

## **Europe Is Afraid of Its Roma**

Jean-Baptiste DUEZ

**Since the 1990s and the collapse of the Communist bloc, thousands of Roma have left Eastern Europe. Their arrival in the west, particularly France and Italy, has provoked strong negative reactions – and not only on account of their poverty and way of life. Today, closely linked to the conditions of entry and stay of foreigners, the ‘Roma’ question is at the centre of European and national politics.**

Various constraints have been introduced to counter migratory flows towards and within Europe. These have served to change the status of foreigners and the very notion of the word ‘foreigner’, which has long given rise to a questioning of identity. In this context, the Roma question occupies an important place in public debates, both in Eastern and Western Europe. In France, however, this is nothing new. In 1912, a law was passed regulating the movement of nomads. The issue arose once again a few years ago, when shanty towns reappeared to the south of Paris and the Internal Security Act, passed on 18 March 2003, deemed travellers to be undesirable. Some of these groups then took part in civic engagement initiatives and some Roma became integrated in Seine-et-Marne and Val-de-Marne. This is no longer the case today, and the Roma remain at the heart of European concerns.

Beyond the similar way in which they have been rejected, there are two separate issues when it comes to the Roma, particularly in France (and Belgium). On the one hand, there are those who, since the law of 12 December 1969, have been accepted as travellers and hold a “travel permit”; they number just under 200,000 and have French nationality. Then there are those who have a permanent address, taking the total number of Roma living in France to

between 300,000 and 400,000<sup>1</sup>. Two thirds of these are settled but, to use Jean-Pierre Dacheux's phrase, still have "a certain culture of travel"<sup>2</sup>, that is, the habit of moving around within the national territory. This situation is unique to Western Europe, since 97% of European Roma are considered to be geographically stable. Numbering between 10 and 12 million in Europe, these Roma are European citizens and, although they have low incomes, to a certain extent, they have the right to freedom of movement.

Since the 1990s and the fall of the Communist bloc, we have seen the arrival of so-called eastern Roma people who have travelled across from Eastern Europe<sup>3</sup>. Numbering several hundred thousand in the Île-de-France area, these Roma have joined the other *Parizosqe Roma* (the "Parisian Roma" in Romany). This limited migratory trend brings about the question of a link between Manush and Sinti – the Roma of French nationality and those from the east – since, although these populations are from different social contexts, there are historical links between them. Fears of a 'pull factor' have been used against eastern Roma, while only a few thousand people are actually looking to settle in Western Europe.

### **A climate of violence and xenophobia**

After a long silence in the press (which – with the exception of *Le Monde*, which regularly publishes articles on the subject – did not really cover the expulsion of Roma people in 2007), a large number of articles were published over the summer of 2008. The Roma's precarious situation and the particularly repressive way they have been treated in Italy have been highlighted as a result of several events. After the re-election of Silvio Berlusconi – who exploited people's xenophobia towards the Roma and was always conscious of the fact that any mention of the Roma, whether positive or negative, was a chance to put himself in the spotlight – and after the subsequent proposal to place on file the fingerprints of all the citizens

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<sup>1</sup> See Jean-Pierre Liégeois, *Roms en Europe*, Strasbourg, Éditions du Conseil de l'Europe, 2007; Bernard Drobenko, *Territoires et minorités : la situation des gens du voyage*, Limoges, Presses Universitaires de Limoges, CRIDEAU, CNRS/ INRA, 2005.

<sup>2</sup> Interview with Jean-Pierre Dacheux, 25 August 2008.

<sup>3</sup> The issue of migrations between east and west can be conceived according to the different problems involved. The Schengen Agreement, which advocated the free movement of people and goods, was signed in 1985. It has been applied gradually and has undergone changes, the most recent of these being its application in nine new countries (Estonia, Latvia, Lithuania, Poland, the Czech Republic, Slovakia, Hungary, Slovenia and Malta). Romania and Bulgaria plan to join the Schengen area in 2011. In theory, these two countries joined on 1 January 2007 when they signed the Convention implementing the Schengen Agreement, but this has still not been applied in their case. The delay in this process may be related to requests made by the leaders of these countries to promote the integration of the most marginalised groups. In addition, border controls have not completely disappeared in Member States and are used in particular to stop illegal immigrants.

of these communities, a protest movement was established, judging these methods to be tantamount to those of Nazism and fascism.

