

University of Macedonia
Department of Balkan, Slavic and Oriental Studies
MA in Politics and Economics of Contemporary Eastern
and Southeastern Europe

Dissertation:

Protection of Roma/Gypsies as a minority in Europe, with special focus on France

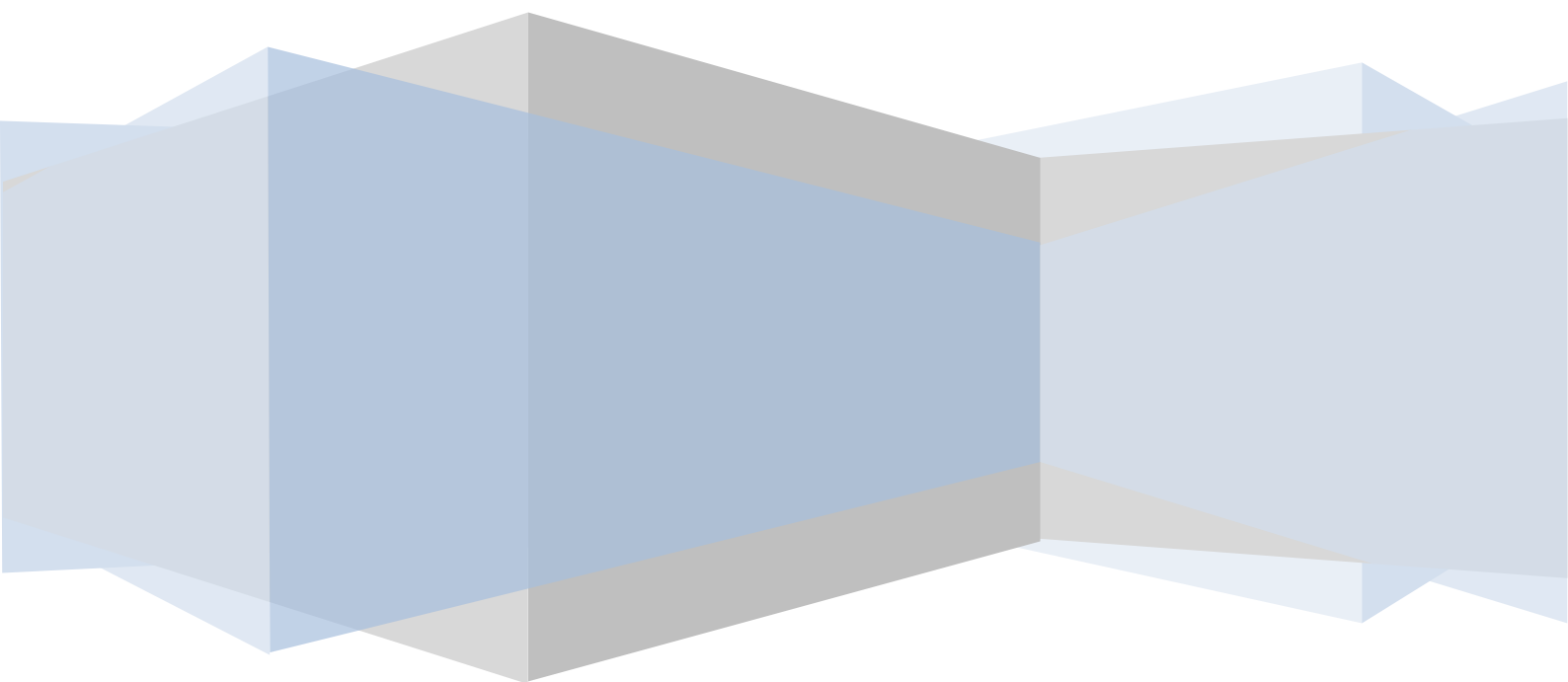
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Thessaloniki, Greece

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Abbreviations and Acronyms

CoE	Council of Europe
CPRSI	Contact Point for Roma and Sinti Issues
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
ECRI	European Commission against Racism and Intolerance
ECRML	European Charter for Regional or Minority Languages
ECtHR	European Court of Human Rights
ERRC	European Roma Rights Centre
ERTF	European Roma and Travellers Forum
ESC	European Social Charter
EU	European Union
EUMC	European Union Monitoring Centre on Racism and Xenophobia
FCNM	Framework Convention for the Protection of National Minorities
FRA	EU Fundamental Rights Agency
HCNM	OSCE High Commissioner on National Minorities
IDP	International Displaced Person
IRU	International Romani Union
MG-S-ROM	Council of Europe Group of Experts on Roma, Gypsies and Travellers
NGO	Non-governmental Organization
ODIHR	OSCE's Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
OSI	Open Society Institute
UNDP	United Nations Development Programme

Introduction

In recent years, the situation of Roma has increasingly become the centre of political attention for Europe. Although their origin has at times been in dispute, it was discovered that they descended from India. Since 9th century, they started their migration journey being dispersed across several European countries and developed diverse communities. Consequently, Roma are considered the continent's largest minority.

However, throughout their history, they have been persecuted. Over time and space, enduring negative images of Roma have been produced and reproduced, often linked to pejorative terms such as Gypsies, being hence viewed as “others”¹. As a result, the Roma have been isolated themselves as a means of self-protection and have become indifferent of the states and society. Discrimination and exclusion still characterize their lives today, reflected in racist violence and high levels of unemployment, poverty, illiteracy and infant mortality. Taking these into account, the main motive of this work is to present as clearly as possible their situation and highlight the measures already taken in favor at all levels, the probable gaps in policies' mapping out and the suitable “exits” to surpass the difficulties aiming at ameliorating the socio-economic status of the Roma.

In particular, Chapter 1 of Part I presents their history within Europe and Chapter 2 outlines the relevant policy framework in Europe and internationally. Then, Chapter 3 informs us about how their situation is reflected in a number of key sectoral fields and in what way the European Union has taken action (are the member states showing commitment to improve their lot?). A special chapter is endorsed referring to the litigation at national level in cases involving discrimination against Roma (in the context of racially based police investigations). Both cases selected and analyzed constitute an indication of the persistence of anti-Roma behavior.

¹ Nonetheless, in some countries, the term “Gypsies” has no negative connotations, is accepted by the people concerned and may occasionally be more appropriate. For instance, in France, the word “Tsiganes” encompasses in one term the Roma, Gypsies/Gitans and Sinti/Manush. It is spelt with ‘s’ in Council of Europe documents rather than with ‘z’ because the letter ‘Z’ was tattooed on the arms of the Roma and Sinti held in the Nazi camps.

Part II is wholly dedicated to France by making first a historical flashback to the internment camps during the German invasion (1940-1946) reaching and discussing afterwards the Roma's current (complicated) situation in the territory, how and if they are protected by the law and to what direction lies the French governmental policy.

Being relied, on one hand, on Nikola Sarkozy's 2006 (new) Immigration and Integration Law (*Projet de Loi relatif à l'immigration et à l'intégration*)² aiming at breaking the status quo and proceeding to drastic reforms pertaining to (il)legal (im)migration that France has faced throughout the ages and being personally affected, on the other hand, by the recent violent, outrageous repatriations that particular ethnic group, the Roma, has experienced, in the context of human rights' violation, I finally decided on France as the case-study for my dissertation. Additionally, sentimentally placed, except of that series of events which intrigued me to follow up, I am pretty familiar with the French culture, as a translator, and hence the country is registered to the list of the places where I would like to work and probably live in the long-term.

At the end, the recommendations show the way forward with respect notably to EU member states and the civil society.

² For more information, visit <http://www.humanityinaction.org/knowledgebase/118-breaking-the-status-quo-sarkozy-s-france-the-european-union-and-immigration-reform>

Part I

The situation of the Roma in Europe

Chapter 1

Roma in Europe: A brief history

The Background

I. Generalization

Roma are very widely misunderstood, and over the centuries attitudes towards them, or the political decisions taken in respect of them, have been incited more by prejudice than by knowledge of historical and cultural realities.

Throughout their history the only written records on Roma have been transmitted by non-Roma. Their collective memory is reflected in their folktales, songs and poems and takes root in their different historical experience, their patterns of travel and their linguistic diversity³.

In Europe, there are estimated 10-12 million Roma and Travellers, living in almost all Council of Europe member states⁴. “Roma” covers a wide variety of population groups. Mostly, the way these groups refer to themselves is different from the way the non-Roma or public authorities refer to them. Long years of discrimination have also given rise to pejorative terms⁵. The term “gypsy”, by way of illustration, has especially a negative connotation in Eastern Europe, but still used to characterize Roma music⁶.

³ Council of Europe, “Defending Roma: human rights in Europe”, document available at www.coe.int/romatravellers

⁴ Currently, 47 member states. Around 6 million is the Romani population estimated within the 27 European Union member states. For the whole of Europe, the estimates range from 8 to 15 million {see Council of Europe, “Descriptive Glossary of terms relating to Roma issues” (2012), available at <http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>}

⁵ Council of Europe, “The Council of Europe: Protecting the rights of Roma”, document available at http://www.coe.int/AboutCoe/media/interface/publications/roms_en.pdf

⁶ At the request of International Roma associations who find the term alien, it is recommended that the word ‘Gypsy’ no longer be used (since 2005 in official texts) because it is linked to paternalistic stereotypes on one hand and it is felt insulting by most of the people concerned on the other.

II. A multitude of names - Identity issue

It is important at this point to differentiate between the three main branches, Roma/Sinti/Kale⁷, whose ancestors came from northern India (see *infra*) and indigenous communities, such as the “Travellers”⁸ in Ireland and the United Kingdom, and the Yenish in Switzerland and France, even though they have points in common in terms of lifestyle or plights.

In this context, “Roma” became the generic term used internationally since the first World Congress in 1971 in London, when representatives of these communities also adopted 8 April as International Roma Day⁹, an anthem¹⁰ and a flag¹¹. Consequently, the Congress asserted the Roma claim to be recognized as a fully pledged people. By making a crucial connection to what follows, it should also be

⁷ Ibid at 5. Sinti are found mainly in German-speaking regions, Benelux and certain Scandinavian countries, northern Italy and the South of France (Provence), where they are known as Manush. The Kale, commonly known as “Gypsies”, are to be found in the Iberian Peninsula and North Wales. The term “Travellers”, used in France (“Voyageurs/Gens du Voyage”), Switzerland and Belgium also includes non-Roma groups having an itinerant lifestyle.

⁸ Properly placed, Travellers can be divided into two groups, those that are ethnic Travellers, such as Romani Gypsies and Irish Travellers, and those who live on the road for purely economic reasons, such as New Travellers and Showmen. In reality, there is not one Traveller community, but many, each one with their own particular culture and history (values and traditions). See, Bowers, Jake, “Gypsies and Travellers: Their lifestyle, history and culture”, *Travellers Times Online FAQ Pack*, available at http://www.travellerstimes.org.uk/downloads/lifestyle_history_and_culture_24052010111520.pdf. Moreover, “Travellers” are found in Ireland and Great Britain and are ethnically distinct from the Roma/Sante/Kale. In Ireland, they are officially regarded as an indigenous community (also called Pavee or Tinkers) which is not distinct from the majority in terms of race, color, ancestry or ethnic origin. Originally, the Travellers in Ireland were itinerant, but 80% is now sedentary. In France, nevertheless, one third of people termed Travellers are sedentary and the term corresponds to an ethnic identity, distinguishing them from the rest of the population. “Gens du voyage” used in France is an administrative term to refer to the Roma, Sinti/Manush and Gypsies/Gitans and other non-Roma groups with a nomadic lifestyle (it actually refers to French citizens). The term “Voyageurs” which is closer to the English “Travellers” is sometimes used by associations, but not in official texts or in everyday use. In English texts, it is recommended that the French term “Gens du voyage” be used in the context of France if it appears in an administrative document or official speech. See, Council of Europe, “Descriptive Glossary of terms relating to Roma issues” (2012), available at <http://a.cs.coe.int/team20/cahrom/documents/Glossary%20Roma%20EN%20version%2018%20May%202012.pdf>

⁹ It is perceived as a day to celebrate Romani culture and raise awareness of the issues facing the Romani community. In the same vein, another important day is the 2nd of August, International Day to commemorate the Roma and Sinti Victims of the Holocaust (Samudaripen). 3,000 Roma, after being deported, were perished, killed on sight, in Auschwitz-Birkenau in 1945.

