

THE EUROPEAN UNION AND THE PROTECTION OF THE ROMA MINORITY IN THE FIELDS OF EDUCATION AND HOUSING

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ABSTRACT

The role of the European Union is permanently evolving, and this determined a change in the principle of sovereignty of the nation-state. This article presents the impact of European policies on the Roma minority in France and Romania, taking into account the status attributed to them in the two countries: foreigners and ethnic minority, respectively. The aim of the article is to analyze and assess the European policy with respect to Roma people in two of the areas where segregation is most obvious: education and housing.

Keywords: comparative analysis, Roma minority, European Union, education, housing.

INTRODUCTION

Given the involvement of various international institutions like the European Union (EU) and the United Nations (UN) and the access to political coordination of various suprastate, transnational, national and substate bodies, the balance of powers has changed from a state-centred perspective, to a “multilayered, multidimensional and multi-actor” governance (Held 2004: 79). The sovereignty of the nation-state is constantly shaped.

The EU has evolved in only 50 years from an intergovernmental one institution to a supranational (Zweifel 2006: 131). Its power in tailoring the policies of member-states has therefore increased. One of the areas it deals with is the protection of the Roma minority. This essay looks at the EU and the protection of the Roma. It assesses the extent to which the notion of ‘international policy’ can be applied. For the purpose of this essay, ‘international policy’ is defined as ‘a programme or set of measures that are imposed from above (the EU) and affect the national policy-making’.

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This paper considers the impact of the EU policies in France, where the Roma are seen as foreigners, and Romania, where they represent a minority. It starts by evaluating the problems faced by the Roma. It then moves on to the most important actors at international, national, local and individual level in the field of Roma protection and their interests. Since the aim of the paper is to assess the EU Roma protection policy, the focus is on policy process. In that respect, EU legislation framework and the application of EU programmes in Romania and France will be analysed in two areas: education and housing, as they are the areas where segregation of the Roma is the most visible. The last subsections discuss the paradox of the Roma protection: even if there is much done at EU level, their status has not been improved. Finally the paper gives some recommendations which aim to improve the situation of the Roma. The conclusion assesses the effectiveness of the EU policy in addressing the Roma minority.

1. EVALUATION

Motto:

FREDO: You know MAM used to tease me; she'd say, uh – "You don't belong to me; you were left on the doorstep by gypsies". Sometimes I think it's true.

MICHAEL: "You're no Gypsy, Fredo" (The Godfather, 1974).

The Roma represent the biggest ethnic minority in Europe. Estimated at 10–12 million people, (Bancroft 2001: 146), they are equal to the population of a medium EU member state, like Belgium. Although they are “a people of Europe” (Fraser 2007: 1), the Roma often face a harsh reality. They are often seen as “a disturbing and weird foreigner” (Vivente 2004: 31). The quote from *The Godfather* shows how the Gypsies are seen in Europe: outside society and challenging the European social order. Moreover, even if the EU recognises them as a minority, in Romania this applies, whereas in France they are either foreigners or travellers (*gens du voyage*).

The Gypsies arrived in Europe from North India between the 14th and 15th century (Liegeois 2007: 51), when they settled in Eastern Europe and became slaves. After the collapse of Communism, they emigrated to Western Europe. A second stage in their migration was represented by the joining of the EU by Eastern European countries, which entitled them to free movement.

Even if they have been part of Europe for centuries, Roma people have always faced social exclusion, prejudice and discrimination. They still experience poor quality of life, low life expectancy, high unemployment and low income (Council of the EU 2009: 1). Discrimination and racism are therefore the main points of the Roma reality. According to a survey carried by EU Action for the Roma, half of the Roma questioned declared that they had been discriminated against at least once in the previous year. Moreover, the survey also shows that

69% of the Roma questioned consider that immigrant or ethnic background represent the main source of discrimination (EU Action for the Roma 2009: 1–2). This shows that the current legislation either is not applied or it does not match the needs of the vulnerable. Their socio-economic conditions are therefore generally worse than those of other ethnic groups or immigrants (UNDP 2010) mainly because they are not politically organised (Spirinova and Budd 2008: 82).

2. ACTORS AND INTERESTS

In the process of globalisation, global governance refers to an embedding of various organisations at international, national and local levels. If in the past the state was at the centre of the decision-making, at present it is an actor of the above-mentioned system. It shares its political, economic and social power with various structures (Pierre and Peters, 2000: 79–80).

