

# ROMA RIGHTS

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## CHALLENGES OF REPRESENTATION: VOICES ON ROMA POLITICS, POWER AND PARTICIPATION

2012

CHALLENGING DISCRIMINATION PROMOTING EQUALITY



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# Roma Participation: From Manipulation to Citizen Control

IULIUS ROSTAS<sup>1</sup>

In the last two decades, with the increasing interest and governmental involvement in problems faced by Roma, with support from international organisations, Roma participation has become an empty slogan. In almost every speech of politicians, government officials or representatives of international organisations, Roma participation comes up as the core value of and a necessary ingredient for successful Roma policies. Analysing the situation on the ground leads researchers to a different conclusion. In fact, Roma are rarely consulted, their involvement is marginal, and their voice is not heard during the policy-making process. Should one be surprised about the limited success in improving the situation of Roma all over Europe in spite of political commitments and resources allocated for Roma inclusion? The participation of Roma is a good indicator to predict the success or failure of policies targeting Roma, as well as of the commitment of the politicians to promote equal rights and social justice for all.

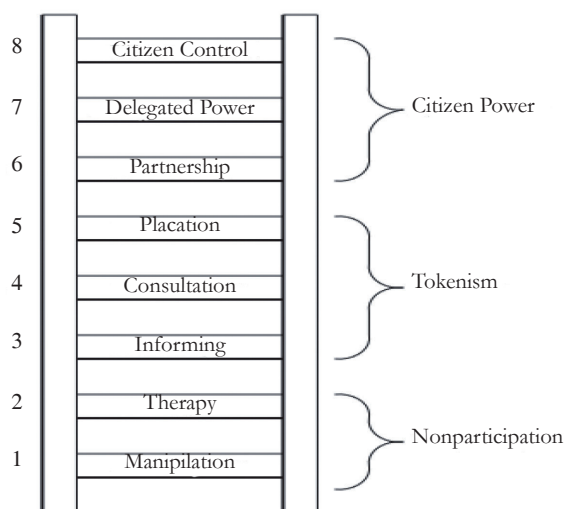
Roma participation is not only a Kantian moral imperative to treat people as subjects and not as objects, but also a very practical tool to ensure the sustainability of the policies targeting Roma. For example, in education, if the government intends to decrease the dropout rate among Roma, then it makes sense to involve Romani parents in the process, and in deliberations with local authorities and with the educational structures, to include the parents in the decision-making at the school level, and to give them ownership over such measures. Only by involving Romani parents can the dropout rate be reduced, as parents, in general, are primarily responsible for sending their children to school. Failure to involve Romani parents will result in a failure to reduce the dropout rate.

Let us be more concrete about Roma participation. Nowadays, on the European and national level especially, there are

few meetings concerning the situation of Roma where there are no Romani activists/professionals. Is that what is usually meant by “Roma participation”? One has to make it clear that Roma participation is not only a matter of having Roma among the participants. It is a larger problem, encompassing issues such as who participates, how they participate, the degree or intensity of the participation, and the type of participation. While participation is a loose concept in social sciences, one that is often misused and abused in the development field,<sup>2</sup> Arnstein’s ladder of citizen participation is a helpful tool in bringing some clarity to the matter of Roma participation.

In a 1969 article on power structures in society,<sup>3</sup> Arnstein presented a ladder of participation of citizens in decision-making, containing eight rungs corresponding to three levels of involvement: non-participation, tokenism and citizen power. (Figure 1)

**Figure 1. Ladder of citizen participation.**  
Source: Arnstein, 1969.



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2 Sarah C. White, “Depoliticising Development: the Uses and Abuses of Participation”, *Development in Practice* 6 (1996) 1: 6–15.

3 Sherry R. Arnstein, “A Ladder of Citizen Participation”, *JAIP* 35 (July 1969) 4: 216-224.

Manipulation is merely a public relation exercise by the power-holders, who place citizens on advisory boards or committees with the aim of “educating” them and getting their support. Therapy is a form of participation where citizens are perceived as mentally ill due to their powerlessness and subjected to clinical group therapy, the focus being their illness, without affecting the causes that have led to their “illness”. These two forms are defined as non-participation.

Informing is the next rung on the participation ladder, consisting of informing citizens of their rights, duties and options without offering an adequate channel to provide feedback and to influence the measures affecting them. Consultation gives an opportunity to citizens to express their opinions without any guarantee that they will be taken into account. Placation occurs when a few selected citizens are placed on various boards and committees, usually forming a minority in these structures, without being accountable to the community. The level of citizen placation varies depending on their capacity to define priorities and the level of community organisation. These three forms are defined by Arnstein as tokenism.

The next three rungs are citizen power: redistribution of power among citizens and power-holders through negotiations and institutional arrangements. In partnership, responsibilities for planning and decision-making are shared through joint structures, with clear rules that could not be unilaterally changed. Delegation of power is achieved when citizens acquire dominant decision-making authority over an issue or measure (veto power). Citizen control occurs when they have full managerial control over a policy or institution – such as a school, community centre or neighbourhood services – and are able to negotiate the conditions for changing the institution or policy.

By applying this model to the context in which Roma participate, one might have a good sense of how powerless Roma as a group are. In most cases Roma are involved through non-participatory methods or, at best, through consultation and placation. No genuine form of participation of Roma, as described by Arnstein, can be observed in Europe, in initiatives that affect a large number of Roma.

How do Roma participate in public life? Living in representative democracies, the question is: who speaks on their behalf? Who represents them, and how are their representatives selected? Roma are citizens of their countries and they can participate in public life, including politics in this

capacity. However, there are many obstacles that limit or exclude Roma from participating in public life. The most serious exclusion is the lack of identification documents, which makes many Roma invisible for the state.

As a group, there are several arrangements through which Roma participate in public life. One might distinguish three types of such arrangements: first, Roma representation as a national minority, second, Roma representation as a group of citizens pursuing their interests through political organisations, and third, representation through NGOs.

The first level is that of Roma as national minority. Here there are different institutional arrangements in each country. These arrangements go from affirmative action to minority self-government and from representation in consultative bodies to a high degree of autonomy, including territorial autonomy. There are only a few countries that do not recognise the existence of national minorities and do not provide for any type of representation. Catherine Messina Pajic gives a good overview of such arrangements in six countries in Central and Eastern Europe and the ways(s) in which Roma are represented through these arrangements.

A second level is representation of Roma in the elected state administrative structures, such as local or regional councils, municipalities and parliaments. Here it is a combination of the minority rights approach – in Romania minority NGOs can register in elections and propose candidates – and a political rights approach of Roma as citizens, through their own political parties or by joining mainstream parties. The articles in the current issue present some cases of Roma participation using these strategies and arrangements.

The third level is representation of Roma through NGOs. All over Europe, especially in the last two decades, Roma have set up non-governmental organisations to defend their rights and to pursue their public interests. Thus the most important role played by these NGOs has been that of ensuring channels for articulating, aggregating, and representing the interests of Roma. This is one of the basic functions of political parties, but they do not have a monopoly over it. In fact, this function of civil society is very important when the interests of some significant groups are not represented by political parties, due to the electoral system or other causes.

One might notice a confusion regarding representation of Roma through appointment. Some Roma individuals

are appointed in different structures of the state administration. Often they are considered as representatives of Roma and they are invited to speak on behalf of Roma, when in fact they are simple bureaucrats. However, an in-depth debate on the co-optation and participation/representation in the case of Roma would be something to consider for further research.