¹⁰ “Gelem, Gelem” meaning ‘I went’/‘I walked’.



¹¹ Ibid at 5. The Roma flag represents a people and not a state with defined borders. The color blue symbolizes the sky, freedom, spirituality, what is eternal; green symbolizes nature, the earth, fertility and the tangible aspects of life. The red 16-spoke wheel symbolizes not only the horse-drawn caravan, travelling, growth and progress, but also refers to the Indian origin of the Roma, their “motherland” from whence they migrated since the wheel is inspired by the chakra, found on the Indian flag, which has 24 spokes just like the number of the hours in a day.

borne in mind that the constant moving has never been an inherent characteristic, but it came through oppression and expulsion, including the deportations of the Second World War and the most recent removals from national territory (i.e. the French case, 2010-2012 expulsions).

Roma are mobile rather than nomadic. For them, traveling is not just an economic necessity, but a state of mind and even when they are obliged to stay in one place, Roma remain travelers in their hearts¹². The majority of European Roma is settled (80-85%), although mostly under conditions of extreme hardship. The Roma define themselves as a nation, but as a nation “with no compact territory and with no claim to such a territory” (5th Congress of the IRU, Prague, 2000). They are citizens of the countries in which they live, claiming solely the same rights as any other citizen.

III. Origin - History of persecutions and migration¹³

The Roma, who today constitute a mosaic of diverse groups, first arrived in Europe from India at the end of the 13th century (or alternatively their arrival in the European territory dates back to the period between the 11th and the 14th centuries to be as precise as possible). Not until the end of the 18th century researchers and scholars established their origin in India (more specifically in the northwest part of the country) through the Romani language¹⁴ (*romani chib*), which is derived from a number of popular idioms close to Sanskrit. There are numerous variants with vocabulary borrowed from the languages with which Romani came into contact: Persian, Armenian and Greek prior to 14th century and then German, Romanian, the languages of the south-eastern Balkans and Turkish. Romani is mostly spoken in the Balkans and it is included in the list of languages protected by the Council of Europe’s European Charter for Regional or Minority languages.

¹² Ibid at 5

¹³ Ibid at 5

¹⁴ 5 November, International Day of the Romani language (proclaimed at the IRU Conference held in Zagreb, Croatia, from 3 to 5 November 2009).

Ever since the left India, the Roma suffered from persecution, prompting massive waves of migration. Their long history began at the time of the Byzantine Empire when Roma migrated from India to Europe via Persia, Armenia and Asia Minor. The eastern branches of the Roma, still to be found in the Caucasus, Turkey and the Middle East, where they are known as “Lom” or “Dom” respectively, seem to share, if not common geographical and linguistic origins, at least common socio-economic identity. From the 15th to the 17th century, the Roma who had settled in Europe came across their first experiences of discrimination in the Ottoman Empire and central Europe, in particular serfdom and slavery in Wallachia and Moldavia. In Western Europe they were marginalized and persecuted as well. In the 18th century, the period of the “Enlightenment” in European history, the Roma faced new methods of discrimination: in Spain they were interned, whereas in the Austro-Hungarian Empire various laws ordered their forced assimilation. However, in Russia they were considered equal subjects of the Tsar and were accordingly granted all civil rights.

A second wave of migration took place in the 19th century, with Roma groups in central and Eastern Europe leaving for other parts of Europe; some even crossed the sea. In 1860, Roma slavery was abolished in the Romanian principalities. Nonetheless, at the end of the 19th century and beginning of the 20th century, discrimination became more intense, especially in those regions which had been part of the former Austro-Hungarian Empire. Discrimination reached its peak during the Second World War, with a genocide orchestrated by the Nazis. It is estimated that between 400,000 and 500,000 Roma and Sinti were massacred by the Third Reich. During the Nuremberg Trials, no mention was made of that human atrocity and no assistance or compensation was given to the Roma who had survived the concentration camps. The Roma Holocaust is known as “Samudaripen¹⁵”, although some use the term “Pharrajmos¹⁶” (or “Porajmos¹⁷”) instead.

The third wave of migration occurred from Eastern Europe to Western Europe and then to the United States, Canada and Australia. This took on much larger proportions in the wake of the collapse of the Soviet Union and its satellites, and the

¹⁵ ‘Mass killing’, term first introduced by linguist Marcel Courthiade, the preferable one.

¹⁶ Literally, it means ‘Destruction’, term introduced by Ian Hancock, finally rejected.

¹⁷ Literally, it means ‘Devouring’, term introduced by Ian Hancock, finally rejected.

disintegration of Yugoslavia. The wars in the Balkans in the 1990s affected the Roma in a number of ways: they were war victims; they were expelled (i.e. those forced in exile from the province of Kosovo in 1999 by becoming hence IDPs or asylum seekers in countries bordering Kosovo or in the West) and were granted only “economic refugee” status in the countries of destination.

IV. Causes of a continuous travelling¹⁸

To conclude, in parallel to the escalated, chronically placed, migration the Roma faced, the reasons leading to the systematic territorial changing and settling from country to country of Europe are definitely various. In terms of concretization, the reasons are classified as follows:

- (a) the Gypsy persecutions (sentences, expulsions, etc.),
- (b) their trade needs and activities; searching of customers/partners,
- (c) the social need for meeting their scattered relatives/families who feel that they are part of an entire community,
- (d) the “recognition of the new land”; if the acceptance is more convenient there. Particularly, in times of economic and social crisis, the Gypsies, by becoming the scapegoats and feeling threatened, are forced to migrate in order to find better living conditions.

The Gypsies, their own world, as aforementioned, form a diverse mosaic: linguistic, educational, financial and social. One can recognize different social strata or classes which are caused by various historical factors:

- 1. by the treatment each group has received
- 2. by the social environment from which they “borrow”
- 3. whether the settlements in a region are long or short for each group
- 4. by the entry in a country, in different time, of a Gypsy group

¹⁸ Translation part of the book: “Ντούσας, Δημήτρης (1997), *Rom και φυλετικές διακρίσεις στην ιστορία, στην κοινωνία, στην κουλτούρα, στην εκπαίδευση και τα ανθρώπινα δικαιώματα*, Αθήνα, Εκδόσεις Gutenberg”, pp.68-69.

5. by the social intermarriages
6. by their constant migrations

As a result since the different Gypsy groups “collide with each other” in Europe and each one’s moving traces are mixed up, that fact leads to the formation of a national identity or ethnic identities that continue to exist until nowadays.

Chapter 2

The Policy Framework (European and beyond)

Steps in the fight for Roma rights

I. Generalization

The Roma are the most persecuted minority in Europe. Majority populations have for centuries harbored stereotypes about them, as previously established, misreading their itinerant lifestyles and traditions and seeing them as dirty, asocial thieves.

Their present situation looks unpleasant and depressing, against the backdrop of the global economic crisis. In addition, the rise of extremism, discriminatory laws on migration and inflammatory media reports of European Union enlargement led to an influx of Roma. Thus, many communities refuse to allow Roma families to settle. Being pushed away to live in shanty towns and makeshift encampments, the “caricature” of the Roma as people who live in dirty and poorly maintained conditions is further entrenched¹⁹.

Nevertheless, the adoption of a series of anti-discrimination directives pursuant to the article 13 of the Treaty Establishing the European Community (TEC) after its Treaty of Amsterdam amendments is admittedly considered, in this context, the most fundamental change in the Union in the sphere of tackling racism²⁰.

¹⁹ Ibid at 5

²⁰ Three Directives were binding all pre-2004 EU member states and transposition has also been required of new member states and accession states: (i) Directive 2000/43/EC “implementing the principle of equal treatment between people irrespective of racial or ethnic origin (Race Directive), (ii) Directive 2000/78/EC “establishing a general framework for equal treatment in employment and occupation” (Employment Directive) and (iii) Directive 2002/73/EC “on the implementation of the principle of equal treatment for men and women as regards access to employment, vocational training and promotion, and working conditions” {see European Commission (2004), “The situation of Roma in an enlarged European Union: Fundamental Rights and Anti-discrimination”, *Directorate-General for Employment & Social Affairs, Unit D3*, Luxembourg: Office for Official Publications of the European Communities}.

Moving on, the Roma political movement began to take real shape from the 1960s onwards thanks to the setting up of Roma organizations, international awareness-raising campaigns, cooperation with international organizations and recent initiatives, such as the Decade of Roma Inclusion (2005-2015)²¹, launched by the World Bank and the Open Society Institute.

With a view to maintaining the balance and the good relations between the Roma population and the non-Roma one, one precondition is essential: the social cohesion. Taking into account that social cohesion is imperative for democratic stability, security and sustainable development of societies, the Council of Europe has set up three priorities to ensure it²²:

- the protection of minorities;
- the fight against racism and intolerance;
- the fight against social exclusion.

In the same vein, taking into consideration that the Roma suffer from social and economic exclusion, even in the wealthiest countries of the continent, it is beyond any doubt that divisions and inequalities in today's democratic European societies are not only unjust, but also cannot guarantee stability in the long-term. As a result, ensuring equal enjoyment of the fundamental social rights for the most vulnerable and reducing inequalities will avoid a failure in social cohesion and its subsequent dangers in member states²³.

The following sub-chapter covers exactly the “realization” of the Roma emancipation...

²¹ In 2005, nine eastern European countries signed up to a new initiative to put an end to the racial discrimination suffered by the Roma. This involves improving social and economic conditions. The Decade brings together governments, intergovernmental organizations and Roma NGOs. The emphasis is placed on education, employment, health, housing, and the elimination of poverty and racial and gender-based discrimination. Today, 12 states are part of it: Albania, Bosnia and Herzegovina, Bulgaria, the Czech Republic, Hungary, Montenegro, Romania, Serbia, Slovakia, Spain and FYROM. Slovenia has an observer status. The Decade receives funds from governments, multilateral organizations and private sources, while the Roma Education Fund finances projects for Roma inclusion in national educational systems. For more information, visit the official website (www.romadecade.org).

²² Ibid at 3

²³ Ibid at 3

II. Roma representation²⁴

- a. The **European Roma and Travellers Forum** was set up in 2004. Its main objectives are to give the Roma a voice, enable them to express their hopes and concerns at European level and take part in decisions directly concern them. The ERTF which has its headquarters in Strasbourg is totally independent of governments and has signed a partnership with the Council of Europe in December 2004. It brings together representatives of national Roma federations and international Roma organizations to promote Roma rights and observe respect for them.
- b. The **Forum of European Roma Young People** (Feryp), an international NGO based in Strasbourg, supports the representation of young Roma people, defending their interests in the European institutions and promotes cooperation and training for young Roma NGO leaders.
- c. The **International Roma Women's Network** (IRWN) was set up in 2003 in partnership with the OSCE European Monitoring Centre on Racism and Xenophobia. The IRWN is a driving force for change in the Roma community on matters which for a long time were taboo, such as early marriages, girls' education and homosexuality.
- d. The **International Romani Union** (*Romani Ekhipe*) was officially established in 1978 in Geneva, Switzerland by the second World Romani Congress meeting. It seats in Prague, Czech Republic. The IRU aims to represent all of the world's Romani people; to help encourage their continued cultural and linguistic development; to help resolve a variety of economic and social problems faced by Romani people; to connect the work of different organizations and countries toward these ends; and to support human rights for all.
- e. The **European Roma Rights Centre**²⁵, created in 1996 and based in Budapest, Hungary, is an international public interest law organization engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves, in particular, strategic litigation, international advocacy, research and policy development, and training of Romani activists. The

²⁴ Ibid at 5

²⁵ See, http://en.wikipedia.org/wiki/European_Roma_Rights_Centre

ERRC is a member of the International Helsinki Federation for Human Rights and has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

III. Roma under the responsibility of the Council of Europe²⁶

Since the early 1990s, the CoE's work on the Roma has focused on the following:

- Adopting policy recommendations affecting the Roma's daily life. The MG-S-ROM, established in 1995, but since November 2010 known as Ad hoc Committee of Experts on Roma Issues (CAHROM), provides expert advice and opinions to the Committee of Ministers on Roma and Travellers issues and its recommendations have assisted governments and public bodies to develop legislation, policies and strategies to remedy their situation (*sharing tactics method*). Field assessment visits and missions, such as those to Bosnia and Herzegovina or to Kosovo, have helped to highlight the Roma's own interests and ensure that they are not ignored.
- Providing member states with expertise in adopting and implementing national strategies targeted for Roma (see Chapter 3).
- Encouraging participation of Roma in the decision-making process.