2.1. ORGANISATIONS THAT OPERATE AT INTERNATIONAL LEVEL

At the international level, there are various actors which deal with the protection of the Roma. The EU institutions (EU Commission, Council of Europe, the European Social Fund, EU Regional Fund) have the responsibility to improve the social inclusion of Roma. The UN, mainly through the United Nations High Commissioner for Refugees, helps Roma families to move to new apartments or private houses (UN 2007). The European Roma Parliament represents the minority at European level and it also creates partnerships with EU institutions. The European Roma Rights Centre and the European Roma Information Centre are other organisations which represent Roma's interests.

2.2. NATIONAL GOVERNMENTS

Despite the presence of various actors at international level which promote the cause of the Roma, the nation-state remains at the core of political and economic power and the main geographical entity for decisions to take place; they have no authority above them (Reinicke, 1998: 58). The state is the “undisputed locus of power” (Pierre and Peters, 2000: 81) and its power is absolute. In Romania the state is therefore the main actor which could improve the situation of the Roma. In France, since they are not recognised as a minority, the state does not interfere. In France the state is the main actor in restricting the rights of the Roma.

2.3. LOCAL ORGANISATIONS

The civil society plays an important role in lobbying for the protection of the Roma. Moreover, the Romanian National Agency for the Roma is a governmental structure which represents the Roma at national level. However, they have not achieved an improvement in the situation of the Roma. In France, however, the National Agency for Social Cohesion and Equality of Opportunities (LACSE) has been involved in the education of Roma youth.

The National Federation of Associations for the Gypsies and Travellers (FNASAT) has been involved transnationally in the implementation, in 2006, of a project which aimed at training 11 Roma educational coaches and promoting Romani literature in Romania (Interacțiuni etnice 2009). Also, the church acts locally and provides the Roma minority with food or clothes.

The media is a major player in the discrimination of the Roma as it tends to focus on the actions of the Roma in the communities they live in. Titles like “Why do Roma sell their children?” (Realitatea TV, 2009) are therefore on the agenda of newspapers or TV shows.

2.4. INDIVIDUAL LEVEL

The last two actors are the Roma minority who are discriminated against by the majority. Discrimination is often based on negative perceptions of the Roma and a tendency to reduce the minority to those individuals who commit reprehensible acts.

3. POLICY PROCESS

The rights of minorities are tackled in two ways by the EU: through documents on non-discrimination and the democratic norms promoted through the expansion process (Spirinova and Budd 2008: 85), which are part of the legislative framework. In practice, the EU programmes aim to improve their situation.

3.1. LEGISLATIVE FRAMEWORK

The Charter of Fundamental Rights of the EU (article 21) states that discrimination based on various factors, including “membership to a national minority” is prohibited (Spirinova and Budd 2008: 83). The newest intervention of the EU was the policy communication on the Roma in Europe from April 2010 (EU 2010), which defines the main challenges of the integration of the Roma and develops a programme to make policies for inclusion effective. It calls for more effective coordination among European, national and international stakeholders and the Roma communities. In that respect, the EU acts like a platform which

incentivises the states to cooperate with each other. This does not undermine the power of the state, as it is free to join the platform or not. The communication also focuses on more effective use of the EU structural funds to support Roma inclusion and the development of desegregation policies mainly in education and housing (European Commission, 2010). Nevertheless, given the fact that minority rights are not part of the EU *acquis*, the EU does not substantively influence the nation-states, which remain at the core of political power for decisions to take place; they have no authority above them in this matter (Reinicke, 1998: 58).

Secondly, the democratic norms promoted through the expansion process call for non-discrimination and the protection of minorities. In 1993, the Council of Europe specified that the countries which were to join the EU should guarantee protection of minorities (Spirinova and Budd 2008: 90). By adopting the EU anti-discrimination laws, accessing countries had their sovereignty undermined. Here, the institutionalist view prevails, according to which the nation state is losing control over its policy-making. The main characteristic of the institutionalist view is centralisation. It can shape the political context of nation-states through forums. The EU can be seen as a “pooling vehicle” (Abbott and Snidal 1998: 13) which improves the process of decision-making.

The main instruments of the EU for combating the discrimination of the Roma are non-binding pieces of legislation. However, by making the respect of the legislation an entry requirement in the EU, the EU has pushed the countries to adopt its policies (Spirinova and Budd 2008: 84). Another way of influencing the domestic decision-making is through programmes and funding.