In the last four decades, especially after the fall of communism in Central and Eastern Europe, Roma set up political parties or non-governmental organisations, or joined mainstream organisations, political parties or churches. However, there is a large consensus among academics and practitioners that Roma are underrepresented, that their voice is not heard and that participation of Roma in policy-making, using Arnstein's ladder, corresponds to forms of non-participation or tokenism at best.<sup>4</sup> One aspect that stands out when analysing Roma participation is the predominance of indirect political forms of participation through non-governmental organisations in defining and aggregating their general interest.

Roma political parties have been unsuccessful in attracting the Roma voters and playing a role in the political arena, no matter in which country in Europe. Disenchantment with their electoral performances, as well as with the internal democracy, allegations of corruption and authoritarian leadership, kept many Roma away from joining or voting for Roma parties. Mainstream political parties failed to incorporate Roma interests within their programmes. They were not interested in tackling the Roma *problematique*, as they were afraid of diminishing their electoral support.<sup>5</sup> The institutional arrangements for national minority representation and the electoral requirements for getting into parliament and institutions of local democracy proved to be serious challenges for Roma. Another cause of the preponderance of participation through NGOs was the lack of direct support from donors for Roma political participation.

Pursuing their interests through non-governmental organisations was sometimes a deliberate strategy<sup>6</sup> but it was due to some other factors as well. Unlike other national minorities from the region, which were supported by the kin-state, Roma did not receive support to develop organisational infrastructures and qualified cadres to be able to compete efficiently with other political groups. Donors were mostly interested in an associational approach, based on projects that responded to some critical issues within the community. Moreover, the national minority representation mechanisms were and are not designed to tackle problems as complex as those that Roma are facing.<sup>7</sup> Even the minority self-government system in Hungary, which claims that it provides for self-administration of such problems, proves to be lacking the power to tackle problems faced by Roma efficiently, as minority self-governments are rather parallel structures to the local administration institutions – the place where real power is.<sup>8</sup>

Mainstream organisations' work on Roma had an impact on Roma communities. They were often perceived by donors as more reliable, due to their qualified staff as well as their administrative capacity to implement projects and programmes. Many such organisations co-opted Roma in their staff, and they had influence in shaping the policy discourse on Roma. But the involvement of Roma in the setting of their strategies and priorities was marginal at best. Nevertheless, there are often objections among Roma to the work of these organisations, questioning their commitment to improve the situation, as they were often seen as the "gypsy industry", exploiting the opportunities and funding allocated for Roma projects for their own benefit.

An interesting case is that of different religious denominations and their influence on Roma communities. The mainstream churches, with the exception of the Christian neo-Protestant ones, have paid little attention to Roma and

4 Zoltan Bányai, *The East European Gypsies: Regime Change, Marginality, and Ethnopolitics* (Cambridge: Cambridge University Press, 2002); Peter Vermeersch, *The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe* (New York: Berghahn Books, 2007); Aidan McGarry, *Who Speaks for Roma?: Political Representation of a Transnational Minority Community* (London: Continuum Publishing, 2010).

5 For a debate on the electoral strategies to be pursued by Roma and the benefits of setting up their parties versus joining mainstream parties, see Andras Biro, Nicolae Gheorghe, Martin Kovats *et al.*, *From Victimhood to Citizenship: The Path of Roma Integration* (Budapest: Kossuth Publishing, 2013), 129-196.

6 For example in Romania, in early 1990 some influential Romani activists opted for such a strategy. See "Identitatea Romani intre victimizare si emancipare" Nicolae Gheorghe in dialog cu Iulius Rostas [Romani identity between victimisation and emancipation: Nicolae Gheorghe in dialogue with Iulius Rostas], in Istvan Horvath and Lucian Nastasa, eds., *Rom sau Tigian: Dilemele unui etnonim in spatiul romanesc* (Editura ISPMN, Cluj Napoca, 2012).

7 See Iskra Uzunova, "Roma Integration in Europe: Why Minority Rights Are Failing", *Arizona Journal of International and Comparative Law* 27 (2010) 1.

8 See National Democratic Institute Assessment report, *The Hungarian Minority Self-Government System as a Means of Increasing Romani Political Participation*, 2006, available at: <http://www.osce.org/odihr/25974>.

their vulnerability. As these religious groups were themselves in minority and often marginal, their capacity to put issues faced by Roma on the public agenda was very limited. However, they favoured a bottom-up approach, focusing on social change at the community level.

Thus policy-makers are left with limited choices to ensure that Roma have a say in the policies targeting them: Roma NGOs. NGOs are the institutions developed by Roma that might claim that they represent the voice of the Roma, that they “represent” the Roma. Is this a good enough reason for policy-makers to take into account these voices and to invite them to the negotiation when designing and deciding policies towards Roma? But what exactly is a Roma NGO? How should one define them, and by what criteria? Who should be at the negotiation table, when the number of NGOs claiming to represent the Roma is high, numbering hundreds in some countries? In other words, who should participate?

While there are high expectations for Roma to organise themselves and to participate in the democratic process and policy-making, authorities too often ignore the historical past and lack of such traditions among Roma communities. With a few exceptions, mostly during the inter-war period, Roma had no models of organising and expressing their interest in society in a similar manner to that of other groups. As a vulnerable group that has faced severe exclusion throughout their history, the Roma have developed specific survival strategies and institutions adapted to the context in which they lived, based on non-participation and non-engagement with state institutions and majority societies. Thus, expecting Roma to be able to develop representative institutions similar to those of other groups in society is not only unrealistic but also indicative of a lack of knowledge and understanding of the Roma situation.

There is no recipe for ensuring Roma participation. Often officials ask for a partner to negotiate and work together in improving the situation of Roma. As there is no such partner entrusted by Roma themselves, the issue of who participates is a critical dilemma for policy-makers and for the policy-making process. The legitimacy and degree of representation of Roma by the NGOs will always come up, as there is no Roma membership-based mass organisation governed by democratic rules. In addition, working with Roma

is not an easy task, due to internal stratification and diversity. One might be challenged and asked to be more flexible with some rules, there is a need for consultations with numerous groups, which requires time, and there might be conflicts among Roma leaders and different interests asserted by Roma groups. As a result, policy-makers might feel uncomfortable in making decisions on issues that they feel are not going to satisfy all Roma. However, they have to act when issues are burning or there is a constant pressure on them from international organisations or other governments.

As some authors indicate, there is a constant practice among governments, international organisations and also donors to invite to their table only those Roma representatives that did not challenge them. The examples provided by Jud Nirenberg<sup>9</sup> are eloquent of the results achieved so far regarding national strategies/programmes for Roma, the Decade of Roma Inclusion, the EU Framework for National Roma Integration Strategies or other international initiatives. While at the local and national level one might identify some positive practices in having Roma as partners in different initiatives, at the EU level Roma participation is at an incipient stage. The Roma Platform, the main consultative forum of the EU on Roma policies, has failed to engage Roma in a meaningful way, Romani activists often being invited only to listen to the discussions.