In the gulf of the CoE various institutions or bodies exist being in charge of the consolidation of Roma rights²⁷.

The Parliamentary Assembly for example in 1963 highlighted the Roma contribution to Europe's cultural diversity and in 2002 it focused on the new wave of Roma migration in Europe and the importance of their legal status. The Congress of Local and Regional Authorities set out in 1993 the role and responsibilities of local and regional authorities in protecting Roma communities. Furthermore, the Commissioner for Human Rights has stressed the need to stop forced deportations, statelessness, anti-Gypsyism and segregation and to ensure decent housing.

Under the same scope, the Charter covers economic and social rights and is increasingly used by the Roma. The ECRI has worked consistently to report anti-

²⁶ Ibid at 3

²⁷ Ibid at 5

Gypsyism²⁸ and discrimination. It also urged the media to report responsibility on Roma issues. The ECRML, adopted in 1992 and entered into force in 1998, ensures protection and promotes Romani as one of the protected languages. Finally, the FCPNM, adopted in 1994 and entered into force in 1998, seeks to preserve and develop minority cultures and identities.

Ultimately, the events of 2010 which saw the removal of Roma from Western Europe (for more details, see Part II, case of France) prompted Thorbjorn Jagland, CoE Secretary General, to step up action to help the Roma in a more targeted, better coordinated and more cross-dimensional way.

The first step was the adoption of the “Strasbourg Declaration”²⁹. With respect to the Declaration, the 47 CoE member states, the EU and the Roma community were called in order to condemn the widespread discrimination and pledge to improvements. The second step, effective since the middle of 2011, was the launching of a project to train mediators to ease communications between communities and public institutions on practical issues such as schooling, access to healthcare, housing and employment. The mediators are equipped with the skills needed to work effectively and impartially between local authorities and the Roma community. The most essential step taken, according to my personal point of view, was the new European Union strategic Framework for the safeguard of Roma rights as a minority (for more details, see Chapter 3 below). The Framework was instigated by the European Commission and was relied on the emotion aroused due to the recent incidents of the collective expulsion of Roma communities from Western Europe. Therefore, the European states, without exception, must guarantee that all Roma children complete primary school, that the employment gap between Roma and non-Roma is cut, that the infant mortality rate among the Roma community is reduced,

²⁸ Ibid at 5. It is the new challenge in the field of the protection of Roma and Travellers, being viewed as a specific form of racism. The phenomenon has prevailed around in the European territory for centuries as it is connected with extreme expressions, such as the extermination of Roma by the Nazis. Moreover, anti-Roma feelings are so deeply rooted in almost all forms of daily life (employment, education, housing or access to public premises). As a result, the Council of Europe has launched an awareness-raising campaign named “Dosta!(“Enough” in English)” to address the phenomenon by building communication bridges between the Roma and the majority society, with the latter often intolerant towards the former.

²⁹ For further information, read the entire paper available at <https://wcd.coe.int/ViewDoc.jsp?id=1691607>

that greater emphasis is placed on providing access to housing and that the funds already provided are better used³⁰.

IV. International institutions and initiatives³¹

- a. The Roma began to be mentioned in the United Nations texts from 1977 onwards. In 1979, the Economic and Social Council (Esoc) recognized the IRU as an NGO representing the Roma. Unesco and Unicef, in their turn, contribute to the discussions on the education of the Roma children and are involved in projects relating to the Romani language. The UNHCR has expressed concern at the situation of the Roma in central and Eastern Europe. The Committee on the Elimination of Racial Discrimination (Cerd) works on notifying countries where incidents of racial nature occurred against the Roma.
- b. The Organization for Security and Cooperation in Europe³² as early as 1990s was the first intergovernmental organization to recognize the “particular problem of Roma/Gypsies” in the context of the proliferation of racial and ethnic hatred, xenophobia and pervasive discrimination (Copenhagen Document, 1990³³). Consequently, the Contact Point for Roma and Sinti Issues³⁴ was established in 1994 within the OSCE Office for Democratic Institutions and Human Rights in Warsaw, Poland. It was considered the first such office, a pioneering one, to promote “full integration of Roma and Sinti communities into the societies they live in, while preserving their identities” (1998 OSCE Oslo Ministerial Decision³⁵).

The role of the ODIHR Contact point³⁶ is to help participating States³⁷ to effectively implement OSCE commitments pertaining to Roma and Sinti

³⁰ Ibid at 5

³¹ Ibid at 5

³² See, <http://www.osce.org/odihr/roma>

³³ The entire document is available at <http://www.osce.org/odihr/elections/14304>

³⁴ OSCE ODIHR, “The ODIHR Contact Point For Roma and Sinti Issues”, document available at <http://www.osce.org/odihr/13996>

³⁵ The entire document is available at <http://www.osce.org/mc/40439>

³⁶ OSCE, “ODIHR and Roma and Sinti Issues”, document available at <http://www.osce.org/odihr/102598>

³⁷ Currently, 57 in number, as well as 11 partners for cooperation.

by sharing its expertise, providing assistance, raising awareness and assessing the progress in improving the situation of Roma and Sinti throughout the OSCE region.

In 2001, the Contact point tasked by the OSCE Bucharest Ministerial Council envisaged the development, adoption and implementation of an Action Plan³⁸ focusing on the improvement of the Roma and Sinti's situation. The main issues that ODIHR's Contact Point would like to confront with and finally resolve capture four domains: political participation, discrimination and racial violence, education and living conditions. By extension, apart from its role as clearing-house and as an advisory means, the Contact Point carries out a wide range of project activities* with the aim of addressing the particular problems of Roma in southeastern Europe and promoting international coordination and representation among all the competent stakeholders.

The *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*³⁹, which was adopted in 2003 in Maastricht, Netherlands, provides the Contact Point with a comprehensive set of commitments and proposed measures “to eradicate discrimination against them and to bring about equality of opportunities, consistent with OSCE commitments”. Participating States enhanced these efforts in Helsinki, Finland in 2008 by committing “to provide for equal access to education and to promote early education for Roma and Sinti children” and again in Athens, Greece in 2009 by urging participating States “to address the rise of violent manifestations of intolerance against them”.

In addition, the Action Plan calls for partnership with Roma groups in the implementation of all activities carried out in fulfilling the Plan. That is why the general context reflects the necessity on one hand, but also the

³⁸ Generally, an action plan outlines a set of principles to be followed usually by governments to formulate strategies for tackling social issues. It is not binding legislation, but aims to improve the lives of individuals without, however, conferring any legal rights upon anyone. An action plan can also call on other groups, such as police officers, judges, teachers, journalists.

³⁹ The Action Plan aims to ensure that Roma and Sinti are empowered to play a full and equal part in society and it is based on existing OSCE commitments and international and regional human rights law, especially the International Convention on the Elimination of All Forms of Racial Discrimination, as well as on existing practices in the area of Roma –and Sinti-related policy making {see OSCE, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, document available at <http://www.osce.org/odihr/20666>}.

ardency of the CPRSI on the other hand for the active participation of Roma and Sinti communities in all stages -preparation, adoption and implementation- of the Action plan; and, this context is captured under the label that the CPRSI provided “For Roma, with Roma”. Finally, the key areas the Action Plan sought to deal with effectively are (i) the combat against racism and discrimination, (ii) the address of socio-economic issues, (iii) the improvement of the access to education and to social services, (iv) the enhancement of participation in public and political life and (v) the ensuring that Roma and Sinti’s fundamental rights are secured in crisis and post-crisis situations⁴⁰.

*An interesting project run from January 2012 and to be finalized in November 2013 is that for the Western Balkans known as Best Practices for Roma Integration (BPRI)⁴¹. By doing so, the project reflects the commitments that have been made with a view to possibly joining the EU and as OSCE future participating States. It will support the process of the relevant governments and the Roma NGOs carried through in the region by promoting innovative programmes and facilitating cooperation between local and national governments, independent institutions and the civil society. The project has five main components: (1) participation in political and public life and decision-making, (2) access to legal aid, (3) legalization of housing and settlements, (4) combating discrimination and promoting visibility for Roma communities and (5) regional cooperation.

The budget reaches the EUR 3.3 million, while the funding is provided 90 per cent by the EU and 10 per cent by the OSCE participating states.

⁴⁰ In terms of information, ODIHR publishes every five years a status report on *Implementation of the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*. This report examines action by Participating States in all relevant areas for Roma and Sinti integration as stipulated by the 2003 Maastricht Document (available at <http://www.osce.org/mc/40533>). The report assesses subsequently progress, identifies challenges and defines priority areas for action. What is observed and found either positively or negatively, it can be used afterwards by the states as a “powerful” guiding tool to continue appropriately their efforts to achieve the objectives laid out in the Action Plan.

⁴¹ The Slovenian ambassador Janez Lenarcic, Director of the OSCE Office for Democratic Institutions and Human Rights, stated the following for the project: “This project is vital to helping administrations and civil society in the region battle against discrimination and promote equal opportunities for Roma, ensuring that Roma communities, their representatives and civil society have ownership over comprehensive and sustainable programmes to improve their situation” {see OSCE ODIHR, “Best Practices for Roma Integration”, document available at <http://www.osce.org/odihr/91077>}.

Chapter 3

An EU Framework for National Roma Integration Strategies up to 2020

Under microscope: Roma in key sectoral fields

As aforementioned, Roma in Europe face prejudice, intolerance, discrimination and social exclusion in their daily lives. A new targeted approach was needed in order to achieve Roma integration in all European societies because such a situation (i.e. marginalization and living in deplorable conditions) is not acceptable at the beginning of the 21st century. Alternatively, it is high time a gear was stepped up by ensuring therefore that national, regional and local integration policies are focused on Roma in a clear and specific way and the needs of Roma are addressed with explicit measures to prevent and compensate for the disadvantages they shoulder by extension.

Taking also into account that the integration of the Roma would not bring merely social benefits, but also economic prospects to the countries they would be part of, the European Commission (EC) has established on 5 April 2011 an EU Framework up to 2020⁴² to improve the situation of the Roma in all member states. This Framework “seeks to make a tangible difference to Roma people’s lives. It is the EU’s response to the current situation and does not replace member states’ primary responsibility in this regard. With this EU Framework, the EC encourages member states, in proportion to the size of the Roma population living in their territories and taking into account their different starting points, to adopt or to develop further a comprehensive approach to Roma integration and endorse the following goals”.

To ensure that effective policies are in place in the member states, the Commission proposes that national Roma integration strategies are designed or

⁴² European Commission (2011), “An EU Framework for National Roma Integration Strategies up to 2020”, *Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions*, Brussels, available at http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf

adapted to meet the EU Roma goals with sufficient funding to deliver the relevant actions. In addition, it lays the foundations of a robust monitoring mechanism to make certain concrete results for Roma.