3.2. EU PROGRAMMES ON EDUCATION AND THEIR APPLICATION AT NATIONAL LEVEL

Through funding and various programmes that focus mainly on education but less on housing, the EU influences the policy making of member states. The application of programmes at national level is, however, a contested topic. While Ram (2003) shows that EU conditionality has had impact on the development of minority protection policies in Czech Republic and Romania, Vermeersch (2003) does not think that policies have an impact.

3.2.1. EU PROGRAMMES ON EDUCATION

Even if half of the Roma are of schooling age, only 30–40% attend school. Moreover, adult illiteracy rates are very high, averaging 50%, even 80% or 100% in some areas (Liegeois 2007: 154).

The most important EU programmes that tackle education are the Phare programmes and the Roma Decade 2005–2015. They are a main tool in shaping national policies, as EU money comes with EU directives on how to spend it. The Phare funds support school infrastructure, pre-school facilities and materials and

training of teachers in order to provide in long run full integration of Roma in schools (European Commission 2007: 5–6). This is to be achieved through workshops between Roma-led NGOs and EU representatives. The programme aims to introduce support for the Roma children who do not speak the national language. It also focuses on mentoring the Roma families about the importance of education because since most of adult Romas did not go to school, they do not consider it important and they do not send their children to school.

The Roma Decade 2005–2015 aims to improve the attendance of Roma at all levels of schooling by encouraging the Roma children to go to school and by preserving their cultural heritage (Roma Decade, 2005). Moreover, since most of the Roma children do not go to school because they are discriminated against, the Roma Decade aims to develop inclusive education by eliminating segregated classrooms and schools.

3.2.2. EDUCATION OF THE ROMA IN ROMANIA AND FRANCE

In Romania, the funding from the Phare programmes was invested in creating bilingual textbooks in Romanian and Romani. Scholarships have been offered to the Roma in order to attract them into education (Sarau 2008: 172–173). Moreover, the cultural heritage has been tackled by the training of 70 teaching assistants of Roma ethnicity (Phare 2002). This has had a positive impact on the Roma community, as the teaching assistants, convinced by the importance education has in the social development of the Roma, were motivated to help the community they are part of. In the Romanian case the EU has therefore managed to introduce changes in the situation of the Roma.

In France, given the fact that the Roma are nomadic and not perceived as a minority, there is no national policy which would aim at their education. Moreover, the EU programmes are not put into practice in France because it is not seen as one of the countries which hosts the Roma.

3.3. EU PROGRAMMES ON HOUSING AND THEIR APPLICATION AT NATIONAL LEVEL

3.3.1. EU PROGRAMMES ON HOUSING

Geographical segregation is the main obstacle to Roma inclusion. Given the fact that within the EU there is no General Directorate in charge of housing, this area is less developed than education. Another major obstacle in the Roma housing policy is the fact that the Roma are either nomadic (France) or sedentarised (Romania). The main question is how a housing policy can be drafted when culturally, the Roma are a nomadic people. They need freedom and space. The problem is that the society tries to domesticate them to fit in the mould and become 'civilised', while their culture builds up on this difference.

In the field of housing, the Roma Decade 2005–2015 has two main goals: urban development of the areas where the Roma live and sensibilisation of the non-Roma about the segregation that the Roma face. This is to be achieved by legalising the houses the Roma often live illegally in and by reducing racist attitudes towards them, which would facilitate the opportunity to rent or buy a house (Roma Decade, 2005).

The Phare programmes offer money to the countries the Roma live in in order to improve their livelihoods (EU 2009: 6). Although these programmes aim to resolve social and economic problems of Eastern and Central European countries by investing more than €100 in various projects, they mainly focus on education and not on housing (FRA 2008).

3.3.2. HOUSING OF THE ROMA IN ROMANIA AND FRANCE

In Romania, the Phare programmes have had a positive impact on the situation of the Roma, who usually live in poor housing. Various social buildings have been built with the help of NGOs and volunteers (Romanian Government, 2003).

Within the Roma Decade 2005–2015, the Romanian Ministry of Housing has started in May 2009 a project which aims at building 200 flats for the Roma. However, the main problem represented by Roma housing programmes is that they perpetuate segregation, by isolating the Roma from the rest of the society. Moreover, it is not known what it has been achieved so far as there is no follow up.

