effective equality, promotion of conditions favouring the preservation and development of culture, religion, language and traditions, education, learning of and instruction in the minority language, use of one’s own name in the minority language, topographical names in the minority language, participation in public life and cross-border contacts.

In spite of some shortcomings (absence of explicit recognition of collective rights of minorities; absence of a definition of national minority; limited standards; absence of a clear distinction between ‘old’ and ‘new’ minority categories, absence of clarification on means and on implementation of the rights, etc.), the FCNM remains the most important European document on the protection of national minorities; it does not officially recognize the role of Roma minority at European level but it is, indirectly, an instrument which is likely to influence positively the situation of Romany communities in those countries that explicitly recognized them under the scope of application of the Convention.

Other documents, signed at regional level, try to provide a framework protection for Roma minorities; one praiseworthy example is the Instrument for the Protection of Minorities adopted by the Central European Initiative, though such documents are only politically (and not legally) binding.

5. European Roma policy

EU legislation, with the Race Equality Directive, requires Member States to give ethnic minorities, such as Roma, equal access to education, housing, health and employment. Though, in 2010, the Commission’s Roma Task Force underlined the need for more proportionate measures in order to tackle the social and economic problems of a large part of the Roma population and to ensure that national, regional and local integration policies focus on Roma in a specific way.

On these premises, in 2011 the EU decided to work out a specific Roma inclusion strategy to work on national programmes in order to improve Roma integration and inclusion. The EU Framework identifies four pillars where national efforts to improve the integration of Roma are required, regardless of the legal status granted to Roma communities by individual States. These are: education, ensuring that all Roma children complete at least primary school; employment,

cutting the employment gap between Roma and other citizens; health, reducing the health gap, for example by cutting child mortality among Roma; and housing, closing the gap in access to housing and public utilities such as water and electricity.

The EU Framework raises Roma inclusion to the EU level for the first time and clearly links it with the Europe the 2020 growth strategy. Up to the present, only 12 countries have clearly identified allocated funding and presented strong inclusion policy measures in their strategy papers.

However, this EU Framework does not replace Member States' primary responsibility for Roma protection, which is still differing from country to country.

6. Best practices in Slovenia and Sweden

Field studies, State reports on the application of the FCNM and Council of Europe's opinions show that two EU countries seem to have chosen two models of minority protection which have proved effective, given the low degree of interethnic tensions. This is the case of Slovenia and Sweden. They both developed a system of protection and integration which, in some aspects, at least on paper, goes even beyond EU's existing standards.

This is particularly true as far as their "historical minorities", stemming from border re-drawing, are concerned. Nevertheless, they also dedicate special attention to the issues of Roma protection: as a matter of fact, they both include the Roma/Gypsy among their territorial minorities, creating legal prerequisites for the non-discrimination of their members and formal equality for all the legal aspects. This means that they have increased opportunities to influence how issues concerning them directly on a national level are handled.

These two countries can be, each one in a particular field of protection, taken as paradigmatic example, having activated best practices with their 'politics of recognition'. Like all other countries, they have, of course, chosen different types of 'minoritization' for different minorities, and the level of protection of Roma people cannot be equalled to the one of other national minorities; nevertheless, the introduction in the legislation of the concept of minority areas or ethnically mixed areas provide prerequisites for basic minority rights and leaves room for further developments. In the next sections, we will be looking at Roma minority protection in both countries taking into an account five main headings: the educational system, the use of language, political participation and representation, cultural life, information and the media.

7. Lessons from Slovenia

Slovenia is one the few countries which treat the Roma as an autochthonous ethnic community. In the Republic of Slovenia, the Roma community is a minority community recognised by the Constitution; it does not, however, have the status of national minority, but it is a minority community specifically mentioned in the Constitution (art. 65) and granted special protection by law.