Particularly, EU Roma integration goals should cover four crucial areas: access to education, employment, healthcare and housing. But in order to achieve its headline targets and to implement the Europe 2020 strategy, the EU has to annex flagship initiatives⁴³ to them. In the same vein, these national strategies should be in line with the Common Basic Principles on Roma Inclusion⁴⁴. Moreover, member states should bear in mind the following approaches when developing national Roma integration strategies⁴⁵:

- Set achievable national goals for Roma integration to bridge the gap with the general population.
- Identify where relevant those disadvantaged micro-regions or segregated neighborhoods, where communities are most deprived, using already available socio-economic and territorial indicators.
- Allocate a sufficient funding from national budgets which will be complemented, where appropriate, by international and EU funding (i.e. the Structural Funds and the European Agricultural Fund for Rural Development⁴⁶).
- Include strong monitoring methods to evaluate the impact of Roma integration actions and a review for the adaptation of the strategy.

⁴³ The most relevant in this context are the European Platform against Poverty and Social Exclusion, an Agenda for New Skills and Jobs and the Innovation Union.

⁴⁴ The 10 Principles were presented at the first European Platform for Roma Inclusion meeting, launched in April 2009. They comprised: 1) constructive, pragmatic and non-discriminatory policies, 2) explicit, but not exclusive targeting, 3) intercultural approach, 4) aiming for the mainstream, 5) awareness of the gender dimension, 6) transfer of evidence-based policies, 7) use of EU instruments, 8) involvement of regional and local authorities, 9) involvement of civil society and 10) active Roma participation.

⁴⁵ Ibid at 42

⁴⁶ In total € 26.5 billion, from which €9.6 billion have been allocated in the period 2007-2013 for measures targeting socio-economic inclusion of disadvantaged people and € 172 million have been explicitly allocated for actions aiming at integrating the Roma. More than € 16.8 billion are planned for social infrastructure.

- Be designed, implemented and monitored in close cooperation and continuous dialogue with Roma civil society, regional and local authorities.
- Appoint a national contact point for the national Roma integration strategy with the authority to coordinate the development and implementation of the strategy or, where relevant, rely on suitable existing administrative structures.

At this point, it is high time the EU ambition was expressed, in a few words, pertaining to the four Roma integration goals⁴⁷:

- ✓ With regard to access to education, member states should ensure that all Roma children have access to high quality education and are not subject to discrimination or segregation, regardless of whether they are sedentary or not. Member states should, as minimum, ensure primary school completion. They should also widen access to quality early childhood education and care and reduce the number of early school leavers from secondary education pursuant to the Europe 2020 strategy. Roma youngsters should be strongly encouraged to participate also in secondary and tertiary education.
- ✓ With respect to access to employment, member states should grant people full access in a non-discriminatory way to vocational training, to the job market and to self-employment tools and initiatives. In the public sector, due attention should be given to employment of qualified Roma civil servants.
- ✓ Concerning access to healthcare, member states should provide access to quality healthcare especially for children and women as well as preventive care and social services at a similar level and under the same conditions to the Roma as to the rest of the population. Where possible, qualified Roma should be involved in healthcare programmes targeting their communities.
- ✓ In relation to the access to housing and essential services (such as water, electricity and gas), member states should promote non-discriminatory access to housing, including social housing. Action on housing needs to be part of an

⁴⁷ European Commission (2012), “National Roma Integration Strategies: a first step in the implementation of the EU Framework”, *European Union*, available at http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf

integrated approach including social affairs, security and desegregation measures. States should also address the particular needs of non-sedentary Roma by providing them with suitable halting sites. Regional and local authorities should intervene appropriately.

In any case, in order to develop accurate model approaches (in terms of strategy implementation) to make the integration of the Roma as tangible as possible, it should be borne in mind, on states' side, the differentiated Roma communities in the EU27 (matter of heterogeneity and specificity). That is why four major types are identified and categorized as follows⁴⁸:

- Roma communities living in disadvantaged highly concentrated urban districts, possibly close to ethnic minorities and deprived members of the majority.
- Roma communities living in disadvantaged parts of small cities/villages in rural regions and in segregated rural settlements isolated from majority cities/villages (“ghettoization”).
- Mobile Roma communities with citizenship of the country or of another EU country.
- Mobile and sedentary Roma communities who are third-country nationals, refugees, stateless people or asylum seekers.

Before the Framework was conceptualized and released, the EC created in September 2010 its own internal Roma Task Force with the participation of the FRA so as to accelerate the Roma integration procedure. During 2011, the FRA, the UNDP and the World Bank joined forces in order to provide data, analysis and evidence-based advice with regard to the socio-economic status of the Roma in 11 EU member states in comparison to the non-Roma population⁴⁹. The results were shocking in many respects, as disparities between the two populations are more than evident (see figures below). The majority of the member states were considered being gripped by

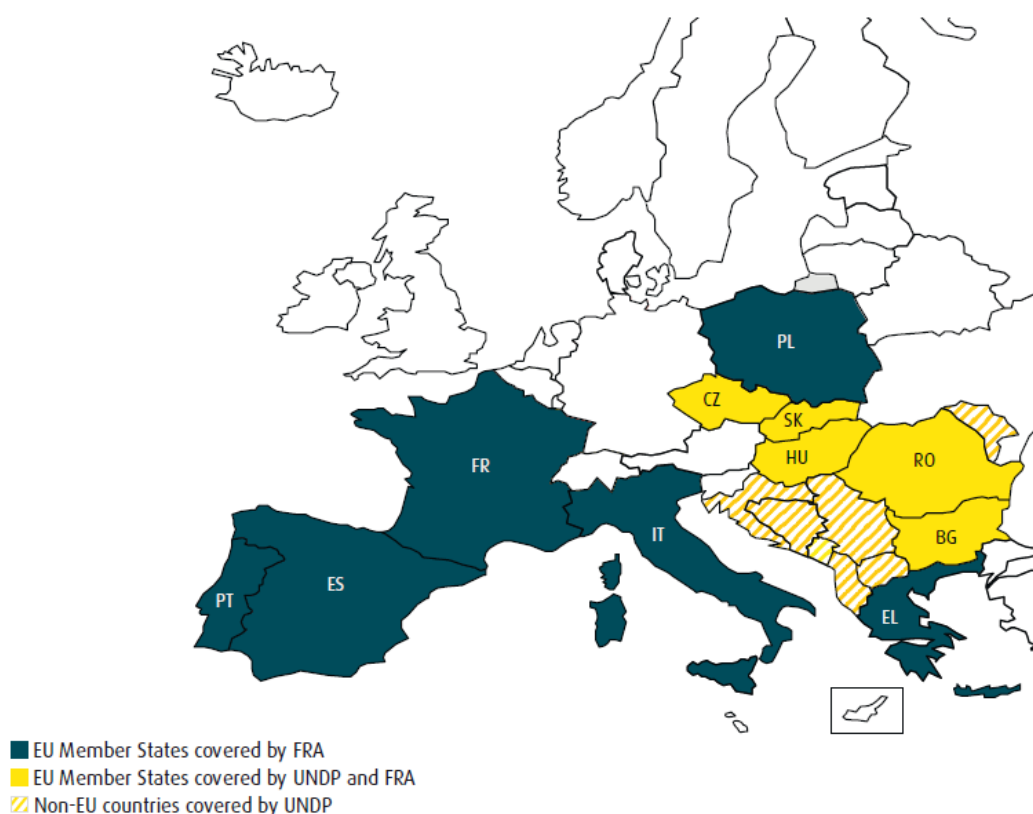
⁴⁸ European Commission (2010), “The social and economic integration of the Roma in Europe”, Communication from the Commission to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions, Brussels, available at <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2010:0133:FIN:EN:PDF>

⁴⁹ FRA and UNDP (2012), “The situation of Roma in 11 EU Member States: Survey results at a glance”, report available at http://fra.europa.eu/sites/default/files/fra_uploads/2099-FRA-2012-Roma-at-a-glance_EN.pdf

weakness in the development of coherent and suitable strategies, as well as by lack of know-how and administrative capacity to absorb EU funds. In addition, the political unwillingness towards that direction and the lack of involvement by civil society and Roma communities themselves are registered to the problems identified. Consequently, what was regarded as imperative was the opening of a new era to address and hopefully surmount these cross-cutting issues. That moment came true via the publication of the EU Communication on adopting a specific Framework (see *supra*).

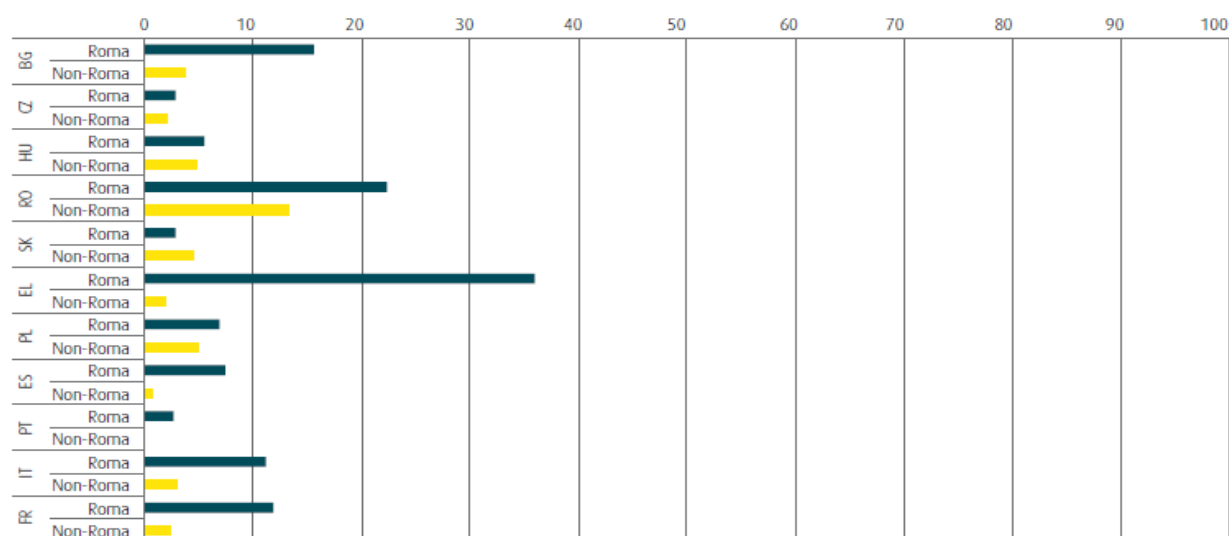
The 2011 Pilot Survey conducted in cooperation among the FRA, the UNDP and the World Bank⁵⁰

Figure 1: Country coverage of Roma pilot surveys, 2011



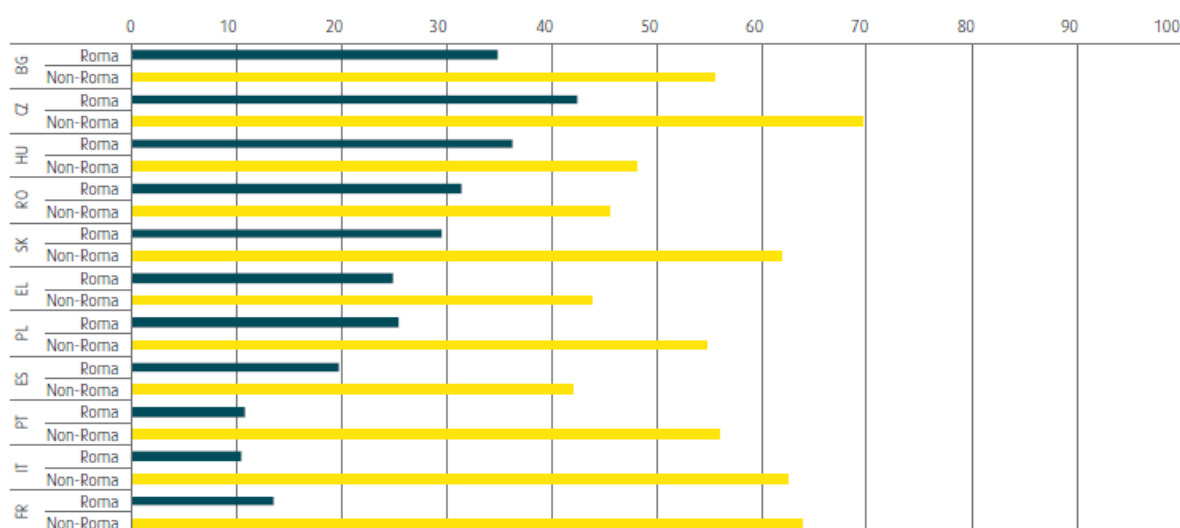
⁵⁰ As the survey indicated, the results are representative for Roma living in areas in a higher than national average density. Across the 11 EU member states, the survey interviewed 22,203 Roma and non-Roma providing information on 84,287 household members. The non-Roma are not representative for the majority population, but serve as a benchmark for the Roma since the Roma share the same environment, labor market and social infrastructure.