Despite the fact that communities were separated and scattered throughout different areas of Europe in the 14<sup>th</sup> and 15<sup>th</sup> centuries<sup>4</sup>, the Roma populations that spread across Europe are connected by a shared history, one that has been marked in particular by servitude and slavery, and then by the genocide of the Second World War and the specific methods used against them by the SS in concentration camps<sup>5</sup>. Such an association of ideas therefore enables the repressive policies used against them to be condemned today. The National Association of Political Ex-deportees rose up in particular against the indexing and collecting of Roma children's fingerprints. Pupa Garribba, a Jewish woman who had experienced the census under the fascists in 1938 called for mobilisation by proposing that all those non-Roma who disagreed with this approach should also go to have their fingerprints taken when the census was carried out<sup>6</sup>.

On 10 July 2008, the European Parliament adopted a resolution – by 336 votes to 220, with 77 abstentions – intended to dispense with the collecting of fingerprints, judged to be “an act of direct discrimination” based on race and ethnic origin (the collection was, however, supported by the President of France)<sup>7</sup>. The last ethnic census to be carried out in Western Europe was during the Second World War, with the exception of France. Since 1912, the Manush have been provided with an anthropometric passport containing around 200 pages, called a “nomadic passport”; in 1969 it was replaced by booklets or travel passes. These booklets – which had to be handed over to the police when entering and leaving a town in order for them to be given the stamp of the local authority – contained fingerprints, photos taken face-on and in profile, the physical characteristics and the head of the family's potential

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<sup>4</sup> See Jean-Pierre Liégeois, *op. cit.*, p. 17-26; and Patrick Williams, “Ethnologie, déracinement et patrimoine. À propos de la formation des traits culturels Tziganes”, in Daniel Fabre (ed.), *L'Europe entre cultures et nations*, “Cahier 10 de la Mission du Patrimoine ethnologique”, Paris, Éditions de la Maison des sciences de l'homme, 1996, p. 291. The path taken by the Roma people leads us to the matter of their arrival in Europe and their possible antecedence. Sergio Franceze, for example, seeks to highlight the existence of a common origin between Roma and Hebrews. See <http://www.imninalu.net/Gitans.htm>.

<sup>5</sup> See Mateo Maximoff, *Dites-le avec des pleurs*, Paris, Service concordia, 1990, p. 97-98.

<sup>6</sup> See Giacomo Russo Spina, “Et maintenant fichez-nous tous ! Une campagne pour les Roms”, *Il Manifesto*, 29 June 2008 (translated from the Italian by Ludmila Acone).

<sup>7</sup> “Le Parlement européen condamne le fichage des Roms en Italie”, *Le Monde*, 10 July 2008.

convictions. It came with a collective booklet, similar to a family register (the French “livret de famille”), which gave details of the civil status of every family member<sup>8</sup>.

Other events, such as the drowning of two young Roma girls on 19 July 2008, and the question of the other bathers’ behaviour towards them, were added to the controversies that followed one after the other and which, by 2007, had already provoked a variety of responses. In December 2007, a petition by artists and intellectuals drew attention to the outbreak of xenophobic activity after the murder of Giovanna Reggiani:

A woman was raped and murdered in Rome. The killer is certainly a man, perhaps Romanian. It was also a Romanian woman who, by lying in the middle of the road to stop a bus that was not slowing down, tried to save a life. The heinous crime shook Italy; the gesture of altruism has been forgotten. The day before, also in Rome, a man raped and almost killed a Romanian woman. Two victims of equal dignity? No: of the second, we know nothing, for nothing is published in the newspapers; of the first, we only need to know that she was Italian and that the murderer is not just a man but a Romanian or a Roma<sup>9</sup>.