Slovenia has chosen a selective extending model (Komac, 1999) i.e. general constitutional provisions for the protection of the Roma community, completed with provisions in legislation and specific policies regarding education, culture, local government, etc. However, this applies only to autochthonous Roma, as Slovenian law distinguishes between "autochthonous Roma" and other Roma. The term "autochthonous Roma", however, is not defined in law, but all

autochthonous Roma are by definition citizens. Non-autochthonous Roma have fewer rights even if they are citizens.

In spite of this, Slovenia has been generally considered an excellent example in the field of minority protection and a good example in the field of Roma protection in particular. In 1995, the Government adopted the Programme of Measures to Assist the Roma, which defines areas of activity of government bodies and municipalities such as improvement of the housing situation, creating options for education and employment, development of culture, dissemination of information and preserving ethnic identity, encouraging political participation of the Roma in the local community, managing public and social matters, in particular solving problems linked to social exclusion faced by Roma in housing conditions, unemployment and low educational level.

In 1999, the Government adopted a decision requiring all bodies dealing with Roma issues in various fields to earmark additional budget funds for this purpose. In 2004 the Government adopted decisions for follow-up activities in this field, namely decisions concerning measures to be taken in individual areas. These measures ask that government bodies consistently include solutions concerning Roma issues in their programmes, prepare action programmes for their implementation, as well as other programmes and measures.

With the Law on Roma Community (March 2007), Slovenia is the first country in the EU that has a special law on the Roma Community. This law actually defines the whole situation of Roma people in Slovenia from their housing to education and employment and provides the establishment of a Roma Community Council to deal with Roma interests, rights, culture and international cooperation. Facts show that the State is not inactive as regards Roma's status, but the difference between their protection and that of the two other autochthonous communities is evident. CERD explicitly criticised this discrepancy, whereas the European Commission, in its report about Slovenia joining the EU, although emphasizing the achievement of all policies of the Copenhagen criteria, it urged for additional measures concerning the Roma position. However, Slovenia is one of the few countries in EU 27 protecting the Roma constitutionally and as an autochthonous minority and taking specific actions for their best interest.

At the last available census (2002) 3,246 inhabitants declared themselves as members of the Roma ethnic community and 3,834 people stated Roma language was their mother tongue. Though, according to the data from 2003 provided by social work centres, there are supposedly 6,264 Roma living in Slovenia and according to the data from 2004 provided by the municipalities where Roma are settled historically, 6,448 members of the Roma Ethnic Community are supposedly living in these municipalities. Despite the official data of the census, the Office for National Minorities of Slovenia estimates that between 7,000 and 10,000 Roma live in the Republic of Slovenia.

The historical data mention Roma living on the territory of today's Republic of Slovenia since the 15th century. Research shows that the Roma living in Slovenia today came from three different directions: the ancestors of the Roma living in Prekmurje came to this region across the Hungarian territory, the Dolenjska group of Roma came across the Croatian territory, and in Gorenjska there were small groups of Sinti that came from the North across the Austrian territory. Even though primarily these groups were nomads or semi-nomads, and in the past they frequently changed the position of their settlements, today we can firmly talk about specific regions where these groups settled indefinitely: in Prekmurje, Dolenjska, Bela Krajina and Posavje. In these regions the Roma ethnic community lives traditionally, historically, and has

preserved its more or less permanent and specific settlements. Data provided by municipalities show that in 25 Slovenian municipalities there are 90 Roma settlements. The largest Roma settlement is the local community of Pušča in the Murska Sobota Municipality. More recently, Roma have formed an emigration settlement near Maribor, though mixed with Albanians and other ethnic groups.

The majority of Roma, however, still reside in settlements isolated from other populations or on the borders of settled areas in circumstances that are below the minimum living standards. Data show that nearly 40 per cent of Roma live in brick houses and only a small number of Roma families live together with the majority population and were able to reach a satisfactory level of socialization and to become involved in the local environment and the society.

Education of Roma people presents various difficulties, first of all because of the gap in communication: Roma have developed a verbal communication which is sometimes only orally transmitted, from generation to generation; moreover, the language is very linked to the territory and although there are similarities between the various 'dialects', it is not always possible to speak about a common Roma language understood by all Roma people. Another even more important problem is the high rate of illiteracy and school drop out.