Policy-makers, especially at the international level, consider some criteria in working with “their Roma Partners” such as the English proficiency of Romani activists, their knowledge of administrative and bureaucratic procedures, or their ability to use modern communication infrastructure, and did not take into account the fact that all too often these Romani activists have no constituency. The involvement of Romani activists is most often individual in character, rather than institutional. Those Romani activists who did not meet the criteria for participating in the discussion, despite having support in their communities, are not at the negotiation table. One should also mention the fact that some Roma leaders are corrupt or corruptible and governments preferred to work with them because they could control their “working” partner.

There are other dimensions to consider when analysing Roma participation. Some of these dimensions are analysed

<sup>9</sup> Jud Nirenberg, “Romani Political Mobilization from the First International Romani Union Congress to the European Roma, Sinti and Travellers Forum”, in Nando Sigona and Nidhi Trehan, eds., *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neoliberal Order* (London: Palgrave Macmillan, 2009).



by the authors of the articles in the current issue of *Roma Rights*. Some remain to be researched and analysed in the future. For example, it will be extremely interesting to obtain data on how Roma perceive themselves within the political structures in European societies, how they see their role and engagement with these institutions, what their political beliefs are and how they define their collective interests, etc. However, there is a need for a long-term programme

to transform Roma organisations into representative and knowledgeable partners for the governments and international organisations. This might be a challenging goal, as it seems that no government, donor or international organisation is directly interested in such a long-term project. At least, none has this as a priority in their plans of actions for Roma. Let us hope that they will do so, because at the end of the day, those that lose are Roma and non-Roma alike.



# Options of Roma Political Participation and Representation

MÁRTON RÖVID<sup>1</sup>

This paper seeks to provide a critical overview of the main discourses of Roma and pro-Roma organisations in the last two decades and to develop an analytical framework for studying national and international forms of political participation and representation.

## Shifting discourses

One can observe a shift in the focus of dominant discourses of Roma and pro-Roma organisations. (1) In the 1970s and 1980s claims of self-determination were at the forefront; (2) from the 1990s until the early 2000s the focus shifted to human rights violations; (3) from the late 2000s the social and economic integration of Roma has been the main priority.<sup>2</sup>

(1) The *self-determination* approach underscores the importance of recognising that Roma are different, and advocates a form of autonomy. Roma may enjoy either (i) territorial or (ii) personal autonomy.

(i) Territorial autonomy would imply that a certain territory where Roma form the majority of the population is invested with jurisdiction over a substantial number of minority issues and exercises this jurisdiction in its own responsibility. As far as I am aware, there exists no such territorial form of Roma autonomy. There are several settlements where Roma form the majority of the population (for instance in Gadna in Hungary, or in the Šuto Orizari district of Skopje in Macedonia); however, they do not enjoy special collective rights, and the mayors and local self-governments have the same rights and duties as all the others in that country.

There have also been attempts to create a country for the Roma (*Romanestan*). Such claims have been advanced either

by self-appointed “Gypsy kings” or extreme right-wing nationalist politicians/activists who wish to get rid of the Roma living in their country.

(ii) Personal or non-territorial autonomy appears to be more suited for dispersed Romani communities. This form of autonomy is granted on the basis of membership of a minority, not residence. Probably the most well-known functioning non-territorial autonomy is enjoyed by the ethnic and national minorities in Hungary, including the Roma. The real challenge for political theory and institutional design is to determine whether such a non-territorial form of autonomy is desirable and feasible on a transnational level.

(2) The *human rights* approach promotes the civic equality and the protection of the fundamental rights of Roma. Accordingly, Roma are to be fully integrated into mainstream political and social institutions.

The human rights or anti-discrimination approach is appropriate for minorities that were involuntarily excluded from common institutions on the basis of perceived race or ethnicity. However, numerous minorities are in the opposite position: they have been involuntarily assimilated, stripped of their own language, culture and self-governing institutions.<sup>3</sup> These groups need counter-majoritarian protections not solely in the form of anti-discrimination and undifferentiated citizenship, but rather in the form of various group-differentiated minority rights.<sup>4</sup>

On the whole, at the bottom of the hierarchy of minority rights is the principle of non-discrimination and of equal rights. The next step is special, group-differentiated rights, which take into account the differences of minority members, and can be granted as individual or collective rights. If the collective rights amount to some form of essential

1 Márton Rövid is a research and advocacy officer at the Decade of Roma Inclusion Secretariat Foundation. In 2012 he earned a PhD in political science at Central European University. In the course of his doctoral research, he studied cosmopolitan theories and the notion of transcendence of national citizenship in the light of the case of Roma, an allegedly non-territorial nation. His research interests include: theories of cosmopolitan democracy, global civil society, transnational social movements, international politics of multiculturalism, the Romani movement.

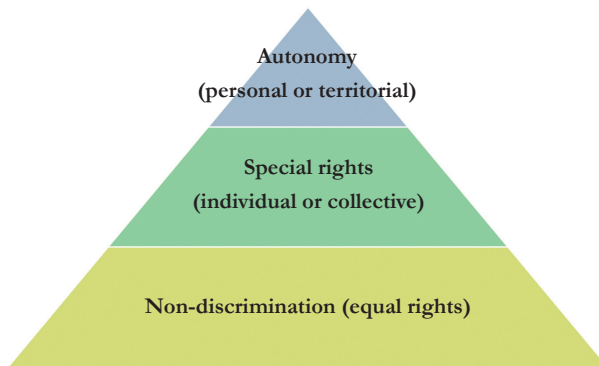
2 Márton Rövid, “One-Size-Fits-All Roma? On the Normative Dilemmas of the Emerging European Roma Policy”, *Romani Studies* 21 (2011) 1: 1-22.

3 Often-cited examples are the Catalans, or the Hungarian communities living in Hungary’s neighbouring countries.

4 Will Kymlicka, *Multicultural Odysseys: Navigating the New International Politics of Diversity* (Oxford; New York: Oxford University Press, 2007), 90.

self-determination (political, cultural, other) they become autonomy. Autonomy can be either territorial or personal.<sup>5</sup>

**Figure 1. The hierarchy of rights.**



(3) The focus on the *social inclusion* of Roma has grown out of the critiques of the (i) self-determination and (ii) human rights approaches.

(i) Approaches focusing on self-determination and minority rights have been criticised for downplaying the issues of segregation and exclusion from common institutions, such as schools, workplaces, hospitals, etc. Having the right to establish Roma schools does not facilitate overcoming the exclusion of those Roma students who would like to attend mainstream mixed schools and/or classes.

Furthermore, the discourse of self-determination may be easily interpreted as contributing to the ethnicisation of social problems, thus undermining inter-ethnic solidarity.

The promotion of some essential “difference” between “Roma” people and everyone else in society exploits traditional prejudices and low expectations. “Difference” is used to explain Roma impoverishment, social tension and conflicts, migration, and the failure of “integration” initiatives. It conserves the political isolation of “Roma” people and supports the ideology of segregation.<sup>6</sup>

Moreover, it is cheaper to promote the ethnic difference of Roma than to improve the living conditions of the masses of Roma who have lost their jobs and to provide access to decent education, housing and health care.