Prodi’s government then issued a decree enabling it to expel foreigners who were members of the European Union, for reasons of public safety<sup>10</sup>. Italy’s disapproval of Roma, however, in line with its fascist past, masks the restrictive treatment to which they are subjected in France and the xenophobia they often have to face. This manifests itself as it does in Italy: through violence. This has been the case a number of times in Marseille with, for example, the attempted lynching of three Roma on 21 June 2008, followed by threats and brutality over the course of the summer<sup>11</sup>.

In Eastern Europe, the situation is even more serious. In Romania, on 3 June 2003, three Roma were killed by a mob; in Slovakia in 2001, houses built by Roma people were destroyed<sup>12</sup>. Anti-Roma statements issued by politicians also come to mind, such as those made by the Romanian Foreign Affairs Minister, Adrian Cioroianu, who, at the end of 2007, proposed that the Romanian state could purchase land in the Egyptian desert in order to hold

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<sup>8</sup> Mateo Maximoff, *op. cit.*, p. 60-61.

<sup>9</sup> “Le Triangle noir” – a petition by writers, artists and intellectuals against violence towards Roma people, Romanians and women, 11 December 2007, at <http://quadruppani.samizdat.net/spip.php?article68> (in French).

<sup>10</sup> Eminescu Roxanna, “La Tziganiade ou comment s’en débarrasser”, 2008, unpublished, p. 3.

<sup>11</sup> Luc Leroux, “Les Roms de Marseille en butte à une vague d’hostilité”, *Le Monde*, 13 August 2008.

<sup>12</sup> See Jean-Pierre Marguenaud, “Les minorités itinérantes et la jurisprudence de la cour européenne des droits de l’homme” in DROBENKO Bernard (ed.), *Territoires et minorités : la situation des gens du voyage*, Limoges, Presses Universitaires de Limoges, CRIDEAU, CNRS/ INRA, 230 pages, p. 18.

those who commit crimes (no doubt Giovanna Reggiani's murderer) in "disciplinary battalions". The extreme right-wing group in the European Parliament 'Identity, Tradition, Sovereignty', led by Bruno Gollnisch, was dissolved on 8 November 2007 following declarations by the Italian neo-fascist Alessandra Mussolini on the subject, while the Italian Minister of the Interior Giuliano Amato spoke of "driving out Romanian offenders".

All of these responses echo the policies of rejection that have been used against the Roma people both in Western and the Eastern Europe. In Europe, the Roma issue is one that has transcended borders and eras.

### **European hospitality, national severity**

As Jean-Pierre Marguenaud commented, "in the case law of the European Court of Human Rights, a handful of judgements directly relate to the respect for the itinerant lifestyle of a minority – in this case, the Gypsy minority" (this is mainly a reference to the Buckley v. the United Kingdom judgement of 25 September 1996, and the five judgements of 18 January 2001 in the cases of Chapman, Jane Smith, Lee, Coster and Beard v. the United Kingdom). The first established a "right to housing" and the latter cases created a link between the right to respect for one's way of life and the right to respect for private and family life. However, these judgements should not eclipse the fact that "for the Gypsy minority, the most serious violations against fundamental rights are not committed when its members wish to continue moving around in caravans but, rather, when they wish to settle in houses"<sup>13</sup>.

This European Parliament policy can be linked to the presence of two MEPs of Roma origin. These women have succeeded in establishing the Roma issue as a matter for public debate. For Jean-Pierre Dacheux, however, these resolutions were adopted in "a sort of cowardly unanimity that cleared people's consciences"<sup>14</sup>. There is a disparity between the European Parliament, which adopted, by a very large majority, the resolutions tabled by the two MEPs (as was the case in 2005, 2006 and 2007), and the Member States that can be allowed to disregard them, on account of the principle of subsidiarity which applies within European institutions<sup>15</sup>. However, the powers of the European Union are no longer

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<sup>13</sup> See Jean-Pierre Marguenaud, art. cit., p. 17-22.