Thus far, there are no schools in Slovenia where the Romany language is the medium of instruction: the Slovene government tries to integrate Roma children into the general education system. To that end, Slovene schools with Roma pupils have smaller classes, in order to be able to teach Roma children in smaller groups. Since 2011, long-term initiatives are carried out following the goals set out in the EU Framework Strategy. In schools where an interest is manifested, the optional subject "Roma culture" is available; programmes addressing intercultural co-existence have been prepared; educational text books in the Roma language have been published; training seminars for teachers dealing with Roma are being carried out.

Further measures to be achieved by 2015 are inclusion of Roma assistants in the educational process, early inclusion in educational processes, setting up conditions for inclusion in preschool education, raising the quality of education provided to Roma children, establishment of a support for learning network, in particular for secondary school Roma students.

The main problem is still the lack of staff that are able to speak the Romany language. However, in its report, the Committee of Experts see it as a very important task to raise the prestige of the Romany language and practical problems are no reason to prevent teaching the language at some level (Klinge, 2004).

As concerns the use of language more generally, no act contains special provisions for the use of their minority language for official purposes. Therefore, Roma currently do not have the right to use their language for official purposes and before administrative bodies or courts.

In the areas where they live, the Roma have the right to at least one representative in the municipal council. Following the decision of the Constitutional Court in 2002, the Law on Local Self-Government has been amended so as to provide for at least one Roma representative in 20 municipal councils. This means that Roma have now an embryonic right to representation in elected bodies.

In Slovenia, several societies and cultural associations of national minorities, including the Romany community, are active. However, most of cultural and other associations of diverse ethnic communities were established on the basis of private law.

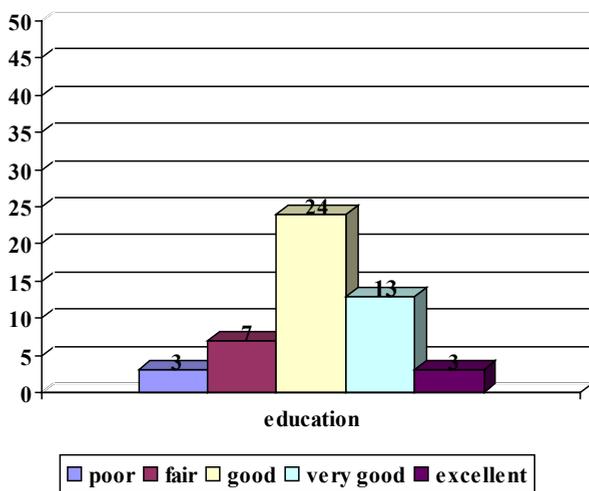
Roma media are still a rare occurrence in Slovenia's public service network (Gosselin, 2002:12). The Romany community disposes of a bilingual newspaper, *Romano them*, in

Slovene and Romany language, and of some broadcast programmes that are co-financed by the Ministry of culture, radio *Romskih 60* and *Studio D* with weekly bilingual programmes, and TV programme *TU As* broadcasting occasionally. However, some relevant attempts have been made and lately the Roma programs aired irregularly by the station have turned into a regular specific show.