In France, the access to accommodation is difficult because of the inadaptation of the legislation to their lifestyle. Neither the Roma Decade nor the Phare funds address the Roma living in France. Local Councils are the main actors in providing the nomadic Roma with open spaces where they can park their vans and settle. In the case of France, the EU fits in the realist theory, which presents international organisations as reflecting national interests and the balance of power (Mearsheimer 1994: 7). Thus, EU does not affect the nation-states, which remain at the core of political and economic power and the main geographical entity for decisions to take place.

In sum, the impact of the EU legislation and programmes is evident in Romania mainly through the Phare funds and Roma Decade. In France, however, because of the non-recognition of the Roma as a minority, EU policies do not apply. In that respect, international policy only applies in Romania, where the EU uses special funds and programmes to influence or change the policy in order to promote non-discrimination. This shows that international policy is possible when the nation state allows it.

The degree to which international policy is applied depends on the degree to which states choose to renounce parts of their sovereignty. In that respect, Spirinova and Budd (2008: 82) argue that “minority protection is something the EU has preached rather than practiced”, as it is not part of the EU *acquis*. Indeed, as

Guglielmo and Waters (2005: 764) stress, a coherent minority protection policy could contribute to social cohesion.

3.4. WHY IS IT NOT WORKING?

Given the multitude of programmes and actors involved in order to provide the Roma minority with better livelihoods, the main question is “What is going wrong since there is no major improvement of their situation?”. The first problem is the policy-making process. The social reality of the Roma does not correspond to what is “normal” for the rest of the society. In the policy-making, it is assumed that the Roma should be able to live in conventional accommodation. However, their preference to live in open-air places is not taken into account. The Phare programmes fail to give a clear definition of what “inclusion” means and how it can be achieved (Guglielmo and Waters 2005: 772).

Another type of problems refers to policy implementation. The EU provides the nation states with funds which should be more effectively used. This should be monitored and annual reports should be released in order to make sense of the use of the EU money. More transparency and follow up are therefore the key concepts which could trigger better use of the funds and therefore an improvement in the Roma situation. Indeed, in real life the Roma still face discrimination because there is “insufficient political will” at national level (Woodcock 2007: 505).

It follows that the lack of centralisation of the Roma demands leads to policies that are not tailored to their lifestyle. Since they lack empowerment, they cannot become integrated because they feel discriminated against. Since they do not integrate, they are discriminated against. It is a vicious circle.

3.5. RECOMMENDATIONS

A first step in the empowerment of the Roma is their recognition as a minority. In the case of Romania, EU programmes and funds are addressing, at least in theory, the needy. France is not considered as needing and benefiting from such programmes because it is not a country which officially hosts Roma. In addition, the policies should focus on increasing interaction between the Roma and the non-Roma. This could be achieved through workshops which should start at kindergarten. In addition, anti-discrimination classes should be mandatory in the curriculum.

The programmes which aim to improve the situation of the Roma should be implemented in collaboration with them. However, 100% Roma presence is not the best option because decisions should be made by both majority and minority, as they are both involved in the process of inclusion of the Roma.

In order for the Roma to integrate into society, they should live in the same areas as the non-Roma. However, given the fact that they cannot always afford it, the EU in collaboration with governments should provide subsidised accommodation.

Moreover, in order to interact with their non-peers, there should not be too many Roma families in the same building or area. However, the notion of ‘integration’ is problematic when referring to nomadic Roma. In that respect the policies should tackle transnational migration, not integration.

CONCLUSION

This essay has discussed the impact of the EU policy that tackles the Roma minority, with examples from Romania and France. In Romania EU policies target the Roma because the government has recognised them as a minority; in France no EU programme is applied. It follows that in Romania one could talk about international policy, whereas in France not.

Compared to Romania, where both the state and the EU are involved in the improvement of Roma livelihoods, in France, because of their non-recognition as a minority, the principal actor is represented by the civil society, which appears to be absent from the Romanian scene. However, even if in Romania the EU legislation is not binding, in order to join the EU, Romania had to adapt its anti-discrimination legislation to EU requirements.

To conclude, globalisation and the network of political actors have changed the power of the state over its decision-making, its sovereignty and autonomy being reduced. However, even if globalisation has affected domestic politics, there is a need for deeper and wider cooperation and coordination (Woods 2004: 26). Pierre and Peters (2000: 83–87) describe this phenomenon as a “moving up” towards international organisations which have taken over policy-making areas.

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