(ii) In return, it is common to criticise the human rights/anti-discrimination discourse for neglecting economic and social processes other than discrimination that contribute to the marginalisation of Roma. Focusing exclusively on discrimination forces a very simplistic vision of social relations, blaming only the prejudiced majority. Such an approach is insensitive to the diversity of local inter-ethnic relations, as well as human rights violations within Romani communities: for instance, domestic violence, human trafficking and usury.<sup>7</sup>

Furthermore, extreme (and even moderate) right-wing political forces may exploit such simplifying approaches, turn them inside-out, and blame the Roma for increasing crime, aggression and other social ills. Attributing social disadvantages to racism also diminishes the elite’s responsibility, by blaming popular prejudices for their failure to act.<sup>8</sup>

National and European policy-makers gradually realised that the misery of huge proportions of Roma cannot entirely be explained by racism. Following the collapse of communism and the restructuring of national economies, most Eastern European Roma suddenly fell out of the legal labour market and started gradually sliding out of society. The neo-liberal transition led to the formation of an underclass, i.e. both economically and socially excluded populations being locked outside civil society and class structure.<sup>9</sup>

(iii) Each of the three waves of Roma strategies (EU pre-accession, Decade of Roma Inclusion, EU Framework Strategy) has aimed at the social and economic inclusion of Roma. Each initiative has attempted to improve the coordination, monitoring and financing of national strategies.<sup>10</sup>

5 Georg Brunner and Herbert Kuppe r. “European Options of Autonomy: A Typology of Autonomy Models of Minority Self-Governance”, in Kinga Gál, ed., *Minority Governance in Europe* (Budapest: Open Society Institute, 2002), 17.

6 Martin Kovats, *The Politics of Roma Identity: between Nationalism and Destitution* 2003 [cited 2 October 2011].

7 Márton Rövid and Angéla Kóczé, “Pro-Roma Global Civil Society: Acting for, with or instead of Roma?”, in Mary Kaldor, Henrietta L. Moore and Sabine Selchow, eds., *Global Civil Society 2012: Ten Years of Critical Reflection* (Basingstoke: Palgrave Macmillan, 2012).

8 Kovats, *The Politics of Roma Identity*.

9 Iván Szelényi and János Ladányi. *Patterns of Exclusion: Constructing Gypsy Ethnicity and the Making of an Underclass in Transitional Societies of Europe* (New York: Columbia University Press, 2006).

10 Rövid and Kóczé, “Pro-Roma Global Civil Society”.

Concentrating on “the poverty of [the] geographically concentrated post-transitional rural and suburban underclass [to] which the majority of EU’s Roma population is directly subject to or indirectly threatened by”<sup>11</sup> is a legitimate and vital policy focus. Developing the isolated and extremely poor micro-regions in Eastern Europe is a crucial policy objective and will hopefully improve the living conditions of many Roma.

However, not all the difficulties faced by Romani communities throughout Europe are related to the post-communist transition. The recent EU Framework Strategy explicitly excludes “the complex phenomena of ethnicity-based discrimination [and] issues of migration”<sup>12</sup> and implicitly excludes the social difficulties of all other “Roma” groups, those who do not live in impoverished post-communist regions, such as itinerant groups struggling for adequate stopping places or Ashkali immigrants forced into concentration camps such as the *campi nomadi* in Italy – to mention only two blind spots.

Furthermore, aiming for common European objectives may result only in attaining the lowest common denominator. For instance, the EU Framework Strategy aims to ensure that all Roma finish primary school, a very modest objective, which most EU countries have already accomplished, and should rather aim at increasing the number of Roma students in secondary and tertiary education.<sup>13</sup>

Moreover, identifying Roma with misery and social exclusion reproduces precisely those stereotypes that contribute to the exclusion of Roma. Associating Roma with unemployment and calling for their social assistance stigmatises the whole group as a “social burden” and may lead to dangerous policies aiming at disciplining “workshy” Roma.<sup>14</sup>

## Options of national-level political participation and representation

The pyramid of rights can be translated into options of political participation. (i) At a fundamental level, Roma participate in any given political community on the basis of their formal political equality. Such a colour-blind approach relegates ethnic differences to the private sphere and advocates the individual equality of each citizen.

Accordingly, Romani citizens participate in the *demos* on the same footing as any other citizen. They have supposedly the same claim in the distribution, control and exercise of political power as any other member of the political community. As equal citizens, they participate in elections, and can also be elected as representatives.

However, in practice, such a citizenship regime does not seem to provide for the political participation and representation of Roma. Studies suggest that Roma are largely underrepresented on local, national and European levels.<sup>15</sup> Considering their proportion in the general population, there should be dozens of Romani MPs across Eastern Europe. Instead, in 1999 Bárány counted five MPs of Roma origin in the whole of Eastern Europe who were elected on their own or on the lists of mainstream parties.<sup>16</sup> For instance, in Slovakia (where Roma are estimated to make up 9-10 % of the population) no Romani candidate was elected to the parliament till 2012.

Colour-blind citizenship regimes may allow ethnic/minority organisations to participate in local and national elections either as political parties or as associations. For instance, in Bulgaria parties based on ethnic identity are constitutionally forbidden to register; nonetheless, it is possible to register as a political party if the organisation

11 Working Document on the EU strategy on the social inclusion of Roma, Committee on Civil Liberties, Justice and Home Affairs, Rapporteur: Livia Járóka, 28. 9. 2010.

12 *Ibid.*

13 For an overview of the limits and potentials of the EU Framework for Roma Integration, see Bernard Rorke, *Beyond First Steps. What Next for the EU Framework for Roma Integration?* (Budapest: Open Society Foundation, Roma Initiatives Office, 2013).

14 Júlia Szalai, “Az elismerés politikája és a cigánykérdés”, in Ágota Horváth, Edit Landau and Júlia Szalai, eds., *Cigánynak születni* (Budapest: Aktív Társadalom Alapítvány – Új Mandátum Könyvkiadó, 2000).

15 Zoltán Bárány, *The East European Gypsies: Regime Change, Marginality and Ethnopolitics* (Cambridge: Cambridge University Press, 2002), Ilona Klímová, “Romani Political Representation in Central Europe. An Historical Survey”, *Romani Studies* 12 (2002) 5, Peter Vermeersch, *The Romani Movement: Minority Politics and Ethnic Mobilization in Contemporary Central Europe* (Oxford and New York: Berghahn Books, 2006), and Aidan McGarry, “Ambiguous Nationalism? Explaining the Parliamentary Under-Representation of Roma in Hungary and Romania”, *Romani Studies* 19 (2009) 2: 103–124.

16 Zoltán Bárány, “Ethnic Mobilization without Prerequisites: The East European Gypsies”, *World Politics* 54 (2002) 3: 277–307.

does not explicitly disclose its ethnic focus (as in the case of *Free Bulgaria* and the *Democratic Congress Party*, both having a predominantly Romani membership).<sup>17</sup>

Only those Romani parties managed to secure seats in the national legislatures that allied themselves with mainstream parties and risked becoming their satellites. Overall, the number of Roma elected to national parliaments either on mainstream or on Roma party tickets has been minimal, far below their demographic proportion.

While there is no visible progress in terms of parliamentary representation, the situation is more encouraging on the local level, as there are now Romani mayors and councillors in all the Central European countries except Poland. In Romania, for example, the number of elected Romani members of local councils grew from 106 in 1992 to 136 in 1996 and 160 in 2000.<sup>18</sup>

Romani citizens may also further their interest in non-electoral forms such as private bodies (associations, foundations, charities)<sup>19</sup> and public bodies (consultative and expert bodies, governmental agencies, etc.), and via so-called traditional leaders. As for private bodies, Klímová identified 120 registered Romani associations and foundations in the Czech Republic, 280 in Hungary, six to ten in Poland, 150 in Romania, and almost fifty in Slovakia.<sup>20</sup> Romani citizens may also engage in informal activism, and take part in demonstrations, social movements and online political organising.