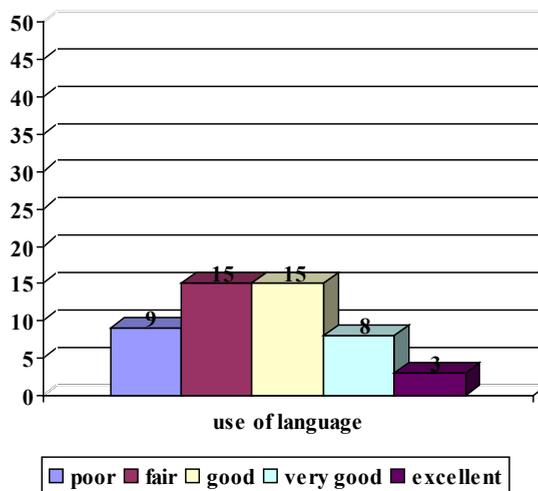
In 2011, a small-scale field research has been carried out among Roma by the author by means of a structured questionnaire aiming to identify the perception of the level of protection for each of the previously analysed fields, in order to find out discrepancies between the protection of ethnic minorities as enacted and framed in the government policies and in the legal system, and the perception of the members of the minority themselves. The sample consists of 50 cases and the chosen methodology is chain-referral: accessing Roma populations through probability sampling was either not applicable (Sweden) or it provided low response rates (Slovenia). Snowball methods usually do not demand to have scientific accuracy but, if biases are limited, they can however provide an interesting portrait of social phenomena, especially when hidden population are involved. Initial subjects of the chain were chosen among experts in the field, professors, researchers, representatives of national minorities at the institutional level etc. The main results will be now shortly presented through graphic solutions.

The survey was conducted in the Roma autochthonous settlements of Prekmurje. The respondents are 50% women and 50% men, most of whom have primary or lower secondary school degree, covering all age groups. Regarding minority protection field by field, several differences can be noticed from one field to another. Overall, it is deemed at least as sufficient in most of sectors. In particular, the fields of education and cultural life are deemed to be very good or excellent by 32% and 38%, respectively, of respondents. By contrast, the fields 'information and media and 'use of language' are considered the most problematic ones, with half of respondents judging the protection in these fields as 'poor' or 'fair'.

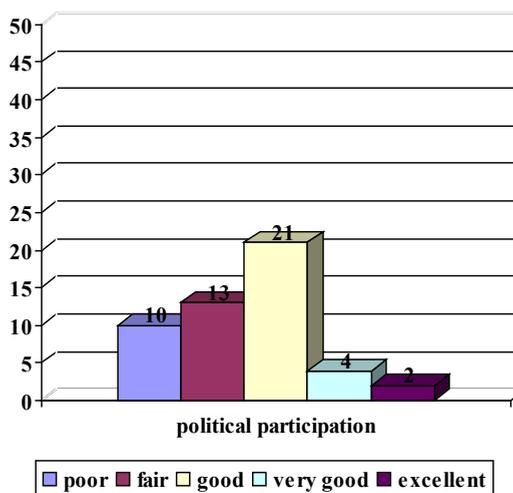
Graph no. 1: Perceived protection in the education field



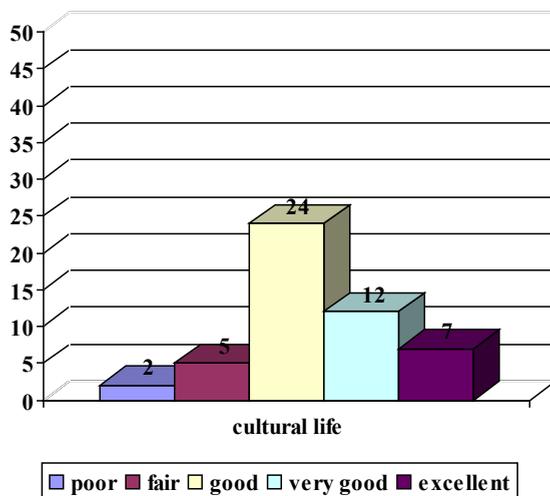
Graph no. 2: Use of minority language



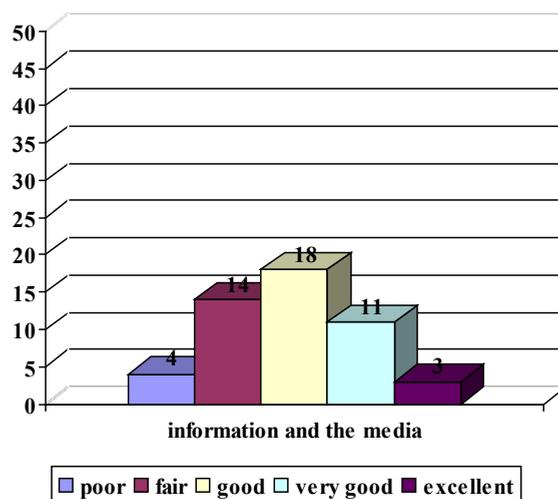
Graph no. 3: Perceived protection in the field of political participation