Figure 2: Children aged 7 to 15 not in school (%)



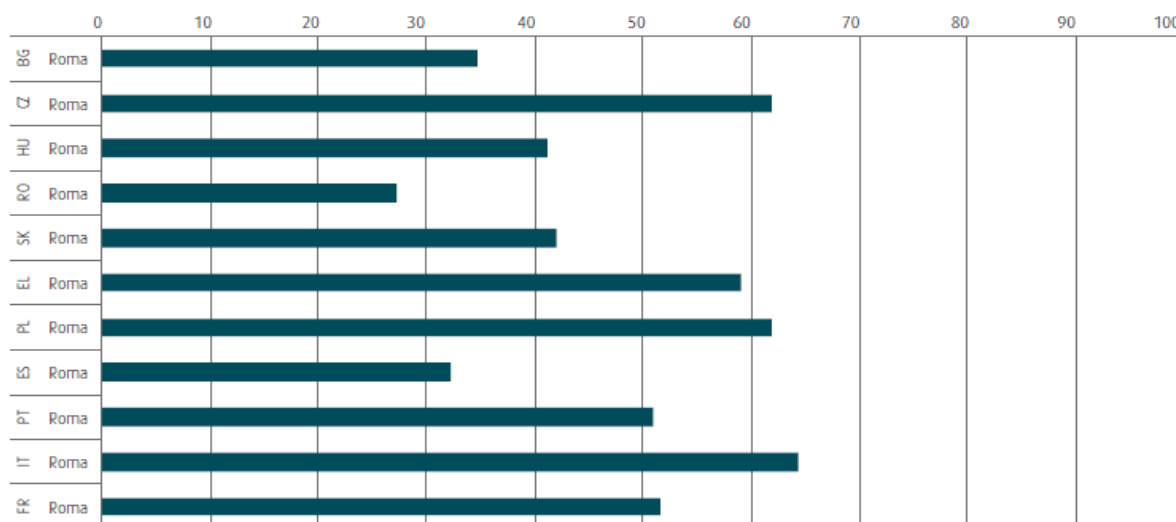
Source: FRA Roma pilot survey 2011

Figure 3: Households members aged 20 to 64 in paid employment (pooled data in %) – excluding self-employment



Source: FRA Roma pilot survey 2011, UNDP/World Bank/EC regional Roma survey 2011

Figure 4: Roma respondents aged 16 and above looking for work in the past 5 years who said that they experienced discrimination because of their Roma background (pooled data in %)



Source: FRA Roma pilot survey 2011, UNDP/World Bank/EC regional Roma survey 2011

Figure 5: Respondents aged 35 to 54 with health problems that limit their daily activities (%)



Source: FRA Roma pilot survey 2011

Figure 6: Persons living in households at risk of poverty due to the lack of basic amenities (%)



Source: FRA Roma pilot survey 2011

Special Chapter

The European Convention on Human Rights and the Protection of the Roma

Litigation based on case-studies as derived from HUDOC, the European Court of Human Rights' database

The *Nachova vs. Bulgaria*⁵¹ is the first case in the history of the ECtHR (“a breakthrough in the Roma rights’ defense”) to conclude that being a Roma may play a role in the events of a crime. The Court’s final judgment reported a violation of Article 2 (“Right to Life”) of the ECHR in conjunction with Article 14 (“Prohibition of Discrimination”).

The case concerns a complaint stated by close relatives of two young Roma men, Mr. Angelov and Mr. Petkov who were shot to death on 19 July 1996 by police officers who tried to arrest them while being unarmed and not suspected of having committed a violent crime. The Court in its final verdict argued that the aim of a lawful arrest cannot justify putting human life at risk where the fugitive has committed a non violent crime and does not pose a threat to anyone⁵². At the end of the process, the Court recommended whether police violence against Roma in view of their predicament in many societies is observed onwards, directly or not, a heightened scrutiny should be applied. That is why the case has been perceived as the first positive development for the Roma rights protection, being named by Hepple Bob as a “mixed blessing of the positive obligations⁵³”.

⁵¹ European Court of Human Rights, Case of Nachova and others v. Bulgaria, Judgment on 06 July 2005, available at [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{\"fulltext\":\[\"nachova\"\],\"documentcollectionid2\":\[\"GRANDCHAMBER\", \"CHAMBER\"\],\"itemid\":\[\"001-69630\"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{\)

⁵² Henrard, Kristin (2004), “The European Convention on Human Rights and the Protection of the Roma as a Controversial Case of Cultural Diversity”, *European Diversity and Autonomy Papers-EDAP*, Vol. 5

⁵³ Hepple, Bob (2006), “Positive Obligations to Ensure Equality”, in *Interights Bulletin*, A review of the International Centre for the legal protection of human rights, vol.15, Issue No.4., available at <http://www.interights.org/view-document/index.htm?id=248>

The facts of the case are summarized as follows: The two men were working for the Construction Force. After being constantly absent from their work without permission, they were subsequently arrested. Notwithstanding their imprisonment, they have managed to escape by founding shelter to the home of Mr. Angelov's grandmother. A warrant for their arrest was received by the Vratsa Military Police Unit. After being informed by an anonymous call on where they had been hiding, the police forces went after them. The commander of the police team informed his colleagues that they should act in accordance with the rules and that the two Roma are criminally active.

When the two Roma men realized the approaching of the police car, they started to run in the garden from the back of the house. Sergeant N and Major G went after them. While running, major G shouted: "Freeze, military police, freeze (or) I'll shoot" and the shooting started.

The two men were shot dead by an automatic gun. A subsequent investigation carried out by the authorities concluded that the use of firearms had been in accordance with the law⁵⁴. However, the Chamber decided on 26 February 2004 that there had been violations of Articles 2 and 14 of the Convention. The Government reacted directly by appealing against the Chamber's decision and asked the Grand Chamber to re-examine the issues raised by the case under Article 14 of the Convention.

The Court noted that the Bulgarian national legal framework permitted the use of force even for the most minor crimes⁵⁵. On the other hand, the Grand Chamber taking into consideration all the circumstances of the case concluded that the authorities used grossly excessive force which was in violation of Article 2 of the Convention (by recalling that any authorities are obliged to apply lethal force only if it is absolutely necessary and although the fugitives' arrest could be achieved by other means available)⁵⁶. As a result, the Court concluded that the relevant state failed to properly investigate the deprivation of life⁵⁷.

⁵⁴ Ibid at 51, para.53

⁵⁵ Ibid, para.99

⁵⁶ Ibid, para.109

⁵⁷ Ibid, para.119

At this point, the Grand Chamber's decision regarding the violation of Article 14 in conjunction with Article 2 has emerged ambivalence and issued hence a dissenting opinion by six judges⁵⁸. It departed from Chamber's previous interpretation on the substantive breach of the Convention in that the death of the two young men was a result of their ethnic origin, but its conclusions on the incident were reached pertaining to the probability that racist attitudes played a role in the killing of the two men⁵⁹. That was initially based on the testimony of a neighbor of the two victims who reported that Major G had shouted at them "You damn Gypsies" immediately after the shooting. But such evidence of racial slur was not considered sufficient enough to be viewed as a violent act leading to a racist killing. That was the reason that the burden of proof has not been shifted to the Government in the supposedly racist motive, on the police forces' side, for the death of the two young men. Nevertheless, the Grand Chamber found a violation of the Article 14 in conjunction with Article 2 of the Convention in its procedural sense in that the authorities failed to assess meaningfully and effectively racial prejudice and hostility as a possibility of the Roma men deaths⁶⁰.

One step further into the accusations of racial prejudice made the applicants of Mr. Bekos and Mr. Koutropoulos against the Greek prosecuting authorities⁶¹. They latter were blamed for negligence in terms of failing to carry out a prompt and adequate investigation into the former's allegation that had been subjected to acts of police brutality, in breach of Articles 3 ("Prohibition of torture or to inhuman or degrading treatment or punishment") and 14 of the Convention.

The outline of the events is summarized as follows: On 8 May 1998, the two aforementioned Roma men were arrested at Mesolonghi, Western Greece for attempting to burgle a kiosk. Both men accused the police agents who arrested them for ill-treatment (i.e. bodily and verbally abused) while being in custody because of their Roma origins. In addition, both men complained of having been beaten with a truncheon over their head and kicked in the stomach. A subsequent medical

⁵⁸ Ibid, pp.40-42

⁵⁹ Ibid, para.157

⁶⁰ Ibid, para.161

⁶¹ European Court of Human Rights, *Case of Bekos and Koutropoulos v. Greece*, Judgment on 13 December 2005 (FINAL 13 March 2006), available at [http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{\"fulltext\":\[\"bekos\"\],\"documentcollectionid2\":\[\"GRANDCHAMBER\", \"CHAMBER\"\],\"itemid\":\[\"001-71594\"\]}](http://hudoc.echr.coe.int/sites/eng/Pages/search.aspx#{\)

investigation at the regional hospital and by the consultation of a forensic doctor was carried out to verify the existence of their injuries/bruises⁶². In fact, the medical certificates issued proved their statement on police bad conduct. Consequently, the Greek Helsinki Monitor and the Greek Minority Rights Group sent a joint complaining letter to the Ministry of Public Order to condemn the incident by ensuring disciplinary measures to be taken and the police officers involved to be appropriately punished.

Nevertheless, at the proceedings of the administrative inquiry, although the three officers allegedly charged of cruelty towards the Roma detainees were strongly recommended being temporary suspended from service, nothing of the sort happened in reality. In this regard, the Patras Court of Appeal, before which the three police officers were brought to trial, found them not guilty due to no concrete and logical evidence of violations of human rights against minorities⁶³.

In the same vein, the Government as referring to the findings of the Court detected that the applicants' complaints were wholly unfounded highlighting that the investigation to the incident was effective, independent and thorough.

Ambivalence was again emerged as whether the proof "beyond reasonable doubt" should stay at the discretion of the state authorities or the Government itself in order to provide satisfactory and convincing explanation of the non rebuttable presumptions of the facts⁶⁴. Taking all relevant circumstances into account, both statements of the two Roma men and those of the accused officers, the Court *considers that the serious physical harm suffered by the applicants at the hands of the police, as well as the feelings of fears, anguish and inferiority which the impugned treatment had produced in them, must have caused the applicants suffering from sufficient severity for the acts of the police to be categorized as inhuman and degrading treatment within the meaning of the Article 3 of the Convention*⁶⁵.

Ultimately, the Court has concluded that the competent authorities failed to meet their obligation in deeply investigating possible racist motives behind the aggressive behavior of the police officers towards the Roma men being in detention

⁶² Ibid at 61, p.3

⁶³ Ibid, pp.5-6

⁶⁴ Ibid, p.11

⁶⁵ Ibid, p.12

(procedural aspect). For the substantive aspect, the Court considers relying on all relevant elements of the case that the alleged behavior is of itself an insufficient basis for ascertaining that the officers' treatment inflicted on the applicants was motivated by racism⁶⁶.

Once more, as in the case of *Nachova*, several judges expressed their opinion as whether it is possible for a Government to prove that a particular attitude had hidden racial-led motives and that the origin of a minority group was not the material factor of such a violent and debasing behavior (in the latter case, the ill-treatment to which the two Roma detainees had been subjected by state agents). In any case, the Court unanimously held that the respondent state has to remedy, within three months from the judgment's delivery, the mistreated men merely in terms of non-pecuniary damage⁶⁷, while in *Nachova's* case both victims' relatives were redressed in respect of pecuniary and non-pecuniary damage⁶⁸.