Most Eastern European states have established public bodies to deal with the “Roma issue”. These Roma-specific organisations include inter-ministerial commissions and committees, a plenipotentiary or secretary of state, personal advisors to the prime minister or president, ministerial coordinators, etc. All these Roma-specific institutions have only advisory and consultative functions.

Both Roma and non-Roma may work in such public bodies. Although they are typically appointed as civil servants,

they are also supposed to represent Roma and give voice to their interests. The non-electoral and electoral fields may also be linked. In the 2000 Romanian elections, a Romani MP from the Roma Party gained a seat (in addition to the reserved one) through a coalition agreement with the Social Democratic Party, which also guaranteed the Roma Party the posts of Adviser on National Minorities Issues in the Presidency Office and the Head of the Office for Roma Issues, with the title of Under-Secretary of State at the Ministry of Public Information.<sup>21</sup>

As for traditional Roma leaders (such as *vajda* and *bulibasha*), they were historically appointed by local authorities to take charge of keeping order and collecting taxes in Romani communities. There still exist such traditional leaders, whose status is usually dependent on charisma and wealth and passes from father to son. In addition to local leaders, one can find in Romania the self-appointed King (Florin Cioabă), Emperor (Iulian Rădulescu) and President (Bercea Mondialu) “of all Roma”. Such leaders are recognised only by a handful of followers, although some authorities still see them as negotiating partners, thus giving them an aura of legitimacy.

Some of the traditional leaders find their way into electoral politics and become members of local governments or fill positions in national or supranational bodies. Cioabă, for instance, formed the Christian Centre of Roma party, and ran – unsuccessfully – in the 2000 national elections for the Chamber of Deputies, but was elected as a representative on the Sibiu City Council and is also the President of the Plenary Assembly of the European Roma and Travellers Forum. It is important to emphasise the fact that most Roma regard such leaders, even if elected, with aversion and find their actions detrimental to Roma.<sup>22</sup>

(ii) Some countries accord special rights to minorities, to facilitate their political participation and representation. In Romania a seat in the lower chamber of the parliament has, since 1990, been reserved for a Romani representative.

17 Bárány, *The East European Gypsies*, 213.

18 Klímová, “Romani Political Representation in Central Europe”, 119.

19 For a critical overview of civil society involvement in the social inclusion of Roma, see Angéla Kóczé, “Civil Society, Civil Involvement, and Social Inclusion of the Roma”, *Roma Inclusion Working Papers* (Bratislava: UNDP Europe and the CIS Bratislava Regional Centre, 2012).

20 Klímová, “Romani Political Representation in Central Europe”.

21 Klímová, “Romani Political Representation in Central Europe”, 117.

22 For instance, the biggest Romanian Romani party (Partida Romilor Pro-Europea) refuses to take part in the work of the European Roma and Travellers Forum as long as Florin Cioabă chairs its Plenary Assembly. <http://www.ertf.ro/viz/About%20ERTF/10-0/en>.

Each representative occupying the reserved seat has come from the Roma Party (now officially called Roma Party Pro-Europe, Partida Romilor Pro-Europea).

The system of reserved seats for Roma representatives in national or local assemblies has been tried in Bosnia and Herzegovina, Croatia and Slovenia. However, the system does not preclude the election of more than one MP. In the 2008 Romanian parliamentary elections two Roma were elected for the first time: one was elected for the reserved seat, and another was elected on the list of a mainstream party.<sup>23</sup>

Other electoral techniques intended to improve the political representation of minorities include exemption from certain electoral rules (such as the minimum threshold), the over-representation of defined ethnic/national regions, race-conscious districting, and quotas for party lists.<sup>24</sup>

(iii) Roma enjoying a form of autonomy have an additional sphere of political participation and representation. In particular, in Hungary minorities enjoy collective rights in the fields of education, media, culture and the use of minority languages. The bearers of collective rights are minority self-governments on the local and national level, which are intended to be partners to local self-governments and the national government respectively.

The powers of local minority self-governments include the right to ask for information, make a proposal, initiate measures and object to a practice or decision related to the operation of institutions that violate the rights of the minority; such a self-government can define within its authority the circle of protected monuments and memorial sites, its own name, medals and decorations, and the holidays and festivities

of the minority; it can establish institutions, companies, schools, media, or scholarships; most importantly, it must give its consent to any act of the local government affecting the minority population in their capacity as such.

Each minority group can establish one national minority self-government or national assembly. These represent the interests of the local minority self-governments on the national level. The local is not subordinated to the national level, and nor are local minority self-governments obliged to report to the national one. The national assemblies have similar powers to the local minority self-governments, but with a national scope.

The following table recapitulates the options of state-bounded political participation of Roma in both electoral and non-electoral arenas.

**Table 1. Options of state-bounded political participation and representation.**

	electoral	non-electoral		
		private body	public body	traditional
autonomy	minority self-government	associations, foundations, activism	consultative and expert bodies, governmental agencies, Ombudsman	traditional leader ( <i>najda</i> , <i>bulibasha</i> , etc.)
special rights	communal reserved seats			
	exemption from rules (e.g. lower threshold for ethnic parties)			
	over-representation of minority territories			
	race-conscious districting			
	quotas of mainstream parties			
formal political equality	Romani political party			
	Romani MP of mainstream political party			

**Options of transnational political participation**

The “Roma issue” has also emerged in the international, above all European, political arena. Citizens of Romani origin have a range of options for participating in international/European politics that may fit into the above tripartite scheme.

23 Aidan McGarry, *Who Speaks for Roma?: Political Representation of a Transnational Minority Community* (New York: Continuum, 2010), 91.

24 Andrew Reynolds, “Electoral Systems and the Protection and Participation of Minorities”, Minority Rights Group International, 2006.

(i) Similarly to any other members of democratic polities, citizens of Romani origin are supposed to be represented in international politics principally by their own state. Bilateral and multilateral agreements are drafted, agreed upon, ratified and implemented by bodies of participating states. International organisations have also been founded by and are primarily composed of states.

Ram – based on her empirical study – found that, indeed, most Romani activists and leaders had little interest in gaining international attention or in lobbying on the international level for improving their rights. Some Romani activists explicitly told her that it is not civic associations that should speak with the EU, but that it is the role of their government.<sup>25</sup>

However, as demonstrated above, Roma are not adequately represented on the national level, and so their respective states are not likely to represent their interests in the international arena. Romani citizens may seek non-electoral forms of transnational political participation or engage in the only existing form of international electoral politics, the European Parliament.

The European Parliament has been actively involved in the struggle against the discrimination and social exclusion of Roma. The first MEP of Romani origin was Juan de Dios Ramírez Heredia, who was elected three times on the party list of the Spanish Socialist Workers' Party in 1987, 1989 and 1994. From Eastern Europe, Viktória Mohácsi was elected in 2004 on the list of the Hungarian Alliance of Free Democrats, and Livia Járóka was elected in 2004 and 2009 on the list of the Fidesz–Hungarian Civic Union.