Graph no. 4: Perceived protection in the cultural life field



Graph no. 5: Perceived protection in the field of information and media



The survey shows that, although Roma are not particularly satisfied with their minority rights in all considered fields, they judge positively at least two of them and, on average, fairly the other three. The hypothesis of Slovenia having a rather developed minority protection system as far as Roma are concerned is therefore, if not totally, at least for the most part, confirmed not only by the analysis of literature and existing legal provisions but also by the voice of the community.

8. Lessons from Sweden

According to a report submitted to the OSCE by the International Helsinki Federation for Human Rights in 2005, Sweden hosts the largest number of Roma in the Nordic countries. The number of Roma living in Sweden is currently estimated at 40,000 – 50,000 people. As a result of several waves of migration from the 16th century until today, Sweden has a heterogeneous Romani population with linguistic, religious, and cultural variations.

In spite of this, Sweden recognized Roma people as a national minority only when the parliament adopted the government's proposition 1998/99:143 *National Minorities in Sweden* in December 1999. The official recognition was followed by the ratification of the FCNM.

The history of the Roma in the Nordic area is little known. Sweden has had a Romani population at least since 1500. They were firstly referred to as Tater and later as Tattare or Gypsies. A great number of them were deported over the centuries to Finland, which used to be part of the Swedish empire. In Sweden as elsewhere, the secular and ecclesiastical authorities issued various edicts during the 17th century decreeing that the Roma were to be driven out of the country. During the 18th century many Roma were drafted into the army. Others were dispatched to forced labour or forced settlement. A ban on Romani immigration was introduced in Sweden in 1914 and remained in place until 1954. During the period between the two world wars, the Gypsy issue was the subject of a fierce debate which had racist overtones and frequently drew on racial biology.

The Swedish government officially divided the heterogeneous minority into five groups (Kai, Pejčić, 2010:5) : (a) The Finnish Kalé Roma, one of the oldest groups, which is made up of around 10,000 – 12,000 people; most of them migrated from Finland in the 1960s and 1970s; (b) The Travellers, whose origin is still debated: they originate from the very first Roma migrants to Sweden in the 16th century and, according to some sources, from German and French soldiers who came to Sweden during the wars of the 17th century; however, they are probably the most ancient group and are estimated to be around 20,000 – 25,000; (c) the Swedish Kelderash Roma, who are estimated about 4,000 – 5,000. Most of them emigrated from Russia around the end of 19th century; (d) The “non-Nordic” Roma, which is the largest group and is estimated to be about 15 000 in number; it is a very heterogeneous group with several subgroups and mainly consists of immigrants who came to Sweden from different European countries in the end of the 1960s and in the 1970s; they have different religious confessions and at least four languages; (e) one last group, mostly from Bosnia and Herzegovina, Serbia and Kosovo, who came to Sweden as a result of the collapse of former Yugoslavia, and which comprises at least 5,000 Roma. This group also is heterogeneous. These are also newly arrived. It is mainly Romani asylum seekers and refugees such as Erli och Gurbeti Roma.

Although the last two groups are not technically autochthonous territorial minorities, Sweden decided not to make any distinction among the various groups and to confer them all the status of national minorities, therefore implying their long- lasting presence on the Swedish territory.

It must be noted that this categorization is largely inclusive: each of these Roma groups contains several other sub-groups and the classification is often rejected by many Roma communities or individuals: it is in fact based on a sequence of historical migrations, whilst Roma generally focus on innate transnational diversity (for example such groups as Lovara, Arli, Gurbeti, etc. identify themselves as *one* group even though people belonging to them can have

different nationalities, religious confessions, dialects). Moreover, one individual can identify him/herself with more than one group: for example he/she can belong to the Finnish Kalé Roma and to the Travellers at the same time. Some Travellers regard themselves as *resande*, an identity that has become more accentuated in line with the new differentiated minority politics.