⁶⁶ Ibid, pp.14-18

⁶⁷ Ibid, p.18, para.81

⁶⁸ Ibid at 47, p.38

Part II

Romani people in France

Chapter 1

A brief history of Roma's internment in France (1940-1946)⁶⁹



Roma had been in France since the 15th century, but became officially noticed at the end of the 19th century. These Roma joined the already great number of itinerant people who wandered the French countryside in search of a better life during a period of economic hardship.

In France, the so-called “Gypsy question” took another approach than that of the Germans adopted in terms of internment. The latter used the internment as the first step to mass murder, whereas the former used it as a way of bringing the “Tsiganes” (“Gypsies”) into the mainstream of society (the desirable goal to be achieved)⁷⁰. In addition, the latter’s approach was viewed as a complex one, involving racial, cultural and social features, while the former’s one was a procedure of “ridding” racial criteria. Hence, the population was perceived as “nomads”, although never clearly defined “Gypsies” exclusively. Some 13,000 people of the pre-war population were interned in special camps thought out the country both in the occupied and the unoccupied parts of it⁷¹.

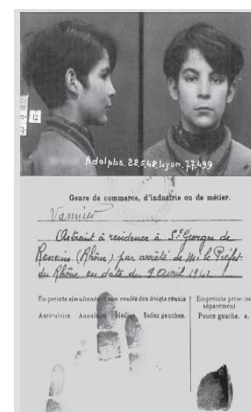
The Tsiganes/Gypsies were especially stigmatized. They were blamed for thieving, illegal hunting, fraud, child abduction and even for spreading disease; they suffered hunger and in many cases they were recruited for forced labor.

⁶⁹ Council of Europe, “Project: Education of Roma children in Europe”, *Factsheets on Roma: Internment in France (1940-1946)*, available at <http://romafacts.unigratz.at/index.php/history/persecution-internment-genocide-holocaust/internment-in-france-1940-1946>

⁷⁰ The same policy continues to exist and be followed after the liberation by the authorities in power.

⁷¹ Historically given, although there are no records of mass deportations until the end of the war, at least more than 200 “Gypsies” of French origin were murdered in Sachsenhausen, Buchenwald and Auschwitz-Birkenau. Nevertheless, whole families did not escape oppression.

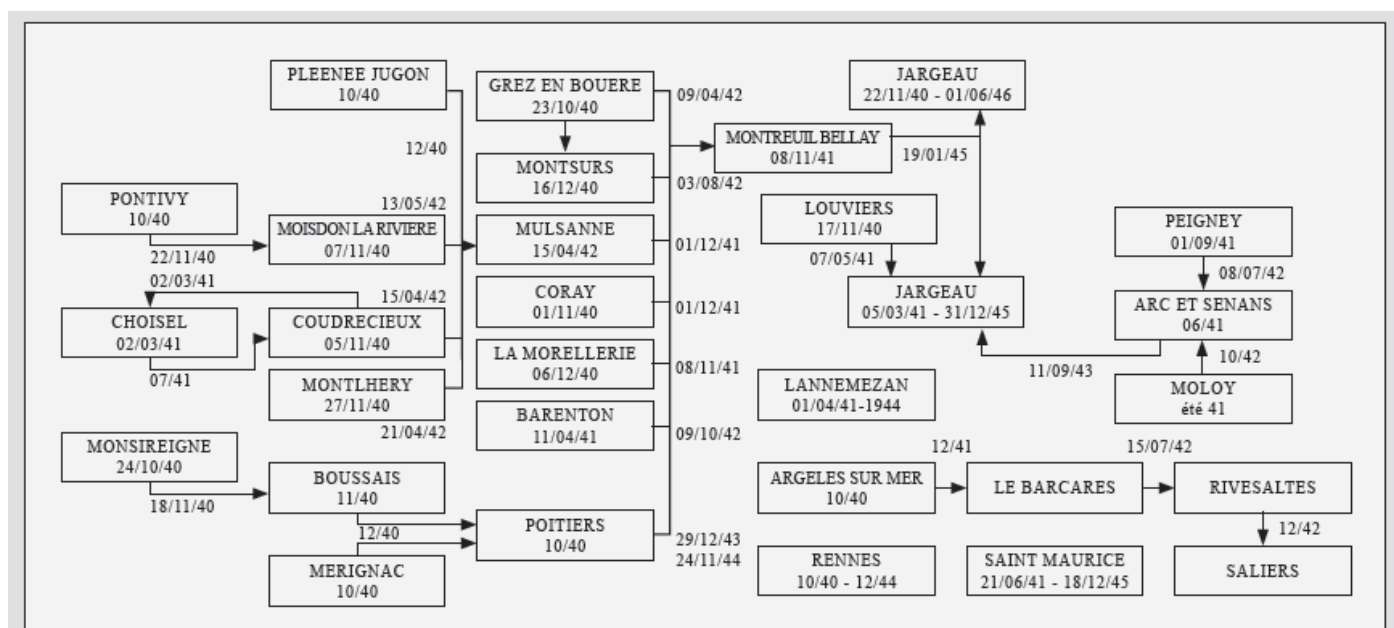
With a view to tracking their movements, because of their itinerant lifestyle in caravans, and “identifying” each one of them countrywide, the government on July 16, 1912 enacted a law⁷² particularly targeted Roma. That new administrative tool obliged every individual aged 13 and over to carry an “anthropometric record card” containing the particulars of the civil status, two photographs (side and full-face views), his fingerprints and information on his physical characteristics. Vehicles carried a special registration plate.



Nonetheless, on October 22, 1939 a military decree prohibited them from travelling in eight départements of Western France. On April 6, 1940, the president of the republic issued a legislative decree with which itinerant were banned from travelling anywhere in metropolitan France for the duration of the war and subsequently they were made subject to compulsory residence orders. Officially, this measure was meant to reduce the risks of espionage, act for which Roma had been accused of. Unofficially, the objective was to force them to settle.

With the invasion of the German troops in May 1940, numbers of Gypsies began being expelled from one département to another within the unoccupied zone holding a compulsory residence order as imposed by the Vichy Government or being interned in camps throughout the country. On October 4, 1940, the German High Command in France ordered the transfer of “Gypsies” in the occupied zone to camps under the French police guard, under one condition: children to be given schooling, families not to be split up. Following the German order of November 22, 1940, the pace of internment quickened, the Roma were expelled from the coastal zone and at the end of December 1940 about 1,700 nomads were interned in 10 camps. The following table fully provides us with the camp-by-camp chronology of arrivals, transfers and releases of that period.

⁷² “Law on the Exercise of Travelling Occupations and Control of the Movement of Nomads”, as translated by the equivalent French one “Loi sur l’exercice des professions ambulantes et la réglementation de la circulation des nomades”.



In Eastern France camps were set up from 1941 onwards. At the end of 1941, about 3,200 nomads were interned in 15 camps, while in January 1943 some 2,200 nomads were interned in eight camps. Even after the liberation, the transfers continued systematically. Pursuant to the law of May 10, 1946, which set the statutory date for the cessation of hostilities and the internees started periodically to be released, the last internment camp “Les Alliers” was closed down on June 1, 1946. Up to 1992 an estimate of 30,000 Roma having being interned in France was published. Given the fact, however, that new camp records have being given in public several times since then, the estimates have changed. Precise figures do not exist taking into account the incomplete records; only approximated calculations can be widely accepted. As a result, it can be assumed that between 6,000 and 6,500 people in total (in the occupied zone and in the free zone) were interned as “nomads” in 30 French internment camps.

Chapter 2

Roma's current situation in the French territory

I. Generalization

To begin with, French Romani people are generally known in spoken French as “Manouches” or “Tsiganes”. On the other hand, the terms “Romanichel” and “Gitan” are considered pejorative, while “Bohémien” is outdated. On the contrary, the French National Gendarmerie tends to address them by the name “MENS” (“Minorités Ethniques Non-Sédentarisées”), a neutral administrative term meaning “Travelling Ethnic Minorities”.

Approximately 400,000 Romanies live in France⁷³ as part of established communities. Additionally, French Romani rights group FNASAT⁷⁴ reports that there are at least 12,000 Roma who come from Romania and Bulgaria living in illegal urban camps throughout the country. It has been observed, however, that the French authorities often close down these encampments. In 2009, for example, more than 10,000 Roma were sent back to Romania and Bulgaria⁷⁵ (it could be viewed as an “ethnic cleansing”).

In 2009, also, the European Committee of Social Rights found France to violate the European Social Charter in respect of Romani population⁷⁶.

II. The chronicle of the repatriations (2010-2012)⁷⁷

On 16 July 2010, French police shot and killed a 22-year-old French Romani man who drove through a police checkpoint. In retaliation, a group later

⁷³ On average, 0,60% of the total population (65.350.000) as provided by the World Bank in 2011 and the French National Institute of Statistics and Economics (INSEE) (http://www.insee.fr/fr/themes/document.asp?ref_id=ip1332). Estimates and numbers of Roma in Europe, document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues, updated on 02 July 2012.

⁷⁴ “Fédération nationale des associations solidaires d'action avec les Tsiganes et les gens du voyage”.

⁷⁵ “Q&A: France Roma expulsions”, BBC News, 19 August 2010, available at <http://www.bbc.co.uk/news/world-europe-11027288>

⁷⁶ ECSR decision on complaint no. 51/2008, available at http://www.coe.int/t/dghl/monitoring/socialcharter/Complaints/CC51Merits_en.pdf

⁷⁷ See, http://en.wikipedia.org/wiki/French_Roma_expulsion

identified as “Travellers” (“Gens du voyage”) attacked and pillaged the village of Saint-Aignan in central France⁷⁸. The local mayor described the disturbances as “a settling of scores between the Travellers and the gendarmerie”. On the same night and for a few nights thereafter, riots erupted in a Grenoble neighborhood. French police in pursuit, having been shot at on three occasions during the chase, in turn shot and killed Karim Boudouda, a 27-year-old resident involved in a robbery at the Uriages-les-Bains casino near the border with Switzerland⁷⁹.

On 30 July, the French President, Nicolas Sarkozy, made a speech in Grenoble and at Saint-Aignan concerning the recent events. He said that anyone who “threatens the life of a police officer or anybody involved in public policing” should have their nationality revoked⁸⁰. He criticized demonstrations against the police that occurred in both cases after perpetrators were killed while committing criminal acts and wantonly endangering police officers’ lives, and in this context he was reported as saying that he had asked the interior minister to “put an end to the wild squatting and camping of the Roma as well as to prevent further destruction by the rioters in Grenoble”. As president, he said, (he) could not accept the fact that there were 539 illegal Romani camps in his country, and he promised that half of them would be ejected within three months⁸¹.

On Sunday, 15 August, a group of Roma and nearly 250 of their vehicles blocked a major bridge near Bordeaux after being evicted from their campsite in the nearby town of Anglet. The blockade was the first major public protest of Sarkozy’s evictions of Roma all over France⁸².