<sup>14</sup> Interview with Jean-Pierre Dacheux, 25 August 2008.

<sup>15</sup> Michael Th. Johnson also mentions the principle of subsidiarity in relation to the International Criminal Court in The Hague. See interview with Michael Th. Johnson, "Justice mondiale, tribunaux locaux. Réformer la Cour

subordinate to those of Member States and regions, but instead now contradict them. The problem is related to the harmonisation of European policies, which is never an easy task, and the Roma question is no exception. Everyone agrees on the fact that the different countries should endeavour to eradicate shanty towns and poverty in general, but this question is tackled differently in the East and the West<sup>16</sup>.

In France, for example, the Roma are clearly deemed to be undesirable. In the case of eastern Roma, the control policy has only been in force for a decade, since they did not arrive in France until after the end of Communism. Roma camps were evacuated<sup>17</sup>. Expulsions increased threefold in 2007. French legislation, which had been strictly applied over the previous two years, initially tackled begging. After many anti-begging decrees, the “offence of begging with a child” was specified in 2005, making the practice punishable with a long prison sentence<sup>18</sup>. Bilateral agreements were signed on 30 August 2008 between France and Romania over the issue of the repatriation of minors (who could not normally be expelled). Since the 1990s, bilateral agreements have been concluded so as to prevent the movement of Roma families in Romania. The stance taken by associations condemning this new decision has been to refuse any amendments to the agreements until the situation is properly assessed, in order to avoid a scenario in which cases of mistreatment continue and children fall – or fall back – into mafia rings. Indeed, when deported, many Roma children become victims of this type of incident.

Removal measures through legal texts, such as article R. 121-3 of the Code of Entry and Stay of Foreigners and Right to Asylum, have been used against the eastern Roma. This specifies that

Provided they do not become an unreasonable burden on the social security system, particularly health insurance and welfare, [the nationals] as well as their family members [...] have the right to reside in France for a period shorter than or equal to three months, without conditions or formalities other than those envisaged in Article R. 121-1 for entry on to French territory [presentation of a identity card or valid passport].

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pénale internationale”, *La Vie des Idées*, 20 June 2008, <http://www.laviedesidees.fr/Justice-mondiale-tribunaux-locaux.html>.

<sup>16</sup> Jean Marc Turine, *Le Crime d’être Roms*, Villeurbanne, Éditions Golias, 2005 ; Philippe Pichon, *Voyage en Tsiganie*, Paris, Éditions de Paris, 2002.

<sup>17</sup> See Nathalie Perrier and Julien Duffé, “Saint-Denis. Les Roms ont un mois pour quitter le camp”, *Le Parisien*, 10 July 2008.

<sup>18</sup> See Bertrand Bissuel, “La Cour de cassation précise les contours du délit de “mendicité avec enfant””, *Le Monde*, 15 October 2005.

In a complaint against France presented to the European Commissioner Jacques Barrot, the Group providing Information and Support to Immigrants (GISTI), backed by associations that assist Roma people, criticised the notion of an “unreasonable burden on the welfare system” which, while it has existed as EU law since the 1990s, only made inroads in France through the law of 24 July 2006.

### **For a better policy towards the Roma**

Michèle Mézard, a member of the Romeurope association, states that the European directive concerning the notion of an “unreasonable burden”, as attributed to the Roma, does not make a great deal of sense, since most Eastern European Roma do not claim income support and are demanding access to jobs within a legal framework. This notion of an unreasonable burden does not mean a great deal, since it only really relates to the cruel reality of the shanty towns. In addition, while everyone agrees that these must be eradicated, solutions are also needed for the several thousand people who are forced to migrate and who, unlike the Manush, no longer proclaim their rights so much on the issue of their past nomadism as this enforced nomadism. The idea of an unreasonable burden does not correspond exactly to the definition put forward, since these people are rejected, have great difficulty accessing the job market and, in Eastern Europe, experience far more serious situations than in France.