Sweden is certainly one of the few countries in Europe in which the Roma minority presents such innate diversity which often leads to fragmentation, first of all in terms of identity and consequently in terms of representation. The different groups, in fact, often do not cooperate or even mix between each other. It is estimated that 13 – 14 varieties of Romani Chib are spoken among Sweden's Roma and some times these languages do not imply mutual intelligibility. The main distinction is noted between Wallachian and non-Wallachian dialects/languages. The former developed among the Roma who were detained in Vlach and Moldova from the 14th to the 19th century, whilst the latter developed among the groups who began to migrate to other parts of Europe in the 15th century or earlier. The different varieties of Romany Chib – Finnish Romani, Kelderash, Lovari, Tjurari, Sinto, Arli, Bugurji, Gurbet and Swedish Romani – spoken in Sweden are protected as one language.

In spite of the important changes Sweden's minority policy underwent during the last decade and the tightening of the anti-discrimination laws, the Roma – without any significant differences among the various groups and sub-groups – live in exposed situations in all relevant social aspects, often experiencing individual and structural discrimination.

Since the autumn of 2006 the Government appointed the Delegation for Roma Issues with the task of improving the situation of the Roma in Sweden. The delegation's main tasks are: to inform and disseminate knowledge about Roma and their situation in Sweden and to encourage the exchange of knowledge and experiences; the delegation consists of ten members, half of whom are of Roma origin; b) to promote and support municipal projects and activities aimed at improving the situation of Roma and c) to gather experiences in the areas of settlement and submit proposals for how the living conditions of Roma in Swedish society can be improved. The work requires a close dialogue and cooperation with Roma. The Government has annual consultation meetings with the representatives of the national minorities, including Roma.

In Sweden there is an extensive legislation against ethnic discrimination. Since Roma as a group are particularly adversely affected by prejudice and discrimination the Ombudsman against ethnic discrimination has received additional funding for Roma related issues.

The practice of Roma minority protection in Sweden was introduced only recently but it has already shown rather successful in at least some of the fields of protection. Romani Chib is deemed to be a non territorial language; nevertheless, some ordinances (SFS 1994:1194 and SFS 1992:394) lay down special rules for mother-tongue education in Romani languages: the speakers enjoy this right even if the number of students is less than five. Roma students with foreign background are the only group entitled to mother-tongue education in two languages, if they need it.

In order to accomplish the goal set out in the EU Framework Strategy, Sweden has taken numerous measures with the aim to bring about real changes in Roma pupils' performance at school. These include the organization of courses to train bridge-builders in day-care, pre-school classes and primary and lower secondary schools in the pilot municipalities in order to improve the educational situation of the Roma minority, increased security for all children, publication of teaching material in Romani Chib for use at all school levels.

No right to use the language in the contact with the public administration has been granted,

so far. The Roma people do not have a representative body at national level, though they can have some influence on matters concerning them through the Roma Council, composed of ministries and Roma representatives working together with the task of submitting proposals and draft laws that can promote the situation of the Roma minority in Sweden. The Roma Council was created in 2002, replacing the Roma Working Group of 1996. The Roma National Associations are another example of representation at the national level. At the local level, various associations and organisations have tried to avoid this problem by including in the Board of Directors members from all five Roma groups, like the Roma Cultural Centre in Huddinge (Stockholm).