The Romani MEPs have played a vital role in putting the plight of Roma on the EU's agenda, as well as in the drafting and adoption of various EU level resolutions and recommendations,<sup>26</sup> including the recent EU Framework Strategy for Roma Inclusion.

It is to be noted that EU citizens can only vote for national party lists; therefore citizens of Romani origin cannot vote for individual Romani candidates. However, the underrepresentation of Roma in the European Parliament appears to be even more severe than in most national legislative bodies, as currently only one out of 736 members is of Romani origin.

(ii) Granting special political rights to Roma on a transnational level appears to be a utopia at the moment. However, there are several plans for reforming the European electoral system. Introducing a Roma quota on national party lists of Member States with a significant Romani population is one option to improve the representation of Romani citizens. It is theoretically also possible to have reserved seats for stateless minorities/nations in the European Parliament. Furthermore, if European political parties were allowed to form and their candidates were allowed to run in elections, Romani candidates might also consider forming their own European party.

(iii) Having a transnational form of autonomy would imply that Romani citizens living in various states could have jurisdiction over a substantial range of issues pertaining to them. This would essentially entail a form of self-determination and self-governance of dispersed stateless groups.<sup>27</sup> Meyer argues that Roma have a legitimate claim to transnational autonomy, being a transnational non-territorial minority that has been persecuted for centuries.<sup>28</sup> A special status of transnational minority may provide protection from the discriminatory treatment by national states under which they have suffered for so long, as well as *de jure* statelessness resulting from the disintegration of multi-ethnic Eastern European countries.<sup>29</sup> As for the institutional setting of transnational autonomy, Meyer remains vague:

Although it is not easy to see how the special status of being a trans-national minority could be incorporated into the existing present-day legal frameworks, there

25 Melanie H. Ram, "Interests, Norms and Advocacy: Explaining the Emergence of the Roma onto the EU's Agenda". *Ethnopolitics: Formerly Global Review of Ethnopolitics* 9 (2010) 2: 201.

26 For a detailed overview of all Roma-related international documents, see Balázs Majtényi and Balázs Vizi, eds., *A Minority in Europe. Selected International Documents Regarding the Roma* (Budapest: Gondolat Kiadó, 2006).

27 Márton Rövid, "Solidarity, Citizenship, Democracy: The Lessons of Romani Activism", in Dieter Halwachs, ed., *European Yearbook of Minority Issues* (Leiden and Boston: Martinus Nijhoff Publishers, 2012).

28 Lukas H. Meyer, "Transnational Autonomy: Responding to Historical Injustice in the Case of the Saami and Roma Peoples". *International Journal on Minority and Group Rights* 8 (2001) 2–3.

29 *Ibid.*, 300; the breakup of Yugoslavia and Czechoslovakia left thousands of Roma stateless, as the citizenship laws of the new countries discriminated against them.



can be no doubt that the efforts of the Roma to gain trans-national cultural and political autonomy is a legitimate aspiration. In the light of the Saami experience, gaining such autonomy is best seen as a long-term goal whose realization presupposes, *inter alia*, the success of the Roma in establishing democratically legitimate elected bodies of representation.<sup>30</sup>

Klímová, relying on the national-cultural autonomy concept of Karl Renner and Otto Bauer and the agonistic patriotism of Ephraim Nimni, argues for transnational cultural autonomy for indigenous and Romani communities.<sup>31</sup> She notes that the two groups have three characteristics in common: (1) they have a strong sense of feeling different or even separate from the majority societies that surround them, and – unlike national minorities – they still operate under their own laws and customs outside those of the majority society; (2) they have dispersed settlement patterns; (3) they are severely alienated, due to the treatment from majority societies.

Referring to the deep mistrust between majority societies and Roma, Klímová argues that “internal citizenship-based solutions” are not feasible. “The citizenship rights fail to do justice because they emanate from a state that has subordinated the Romani and indigenous laws, autonomy and forms of political organization. They are merely an instrument of absorption and assimilation.”<sup>32</sup> As an alternative, Klímová embraces the radical vision of deterritorialisation of all nations promoted by Nimni:

If the roof that each nation seeks becomes non-territorial, if each nation can be sovereign without claiming exclusive territorial control, the infusion of politics with culture and nationalism on its own is not dangerous. If territory cannot become an exclusive property of a

particular ethno-national group, we do not need to fight over it. If we have no minorities and majorities, we do not need minority protection.<sup>33</sup>

It appears that the drive for trans-state forms of autonomy – of both scholars and activists – is largely driven by mistrust towards state legislation and policies based on negative experiences. Minority rights are granted by, dependent on, and often misused by state authorities. As a consequence, several Romani activists are seeking a form of self-determination and self-government outside the mechanisms of state.

**Table 2. Options of transnational political participation for Roma.**

	electoral	non-electoral	
		private body	public body
autonomy	transnational (cultural) autonomy?	IRU, RNC, ERTF, OSF, ERRC, ERIO, informal activism	EU Platform, CPRSI, MG-S-ROM
special rights	reserved seat in the European Parliament?		
	quotas of mainstream/ European parties?		
formal political equality	global: via states		
	EU: Romani MEP, European Romani political party?		

## Conclusions

This paper has analysed three discourses that have been embraced by Roma and pro-Roma organisations and initiatives in the last two decades focusing on human rights, self-determination (minority rights) and social inclusion. The article also presented an analytical framework for analysing electoral and non-electoral forms of political participation on national and international levels.

The minority rights (and cultural autonomy) approach is clearly inadequate to promote the social inclusion of Roma. In a similar manner, Roma-specific policies or strategies without effective education, employment and social

30 *Ibid.*, 301.

31 Ilona Klímová-Alexander, “Transnational Romani and Indigenous Non-Territorial Self-Determination Claims”, *Ethnopolitics* 6 (2007) 3.

32 *Ibid.*, 399.

33 *Ibid.*, 411.

policies, providing tangible and equal social rights for every citizen, are bound to remain hollow.

The recognition of Romani culture and identity, as well as the historical disenfranchisement of Romani populations, is no less urgent. However, given the prejudice and discrimination that Romani citizens face in various spheres of life, the Romani recognition struggle should aim for *both* (legal, political and social) equality *and* the *freedom* to identify oneself and live as Roma. As long as non-Romani citizens can overwrite one's choice of identity (i.e. stigmatise someone as "gypsy"), the struggles for democratic equality and recognition cannot and should not be disentangled.

The *idea* of Romani self-determination has been debated on the grounds of either questioning the social reality of the Roma nation or emphasising its reactive character. Acknowledging the dangers of developing a homogenising and reactive national identity, the struggle for the recognition of the Roma nation should not be dismissed altogether; rather, a dynamic and open conception of the Roma nation should be embraced, one that allows for multiple identities, experimentation and voluntary assimilation. Romani citizens should have the opportunity to recollect, negotiate, develop and reaffirm their own identity and culture.

Romani cosmopolitan claims originate from experiences of exclusion and hostility either in their "home country" or as immigrants and asylum seekers in a "receiving country". It implies the rejection of the universal nationalist programme (according to which each individual belongs to one homogenous nation that is to be protected by a nation-state) and the demand for a global or European legal

order guaranteeing the liberty, self-determination and fundamental rights of Romani citizens throughout the world without the mediation of states.