Michelle Mézard simply remarks that the Roma “are poor and ask to live poorly”, and that very fact is now being challenged. In her view, “there is a tendency to think that, if they live like that, they are content. We need to show that these families have real plans for their children, plans to get a job that enables the family to survive, to live in a house or, at the very least, an apartment”. On a worldwide scale, as Jean-Marc Turine states, the Roma have been reduced to and maintained as beggars; and, in fact, most of them live in great poverty. The tax collected by the ‘Agence nationale d’accueil des étrangers et des migrations’ – the French agency responsible for immigration and welcoming foreigners – does nothing to make accessing the employment market easier for people who are, after all, European citizens.

Since Nicolas Sarkozy was elected, the clichés used against particular social groups have intermingled with a history that has narrowed as a result. This has brought about the rejection of the Roma majority and the integration of a small minority. However, a critical approach to the issue provides us with an opportunity to envisage social structures that go

beyond fatalism in order to challenge them, because, although it is vital to denounce inhuman situations, it is even more important to combat the passivity and lack of action that perpetuate this type of situation, if they do not help to create them in the first place<sup>19</sup>.

At a time when Europe is taking refuge behind its borders, we need to understand the ways in which the issues surrounding these social groups are just as much a result of the fate they suffered during the 20<sup>th</sup> century as of the relationship with the ‘other’ matter of citizenship; we should also understand the way in which these problems are interconnected. It goes without saying that practices such as child begging must stop. Many people also bring up the issue of petty crime. And yet, the living conditions of a father who plays his violin in the underground every day while his child collects money is as much, if not more, a result of the socio-economic context as it is of criminal law enforcement. We should encourage the work carried out by associations that help Roma children, such as the Parada Association and local groups that guarantee follow-up and support at school, often working voluntarily, just as we would promote any measures that help adults to provide for their family.

Finally, while it is not their function in the short-term, establishing villages such as the MOUS housing projects for the socially disadvantaged is expected to fuel the debate over the issue of ‘host’ or ‘buffer’ zones. The aim of the MOUS projects is to “promote access to housing for people and families in difficulty” (according to the circular letter dated 2 August 1995, issued by the housing and construction department of the French Ministry of Housing). As Olivier Dubaut, subprefect of the Seine-Saint-Denis department near Paris, explains<sup>20</sup>, they are only based on provisional building permits valid for a few years at most. They should provide a breathing space while the Roma who are selected complete their professional and social integration. However, they indirectly raise the question of an unconventional way of life, which these people may accept without it necessarily becoming an anachronism. Following the example of the Zingaro equestrian theatre, founded by the famous horse trainer, Bartabas, in Aubervilliers, or the Cabaret Sauvage in Parc de La Villette (Paris), this unconventional lifestyle is also matched by the Roma’s claim to a culture and an identity that can be found in the north of Paris and is the vehicle for a thriving economy. This leads us to the question of the different commercial activities that the Roma may have engaged in (and

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<sup>19</sup> See Jean-Loup Amselle, “Le sauvage méchant”, in *Le Sauvage à la Mode*, Paris, Le Sycomore, 1979.

<sup>20</sup> Consultation meeting for the Saint-Denis subprefecture, held on 2 July 2008.

sometimes still engage in), such as old cinemas, fairs, or minor trades as described by Mateo Maximoff in his history of the Roma<sup>21</sup>.

To return to the question of housing, new projects are now emerging from building companies and schools of architecture. Some companies have designed octagonal, wooden houses with a surface area of 60 square metres and an overall cost of EUR 30,000. They have interior and exterior partitions and rooms, and could even replace bungalows, which are not conducive to social interaction. Some Roma are interested in this type of building design, and also hope to become involved in the MOUS building projects themselves, after receiving training. Activities of this nature are also in line with the traditions that have been passed down. Young Roma who were once (and still are, in some cases) renowned horse dealers now have plans to become mechanics – if they are allowed the opportunity.

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<sup>21</sup> Mateo Maximoff, *op. cit.*, p. 41, 87-95, 116-118.