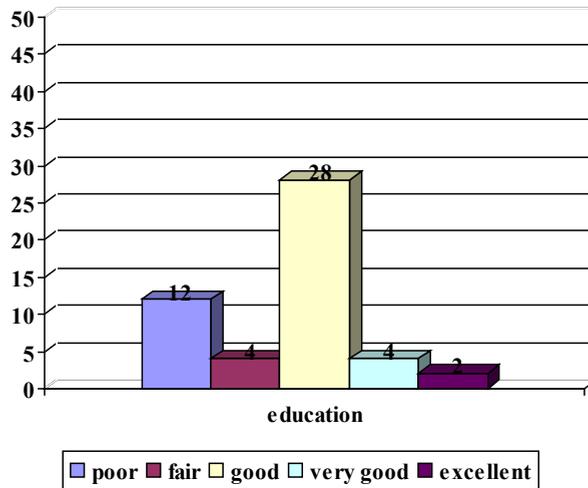
The Swedish National Council for Cultural Affairs is responsible for implementing the national cultural policy, including minority policies, in fields as literature, museums, exhibitions, concerts, arts, etc. Since the introduction of the minority policy, the minorities' national organisations, including those of Roma, have been able to apply for a grant for their activity on annual basis. The funds are allocated in accordance with the Ordinance on Government Support for National Minorities (2005:765).

Radio Romano has been established, in 2001, in the international unit of the Swedish Radio. It broadcasts in Romany Chib a few hours per week. The Roma minority has also its own magazine, *E Romani Glinda*, since 1998. *E Romani Glinda* is a politically and religiously independent magazine primarily targeted at Roma, but also at various organizations and agencies that come into contact with Roma or Roma-related issues, and at all those interested. It is published in Swedish language but deals with topics that concern Roma people both at national and international level (culture, events, ongoing projects, experiences, etc.).

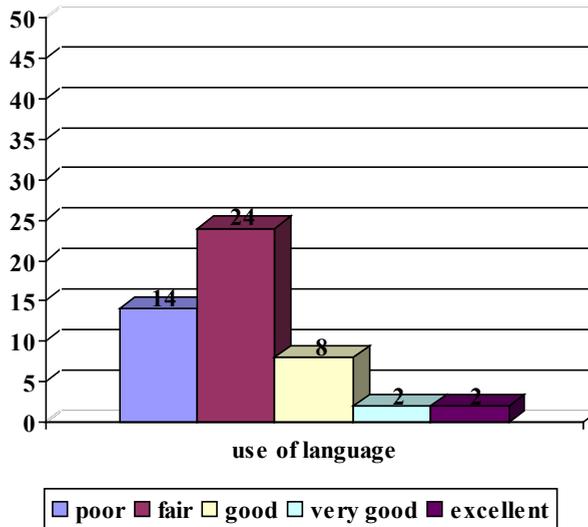
A field research was carried out also in Sweden, using the same methods applied to the Slovenian Roma minority as described above. In the research, all six Swedish Roma subgroups have been taken into consideration in order to obtain a more complete view on Swedish Roma's opinions. However, using a snowball method, it was not possible to respect the percentages of the different groups composing the social landscape, although we have tried to take into account different age groups and education levels.

As regards minority protection field by field, the protection is considered good in some and less good in others. Protection in the field of education and promotion of cultural life is deemed to be 'good' by the majority of respondents, whereas it is perceived to be scarce in the other fields. In particular, 40% of respondents consider minority protection in the field of political participation as 'poor' and 28% consider the protection regarding the use of language 'poor' as well. The vast majority (48%) consider protection in the information and media sector as 'fair'.

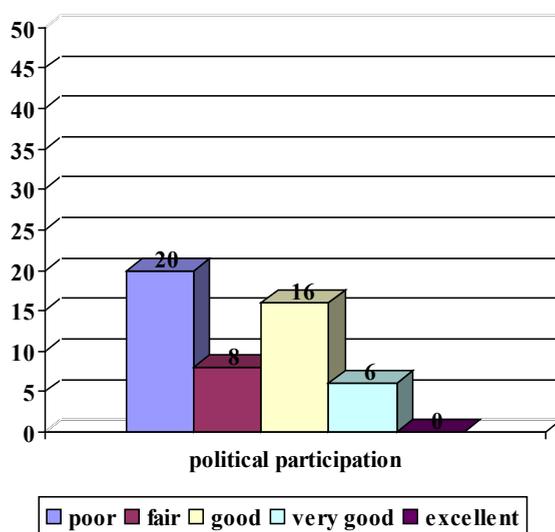
Graph no. 6: Perceived protection in the education field