⁷⁸ “Troops patrol French village of Saint-Aignan after riot”, BBC, 19 July 2010, available at <http://www.bbc.co.uk/news/world-europe-10681796>

⁷⁹ Mail on Sunday Reporter (18 July 2010), “France fears widespread rioting as youths rampage after police shoot robber”, *Mail Online*, available at <http://www.dailymail.co.uk/news/article-1295639/Riot-alert-France-youths-rampage-police-shoot-robber.html> and “Riots in French city after police shooting”, Euronews, 17 July 2010, available at <http://www.euronews.com/2010/07/17/riots-in-french-city-after-police-shooting/>

⁸⁰ “Sarkozy crackdown on foreign-born criminals”, BBC News Europe (BBC News), 30 July 2010, available at <http://www.bbc.co.uk/news/world-europe-10820457>

⁸¹ Fichtner, Ullrich (15 September 2010), “Sarkozy’s War Against the Roma”, *Der Spiegel* (Spiegel Online International), available at <http://www.spiegel.de/international/europe/driving-out-the-unwanted-sarkozy-s-war-against-the-roma-a-717324.html>

⁸² “Roma protest blocks French bridge”, BBC News Europe (BBC News), 15 August 2010, available at <http://www.bbc.co.uk/news/world-europe-10982129>

Sarkozy's office released a statement naming the camps as "sources of illegal trafficking, of profoundly shocking living standards, of exploitation of children for begging, of prostitution and crime". The first groups of Roma left the country on 19 August 2010, and French authorities insisted that they did so voluntarily after offered a resettlement sum of €300 for each adult and €100 for each child⁸³ instead of facing the chance of forcible expulsion in a month⁸⁴. The first flight carried 79 Roma back to their homeland, Romania, and over 290 more deportations were scheduled for the following week. Interior Minister Brice Hortefeux intends to liaise with Sarkozy to dismantle half of the illegal camps in France by November 2010 by hoping to put hence an end to the wild squatting. By the end of the month, Hortefeux broke up 51 camps and expelled 700 Roma⁸⁵.

France recognizes a threat in Roma returning after they are repatriated to Romania, since many have Romanian passports. The French fingerprint the deportees to ensure that they cannot receive more "handouts" from France. Many repatriated Roma say that they will return to France after they are expelled, prompting authorities to fingerprint them upon repatriation. An advisor to the Romanian foreign minister and an ethnic Roma himself, Gheorghe Radulescu, has spoken of the deportations: "It's a waste of money with no result. They just opened a way for our Gypsies to get some money⁸⁶". In 2009 alone, approximately 10,000 Roma were deported from France, and virtually all of them returned several weeks after they were deported. If they are citizens of the European Union, Roma from Romania and Bulgaria are permitted to travel to France and stay for up to three months. If they "find work, start studies, or find some other way of becoming established in France" they are allowed to stay, but if they do not, then they risk deportation. The French government said that the Roma that were expelled in the 19 August group had overstayed their three-month limit without meeting any of the requirements to legally stay for longer⁸⁷.

⁸³ "Deported Roma promise return to France", CNN, 21 August 2010, available at <http://edition.cnn.com/2010/WORLD/europe/08/20/france.roma/>

⁸⁴ Erlanger, Steven (19 August 2010), "Expulsion of Roma Raises Questions in France", *The New York Times*, available at http://www.nytimes.com/2010/08/20/world/europe/20france.html?_r=0

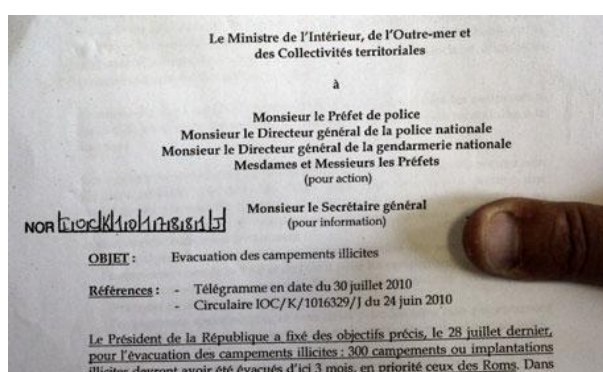
⁸⁵ Crumley, Bruce (19 August 2010), "France Deports Gypsies: Courting the Xenophobes?", *Time World*, available at <http://content.time.com/time/world/article/0,8599,2011848,00.html>

⁸⁶ "France's expulsion of Roma: Have your Roma back", *The Economist*, 19 August 2010, available at http://www.economist.com/blogs/easternapproaches/2010/08/frances_expulsion_roma

⁸⁷ "France begins controversial Roma expulsion", CNN, 19 August 2010, available at http://edition.cnn.com/2010/WORLD/europe/08/19/france.roma/index.html?_s=PM:WORLD

There were more protests on 4 September, this time totaling between 77,000 and 100,000 people protesting the government's Roma deportation policy in over 130 French towns. Hortefeux downplayed the protests, calling them a “disappointment” for the organizers⁸⁸.

On 14 September, Viviane Reding, Vice-President of the European Commission responsible for Justice, Fundamental Rights and Citizenship made a statement on the recent developments on the Roma situation in France. She called the repatriations “a disgrace”. She also stated: “I am personally convinced that the Commission will have no choice but to initiate infringement action against France⁸⁹”. Her speech came after the 9 September leak of instructions from the French interior ministry saying that the evacuation of 300 illegal camps within three months, with the Roma camps being a “priority”. A few days before the memo was leaked, France's immigration minister, Eric Besson, insisted that the eviction policy was not being aimed at the Roma and that all migrants not meeting France's residency laws were being treated equally⁹⁰. Even though Reding threatened initiating legal action against France, on 19 October she said she was content that France responded “positively” to the official request from the European Commission and that the Commission would not be pursuing any infringement procedures. Although the Commission did not pursue any procedures, it did demand that France provide more evidence that Roma were not being intentionally targeted⁹¹.



Opponents of the expulsions claimed that France, as a member of the European Union, violated the individual rights to freedom of movement as citizens of Romania and Bulgaria, both EU member states. In fact, according to the

⁸⁸ “Protests against Roma expulsions held in France”, BBC News Europe (BBC News), 04 September 2010, available at <http://www.bbc.co.uk/news/world-europe-11186592>

⁸⁹ Reding, Viviane (14 September 2010), “Statement on the latest developments on the Roma situation”, European Commission responsible for Justice, Fundamental Rights and Citizenship (EUROPA), available at http://europa.eu/rapid/press-release_SPEECH-10-428_en.htm

⁹⁰ Willsher, Kim (13 September 2010), “France's deportation of Roma shown to be illegal in leaked memo, say critics”, *The Guardian*, available at <http://www.theguardian.com/world/2010/sep/13/france-deportation-roma-illegal-memo>

⁹¹ Ibid at 75

terms of accession of Romania and Bulgaria to the EU, France and several other EU countries had reserved the right to limit immigration from these countries, for a few years, to those with work permits, and the expulsions thus did not violate EU rules or France's obligations to the EU. Nevertheless, on 18th of August, the EU Commission for Justice, Fundamental Rights and Citizenship reminded France of this right of EU citizens and announced that it would continue to monitor the deportation procedures. French authorities argue that they have not violated their obligations to "The Freedom of Movement" directive because the directive allows for deportation of an EU citizen under circumstances where an individual has resided in a certain country for more than three months and cannot provide evidence of sufficient means to stay, for example through employment, or poses a "genuine, present and sufficiently serious threat for public policy or public security"⁹². Immigration minister Eric Besson has also stated that "Free movement in the European area doesn't mean free settlement. What has been forgotten is that each of the European countries is responsible for its own national citizens".

In response to the events, Romanian President Traian Băsescu acknowledged the problems arising from Romani encampments, but insisted on the "right of every European citizen to move freely in the EU". Members of the United Nations Committee on the Elimination of Racial Discrimination have also criticized the expulsions as labeled them as signs of racism and xenophobia. France responded to the Committee's claims and insisted that the actions that have been taken "fully conform with European rules and do not in any way affect the freedom of movement for EU citizens, as defined by treaties". Critics accused Sarkozy of using the incident for his political gain⁹³. Opinion polls conducted of French voters indicate that a majority approved the deportation measures.

France continues to deport Roma back to their homeland of Romania even after Sarkozy's three-month Roma eviction policy ended the previous year. On 12 April a chartered flight left northern France headed for Timisoara in western Romania with as many as 160 Roma on board. Like in the 2010 deportations, those who left France received 300 Euros and each Roma child was given 100 Euros. The Roma on

⁹² "EU: A Key Intervention in Roma Expulsions", Human Rights Watch, 14 September 2011, available at <http://www.hrw.org/news/2010/09/14/eu-key-intervention-roma-expulsions>

⁹³ Crumley, Bruce (23 July 2010), "Anger as Sarkozy Targets Roma in Crime Crackdown", *Time*, available at <http://www.time.com/time/world/article/0,8599,2005818,00.html>

12 April flight all signed declarations that they would never return to France⁹⁴. On 9 August, the city of Marseille in southern France forcibly evicted 100 Roma people via a municipal order who had settled in a makeshift camp near Porte d'Aix. They were given 24 hours to crack their camps and leave⁹⁵. Additionally, it has been reported that a chartered flight carrying approximately 150 Roma back to Romania left the Lyon area on 20 September. France's goal for 2011 is to deport 30,000 Roma back to their home country⁹⁶. As of 2012, France sent about 8,000 Roma back to Romania and Bulgaria in 2011, after taking apart illegal camps where they were living on the outskirts of cities. The actions provoked controversy and calls for greater inclusion of Roma people.

In August 2012, the Socialist government of François Hollande began evicting and dismantling Roma camps and deporting Roma. Reuters reported that a charter plane flew 240 Roma, including children, back to Bucharest, Romania, from Lyon. According to Manuel Valls, Minister of the Interior, the evictions were based on sanitary concerns and tensions with working class neighbors⁹⁷.

III. The ECRI reports on France

France, as one of the larger European countries, and one which has a long experience of immigration, has a well-developed body of legislation and policies in general to deal with the problems of racism, xenophobia, anti-Semitism and intolerance. By the adoption and the entry into force of the new Penal Code in March 1994, the aforementioned have been strengthened⁹⁸.

⁹⁴ "France resumes deportations of Roma people from Romania", Czech Press Agency (Romea.cz), 13 April 2010, available at <http://www.romea.cz/en/news/world/france-resumes-deportations-of-roma-people-from-romania>

⁹⁵ Ira, Kumaran (11 August 2011), "Marseille mayor orders mass expulsion of Roma camp", *World Socialist Web Site*, available at <http://www.wsws.org/en/articles/2011/08/mars-a11.html>

⁹⁶ Bran, Mirel (12 October 2011), "France's Immigration Chief Revisits the Roma Expulsion Issue, in Romania", *Le Monde (Worldcrunch)*, available at <http://www.worldcrunch.com/france-s-immigration-chief-revisits-the-roma-expulsion-issue-in-romania-/c1s3921/>

⁹⁷ Jolly, David (9 August 2012), "French President Shuts Down Roma Camps and Seeks Relocation for Roma", *The New York Times*, available at <http://www.nytimes.com/2012/08/10/world/europe/hollande-shuts-down-camps-and-seeks-relocation-for-roma.html>

⁹⁸ ECRI annual report on France (1998), Strasbourg, available at http://hudoc.ecri.coe.int/XMLEcrist/ENGLISH/Cycle_01/01_CbC_eng/01-cbc-france-eng.pdf

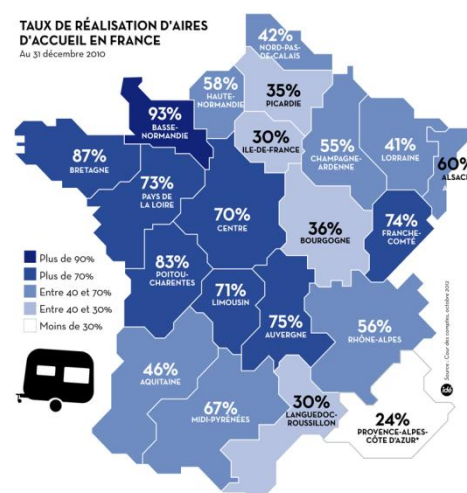
With regard to the Roma and Travellers integration issues in particular, ECRI has published four reports in terms of recommendations on policy implementation and plan maneuvering on the French authorities' side.

To start with, there is no data available concerning Roma and Travellers in the first report, published in June 1998⁹⁹. In the second report¹⁰⁰ however, adopted in December 1999 and published in June 2000, there is a special mention on them where it is noted the problem arisen on municipalities' side of not providing either stopping places ("sites") for the Travellers or those places provided are considered not suitable for a population over 5,000 (as formally imposed by the 1990 law). In this respect, the National Consultative Commission on Travellers was established in August 1999.