However, offering the example of a stateless Roma nation to the rest of humanity may be interpreted as replacing the *demos* with *ethnos*, thus promoting a non-territorial version of universal nationalism. The general vision of deterritorialisation of *all* political communities is neither feasible nor desirable. On the other hand, dispersed nations and diasporas, such as the Roma, could enjoy supplementary non-territorial cultural autonomy, similar to the Hungarian model, but on the European level. Accordingly, the EU could provide the legal framework for transforming the European Roma and Travellers Forum into a genuine European Roma Parliament, with sufficient power and resources to effectively exercise trans-state non-territorial cultural autonomy.

The allegedly most advanced existing form of transnational democracy, the European Union, remains underdeveloped. Its complex deliberative, decision-making and governance structures are dominated by Member States. The rights of EU citizens remain obscure and fragile, and their direct access to EU bodies is very limited. The targeted expulsion of Romani immigrants from France in the summer of 2010 tragically demonstrated the limitations of European rights. Moreover, the European electoral system does not allow for counterbalancing the political marginalisation of Romani citizens. On the contrary, it further reduces the political weight of the Roma, since only one or two MEPs are supposed to represent the largest "European minority", comprising 10-12 million European citizens.

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## List of abbreviations

CPRSI	Contact Point for Roma and Sinti Issues within the Organization for Security and Cooperation in Europe
EP	European Parliament
ERIO	European Roma Information Office
ERPC	European Roma Policy Coalition
ERRC	European Roma Rights Centre
ERTF	European Roma and Travellers Forum
EU	European Union
IRU	International Romani Union
MG-S-ROM	Committee of Experts on Roma and Travellers within the Council of Europe
MEP	Member of the European Parliament
MP	Member of Parliament
NGO	Non-governmental organisation
OSF	Open Society Foundations
PER	Project on Ethnic Relations
RNC	Roma National Congress



# Depletion of Social Capital: Shrinking Civil Society Involvement of Roma<sup>1</sup>

ANGÉLA KÓCZÉ<sup>2</sup>

## Introduction

This article is a slight alteration of the “Roma Inclusion Policy Brief: Roma Civil Society Involvement of Roma” that was published by the UNDP. When I was asked by the European Roma Rights Centre to write an article about the political participation of Roma, I immediately thought about my policy brief, which was to examine the civil society involvement of Roma. Based on my observations, it appears that Roma civil society actors have gradually become actors in various political parties and they have also started to politicise their cause. Although there is a dissenting opinion, which states that NGOisation depoliticises the process as well as offering a co-optation for Roma activists<sup>3</sup>, I would argue that NGOisation and involvement of Roma in civil society activism is a condition of their political participation. Civil society organisations offer a space for a broadly defined political activism. I agree with those political theorists, for instance Alberto Melucci,<sup>4</sup> who conceptualise the so-called “new social movements”, such as feminism, or the green and youth movements, as working outside the formal institutional channels and using new issues, tactics and even constituencies. Scott<sup>5</sup> refers to the definition of the politics as an extended domain for issues

that had been considered as being outside conventional political action. Following their logic, civil society is an extension of the collective politics that influence and transform formal political participation.

The policy brief is based on the 2004 UNDP and 2011 UNDP/World Bank/EC regional Roma datasets, which show a rather pessimistic picture about those Roma communities that are the most marginalised. These communities lack the basic tools, knowledge, resources and even trust towards each other to represent their collective political interest.

## Actors of the civil society

Within the framework of inter-governmental organisations, including the initiative of the *Decade of Roma Inclusion*, Roma and pro-Roma civic organisations (CSOs, NGOs<sup>6</sup>) in Central and South-east Europe have frequently called attention to the human rights violations, social exclusion, territorial segregation, and inadequate civic and political representation of Roma – particularly internationally.<sup>7</sup> However, at the national level – particularly at the local grassroots level – the vast majority of marginalised Roma communities remain untouched by, and detached from, the activities of these

1 This is a slightly extended detailed version of the brief that was published by the UNDP [http://issuu.com/undp\\_in\\_europe\\_cis/docs/cso\\_policy\\_brief](http://issuu.com/undp_in_europe_cis/docs/cso_policy_brief).

2 Angéla Kóczé, PhD, is a sociologist and a research fellow at the Hungarian Academy of Sciences, Institute of Sociology. Currently she is a visiting Fulbright scholar at the Wake Forest University in the USA. Besides her academic carrier she also worked as a senior policy adviser to the Hungarian government (2004-2008), as a funding director of the European Roma Information Office (ERIO) in Brussels (2003-2004) and as a director of the human rights education programme at the European Roma Rights Centre (1998-2003) in Budapest, Hungary. She was the founding director of the Romaversitas program (1996) in Budapest which offers a scholarship and mentorship for Roma university students. She has done research focused on the intersection of gender, ethnicity and class.

3 Huub van Baar, *The European Roma: Minority Representation, Memory, and the Limits of Transnational Governmentality* (Amsterdam: University of Amsterdam, 2011, p. 18).

4 Alberto Melucci, “The Symbolic Challenge of Contemporary Movements”, *Social Research* 52 (1985): 789-816.

5 A. Scott, *Ideology and the New Social Movements* (London: Unwin Hyman, 1990).

6 While distinctions are often made among different civil society entities – “civil society organisations” (CSOs), “community-based organisations” (CBOs) and “non-governmental organisations” (NGOs) – due *inter alia* to differences in scope of operation or territorial focus, in this brief the three terms are used as synonyms. They refer to non-state, non-business actors that are involved in implementing Roma-targeted interventions. Donors (non-governmental organisations in many cases) are not considered part of the “civil society community” here.

7 A. Kóczé and M. Rövid, “Pro-Roma Global Civil Society: Acting for, with or instead of Roma?”, in Mary Kaldor, Henrietta L. Moore and Sabine Selchow, eds., *Global Civil Society 2012: Ten Years of Critical Reflection* (Basingstoke: Palgrave Macmillan, 2012).

CSOs. As a result, in most cases they are disconnected from the NGOs that are seeking to advocate on their behalf.

Roma civil society began in the early 1990s, largely as a donor- and elite-driven project. Due to the general political climate in the 1990s, primarily international donors were channelling significant financial resources to support democracy, minority issues and human rights. Social rights and community development were in general considered to be of minor importance within Roma affairs.

The newly emerged Roma civil society focused primarily on international human rights advocacy, awareness-raising, and influencing pro-Roma policy-making, rather than on capacitating, working with, or mobilising marginalised Roma communities at the local level. Such an approach made sense 20 years ago, when awareness of Roma social and political exclusion by European politicians was low, when violations of Roma human rights violations were not generally recognised, and when coherent anti-discrimination legal and policy frameworks at European and national levels were absent. However, things have changed. Anti-discrimination legislation exists; EU funding structures and pro-Roma policy frameworks are operational. What is now required are active CSOs to monitor legal enforcement, establish relations between Roma and non-Roma communities and improve Roma community access to EU funds, in order to better implement pro-Roma policies. Moreover, CSOs are expected to create links between the macro-, mezzo- and micro-level.