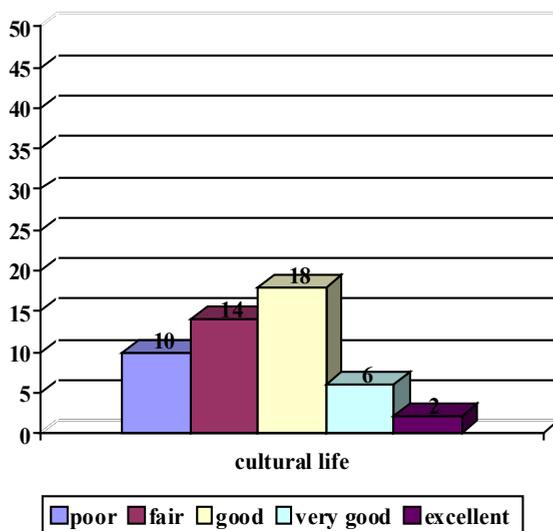
Graph no. 7: Perceived protection in the use of minority language field

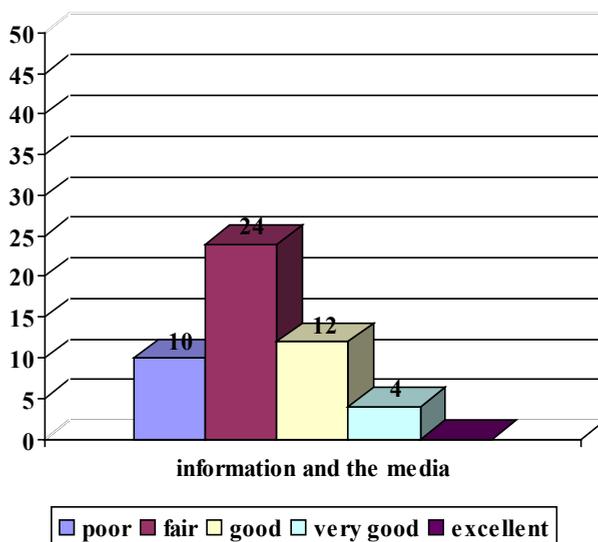


Graph no. 8: Perceived protection in the political participation field



Graph: no. 9: Perceived protection in the cultural life field



Graph no. 10: Perceived protection in the information and the media field

Although Swedish legislation provides a good legal basis for Roma rights, the survey shows that these rights are probably not sufficiently translated into practice or made effective yet.

9. Conclusions

Slovenia and Sweden, in spite of the relatively recent practice of Roma minority protection and implementation both of internal legislation and of European documents, have become two examples in the field. Both countries include Roma among protected minorities, although they apply different methods: Sweden considers them as a national minority whereas the exact expression used in Slovenia is special ethnic community⁴. However, both countries apply the norms contained in the FCNM also to the members of the Roma community.

Some limits can be found in the legal uncertainty with regard to the distinction between autochthonous and non-autochthonous Roma (in Slovenia) and in language rights restrictions (in Sweden).

Nevertheless, best practices can be detected at least at three different levels, as it emerges from our analysis: (a) they have, compared to most other EU countries, a rather rich legislation in the field of Roma protection, incorporated in or backed by numerous programmes, strategies and resolutions in different social areas; (b) they are deemed to be carrying out some of the best measures with regard to the implementation of the EU Framework Strategy on Roma and; (c) empirical results regarding perception of protection by Roma minority members leave margins

⁴ See also Office for National Minorities, Government of the Republic of Slovenia, http://www.unv.si/en/minorities_national_communities/roma_ethnic_community.

for optimism, especially in the field of education which is at the core of EU policies towards Roma.

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