An article in the electronic edition of the French newspaper "Libération", published on 16 July 2013 and written by Guillaume Gendron¹⁰¹, explained explicitly the current problematic situation. A translation in English is provided and the relevant iconographic chart of the encampment areas construction rate countrywide depicts it clearly as well.

...At the end of 2012, more than ten years after the entry into force of the legislation, a thick report communicated by the Court of Auditors criticized the very partial implementation of its operative part at national level. Only 52% of the encampment areas expected was constructed. For the long-stay areas, the results are even more negative, with less than 30% of the sites having been constructed. However, as noted by the Court, all the territories do not play the game in the same way.

Particularly, the Great West is an exemplary student in the field, with the exception of Aquitaine, with an encampment areas construction rate well above the national average. Three departments even exceed the recommendations of the legislature; the Cotes d'Armor, Calvados and Vienna with a construction rate above 100%. On the contrary, the Southeast and the Ile-de-France show a low encampment



⁹⁹ Ibid at 98

¹⁰⁰ ECRI annual report on France (2000), Strasbourg, available at http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_02/02_CbC_eng/02-cbc-france-eng.pdf

¹⁰¹ See, http://www.liberation.fr/societe/2013/07/16/accueil-des-gens-du-voyage-le-sud-est-mauvais-eleve_918594

capacity. Although Alpes-Maritimes is on a list of priority areas established by the Ministry of Housing, the department shows only an 8% rate of encampment areas construction.

The Court of Auditors refers to “multiple barriers” to explain that “generally underdeveloped distribution”; imprecision and chaotic management of the departmental schemes by local authorities on one hand, but also “strong reluctance of the riverside populations” and “unwillingness of authorities in some territories” on the other. Persistent signs of growing rejection are still vivid in many departments. The explosion of the construction costs (i.e. the cost of building a caravan site with access to water and electricity can reach tens of thousands of Euros) would, according to the Court, due partly to “the expensive connection works directly attributable to the decisions of local authorities to keep those areas far away from the residential zones”...

In the third report¹⁰², adopted in June 2004 and published in February 2005, ECRI strongly advises the French authorities to fully implement without delay the Besson laws on stopping places for Travellers, ensuring that the sites created are sufficiently numerous, suitably located and properly equipped. Until that final solution is materialized, what ECRI urges the authorities to do is to establish a human-based communication with the Travellers, respecting their dignity and choice of a nomadic way of life. Pertaining to the Central and Eastern originated-countries Roma, ECRI encourages the authorities to look into the problems encountered in France by Roma coming from the above region. The unacceptable living conditions problem should be resolved by finding suitable housing apartments. In the same vein, ECRI forcefully incites the French authorities to take steps to prevent any illegal and violent forcible evictions that may place Roma families in a desperate position. Additionally, special attention has to be paid to the children, particularly as concerns health and access to education.

In its last report¹⁰³, adopted in April 2010 and published in June 2010, ECRI repeats the statement-proposition made concerning the stopping places for Travellers

¹⁰² ECRI annual report on France (2005), Strasbourg, available at http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_03/03_CbC_eng/FRA-CbC-III-2005-3-ENG.pdf

¹⁰³ ECRI annual report on France (2010), Strasbourg, available at http://hudoc.ecri.coe.int/XMLEcri/ENGLISH/Cycle_04/04_CbC_eng/FRA-CbC-IV-2010-016-ENG.pdf

and the keeping in contact with them and adds to the issue of the schooling of itinerant or semi-itinerant Traveller children that steps should be taken to prevent any refusal by a municipal authority to enroll such children in school, considering it as a matter of urgency to be solved. The new recommendation regards the reviewing by the competent authorities of all the dispensatory provisions and practices which apply to Travellers and, if need be, they are urged to remove any discriminatory elements which have been identified, notably concerning identity papers and the right to vote. Finally, an awareness-raising campaign needs to be conducted with the aim of combating all kinds of intolerance and hostility towards Travellers. With respect to the migrated Roma, the French authorities are again incited to continue and reinforce their efforts to improve their living conditions, in consultation with them and the civil society representatives. Parallel to that, ECRI warns against excessive use of force in the case that the Roma families are forcibly expelled from their own homes. Finally, taking into consideration ECRI's General Policy Recommendation No.3 on combating racism and intolerance against Roma/Gypsies, adopted in March 1998, the body draws the authorities' attention to it in order to embrace and put into effect the legislative measures and policy initiative proposed to that direction.

IV. French governmental strategy for Roma integration¹⁰⁴

For the successful drawing up of the national Roma integration strategy, the French authorities must take into consideration two main problems. The first is that the assimilation can contradict one of the objectives of integration policies, which is precisely to recognize the cultures and identities of the various groups that make up the French society (equal placing vis-à-vis their rights) and the second one is that the term "Roma" refers to a concept of ethnicity which cannot be used under French law to construct public policies. The reason is that the French republican tradition which involves a strict interpretation of the principle of equality does not allow measures to be specifically targeted to a particular ethnic group. Article 1 of the Convention of 4

¹⁰⁴ European Commission, "An equal place in French society: French government strategy for Roma integration within the framework of the Communication from the Commission of 5 April 2011 and the Council conclusions of 19 May 2011", document available at http://ec.europa.eu/justice/discrimination/files/roma_france_strategy_en.pdf

October 1958 states that the Republic shall enshrine equality before the law, without distinction in terms of origin, race or religion¹⁰⁵.

Notwithstanding those legal obstacles, the most effective driving force of integration in France is the common measures or those measures designed to allow the most marginalized and vulnerable groups in society to access common law policies (by taking into account of particular aspects of lifestyle). As a result, the first priority¹⁰⁶ of the French governmental strategy is to ensure the schooling of children.

Subsequently, in March 2011 the Minister for National Education, Youth and the Voluntary Sector presented a plan to prevent illiteracy aiming at mobilizing everyone, families, teachers, supervisors and institutional plans to get engaged towards that priority. In addition, personalized support throughout the school years was promoted. At primary school, that kind of support consists of help per week as well as refresher courses during the school holidays for every student whose schooling may be hindered by insufficient knowledge in terms of reading, writing and arithmetic. At second stage of secondary school, that kind of support includes measures aimed at reducing early school leaving by improving student orientation and personalizing school learning paths.

Moreover, monitoring and support platforms were created to help each student succeed. The *Éclair* programme (primary and secondary schools for ambition, innovation and success) is innovating in the field of teaching and in that of school life. In the same spirit, the national project "Opening up schools to parents to ensure successful integration" is designed to allow parents who are foreign nationals or immigrants to master the French language and to gain understanding of the principles and values of the Republic. Residential schools for excellence, micro-upper secondary schools and second-chance schools (EC2) are included in the list.

In the field of labor market, what it had to be taken into consideration was the existing level of training and vocational skills of those population in order to improve their non-discriminatory participation in programmes at acquiring new skills leading to their proper entering the labor market. In this regard, apprenticeships must be

¹⁰⁵ Ibid at 104

¹⁰⁶ All priorities for the marginalized populations, including Roma, are based on the dissemination of best practices (training, information, citizen participation).

developed as a priority. In 2009, the 2011-2014 National Reform Programme introduced the earned income supplement (RSA) which allows work income to be received concurrently on a long-term basis. This approach aims to find a balance between securing the necessary means of living and encouraging beneficiaries to start or return to a professional activity in order to ensure their social integration.

Concerning public health, the French government has promised the emergence of new health programmes to boost the level of vaccination, develop quality food and promote treatment based on trust between health professional and patients. The regional programme for access to prevention and healthcare for the most disadvantaged (PRAPS) will form the preferred instrument for undertaking innovative public health programmes aimed at the Roma. Additionally, the French government engaged at supporting local community programmes involving health mediation or the production of information guides.

In the field of housing, the public authorities, continuing the action started in 2007, have as priority for the coming years to develop innovative tools for the reception, accommodation and integration of the homeless and those in sub-standard living conditions. In this context, the Department plans for the reception, accommodation and integration of the homeless and those living in poor conditions is the new tool deployed in 2010. In the Ile-de-France region, the department of Seine St Denis has encouraged the development of integration villages for those wishing to live long-term in France. In 2010, 40 wooden chalets were financed in Bordeaux to re-house marginalized populations, including Roma, and an urban and social project team was appointed at a cost of EUR 150 000 to assess an estimated population of 400 to 600 people. The cities of Lille, Marseille and Lyon are ready to establish integration villages.

Ultimately, pursuing the objective of combating human trafficking, reinforcing the fight against discrimination, particularly involving the Human Rights Defender and the action of incorporating the fight against social inequalities are some of the moves in better defending the fundamental rights of those population, including Roma.

Conclusions/Recommendations/ Ways Forward

Centuries of rejection, segregation and systemic discrimination have caused many problems that Roma and Travellers still face in different areas of public life closely interconnected (education, housing, healthcare and employment). Consequently, that “impediment” constitutes the reason that member states are strongly recommended to change their comprehensive targeted strategies and address the issue of Roma’s economic and social inclusion by setting a clearly convincing goal of mainstreamed strategies with a view to obtaining long-term results (“obligatory steerage”). Alternatively, it is high time all the aforementioned relevant stakeholders at all levels {European, (inter)national, regional, local}, and decision makers by extension, by strengthening their cooperation on specific initiatives, “erased” in a sense the repercussions of the Roma’s current unbearable situation pertaining to their daily life through a holistic approach.

In this regard, to meet the challenges identified concerning the policy followed by the majority of member states as the Commission assessed, the former will need stronger efforts to live up to their responsibilities. In particular, they should continue a regular dialogue with the Commission in order to proceed to the amelioration of their National Strategic Plan and to the required public sector reforms¹⁰⁷. In addition, member states should involve regional and local authorities into the implementation of the strategies, as well as work closely with Roma civil society to empower it on issues that affect them more than everyone else¹⁰⁸. Moreover, member states should allocate proportionate financial resources to that direction, but crucial part is also the activation of a monitoring system for a coherent scrutiny upon all measures proposed in order to adjust or even harmonize national policy to the EU line, not to mention its proper transformation, if needed¹⁰⁹. The success of the Roma integration is by all means the parameter of each one’s of the member states eagerness, readiness and dynamics to effectively combine all these “channels” for this scope.

¹⁰⁷ European Commission (2012), “National Roma Integration Strategies: a first step in the implementation of the EU Framework”, *European Union*, pp. 18-19, available at http://ec.europa.eu/justice/discrimination/files/roma_nat_integration_strat_en.pdf

¹⁰⁸ Ibid

¹⁰⁹ Ibid

Roma organizations should play an advancing role pertaining to their welfare by creating lobby groups in promoting into a single, majority voice unambiguous proposals, arguing for targeted policies. Thus, they could become involved in awareness-raising among Roma in identifying problems and contributing to an expedient ethnic supervising of actions affecting their societal integration.

Furthermore, under another spectrum, taking into consideration the fact that the last ten years have been characterized by a considerable increase in the number of cases brought before the courts (international and national), reflecting therefore that the Roma have enhanced awareness of their rights, it should sound the alarm that it is about time special training was put in force by the competent organizations such as the Council of Europe with the aim of familiarizing people involved in legal assistance, notably the lawyers, to the needs and demands of Roma and Travellers communities so as to adequately and appropriately defend them¹¹⁰.

In conclusion, according to my point of view, the effective combat against racism, hostility, xenophobia, marginalization and intolerance, key features that need elimination for the better supporting of Roma in smoothly integrating to the societies they live in, on grounds of ethics and humanity, is a twofold process. That means that their definite integration could be realized not only by the efforts of the EU players on one hand via their available mechanisms and instruments as afore-described and cited and by its people that cohabit with Roma on the other, but most essentially through the change of mindset of members of the Roma communities in terms of wholly understanding what they deserve as equal citizens in the territory of the countries they are settled and how to be well-informed about the acquiring and protecting of their rights as a vulnerable group, commonly placed, in order to avoid eventually being misled and maliciously treated by the authorities.

¹¹⁰ Ibid at 3

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