The key challenges facing Roma and pro-Roma CSOs today concern on the one hand the transition from policy to implementation and on the other the legitimacy, representativeness, accountability and transparency of the donor- and elite-driven NGOs. There is a concern based on the 2004 and 2011 UNDP/World Bank/EC regional Roma datasets that the most disadvantaged Roma communities are disconnected from the functioning Roma and non-Roma NGOs. In the forthcoming years the Roma CSOs' most pressing task will be to connect the

most marginalised and disadvantaged communities to the mainstream social services and various funds that create an opportunity to break the generational poverty and the vicious circle of social exclusion.

Inter-governmental initiatives, global pro-Roma organisations, and the various forms of Romani civic activism that have supported this agenda in the past two decades must recognise the importance of local activism for Roma inclusion. Ample evidence (e.g., data from the 2004 and 2011 UNDP/WB/EC regional surveys and other surveys, and from other qualitative research<sup>8</sup>) points towards rethinking and restructuring the financial and human resources with which these CSOs function, in order to implement high impact projects. As is spelled out by many activists, Roma NGOs, with low human and financial capacities as well as inadequately targeted programmes, are incapable of initiating social change on any level. The CSOs' modes of operation – whether as watchdogs, advocacy think tanks, or community developmental organisations – need to better reflect the real needs and expectations of the communities and should also take into account the changing roles and relationships between state and civil society actors.

## Multi-generational poverty and the depletion of social capital<sup>9</sup>

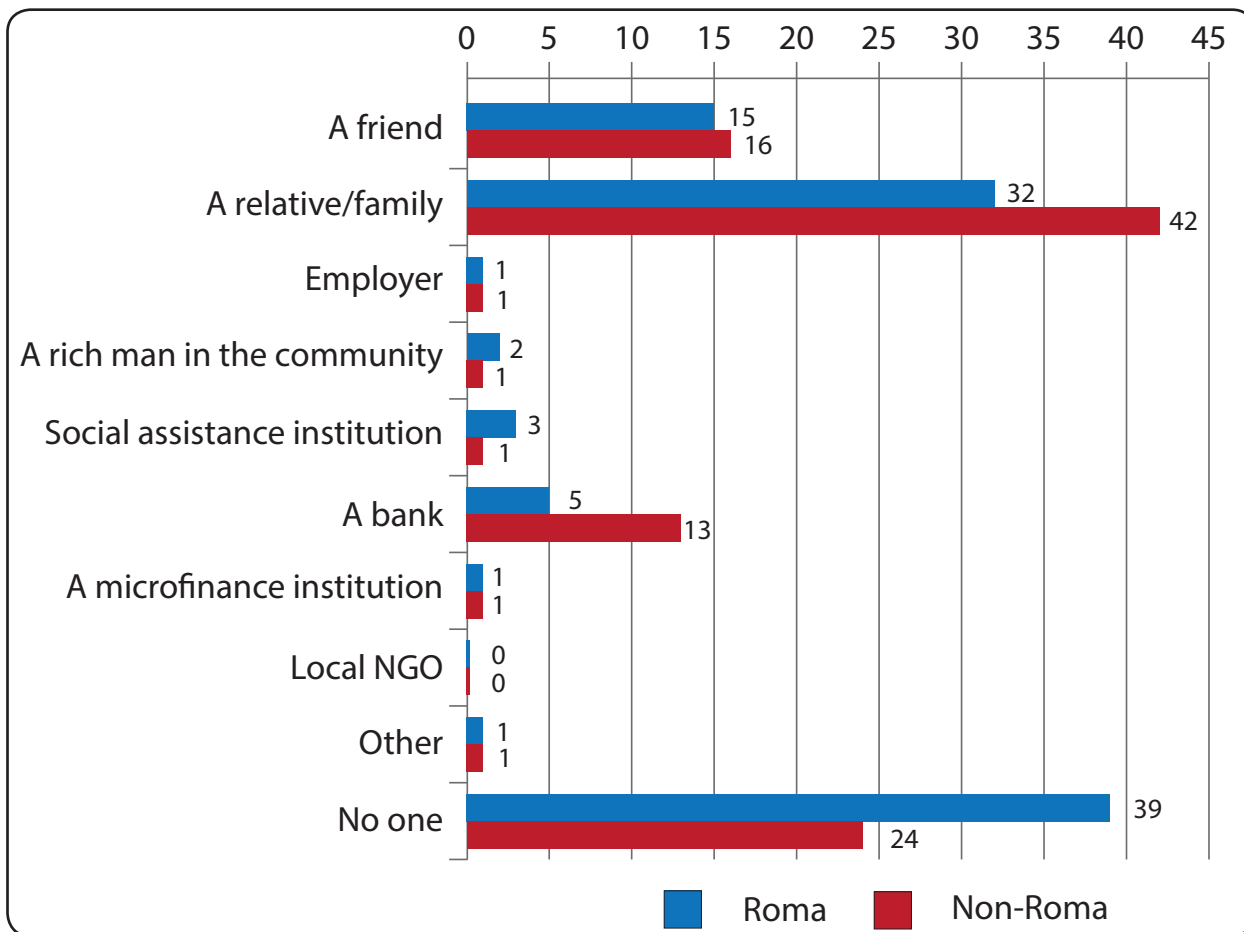
While the 2004 UNDP and 2011 UNDP/World Bank/EC regional Roma datasets largely focus on the status of Roma households and individuals (relative to their non-Roma neighbours), they also provide valuable information on civic and political activism.<sup>10</sup> For example, issues about the ability of civic networks to perform “safety net” functions in emergencies were addressed through the 2011 survey question “On whom can you rely for urgently raising significant amounts of money in an emergency?” The 2011 survey results shown in Figure 1 suggest that the most disadvantaged local Roma and their non-Roma neighbours rely mostly on close, informal networks – friends, family members and relatives.

8 See, for example, Erno Kadét, Gabriella Varró (2010), *A Roma Lakosság Hozzáférése az Unió Fejlesztési Forrásokhoz Szabolcs-Szatmár-Bereg és Borsod-Abaúj-Zemplén megyében* [Access to the EU Funds by Roma Inhabitants in Szabolcs-Szatmár-Bereg and Borsod-Abaúj-Zemplén Counties], on the TASZ's webpage, available at: <http://tasz.hu/romaprogram/varro-kadet-kutatas>.

9 This paper conceptualises social capital as a social trust and relations that have a productive benefit. It includes two types of relations, by examining social networks, social and family support (informal) on the one hand and associational behaviour along with social trust (formal) on the other.

10 For a detailed description of the methodology, see A. Ivanov, J. Kling and J. Kagin, “Integrated Household Surveys among Roma Populations: One Possible Approach to Sampling Used in the UNDP-World Bank-EC Regional Roma Survey 2011”, *Roma Inclusion Working Papers* (Bratislava: UNDP, 2012).

**Figure 1: Responses to the question: “On whom can you rely in an emergency situation (when you need to urgently raise a significant amount of money)?” (2011). Source: UNDP/WB/EC Roma Regional Survey, 2011.**



Reliance on informal networks is understandable for marginalised groups that are victims of prejudice, and do not fully trust formal institutions. But while such coping strategies may be effective as short-run survival responses, they can reduce access to the services that are provided by formal institutions. In the longer term, they can reduce opportunities for social inclusion.

More striking results from the 2011 survey data are perhaps the following:

- The virtual absence of respondents who believed they could rely on local NGOs in an emergency, and
- The relatively large number of respondents (38%) who felt that they could not expect help from anyone.

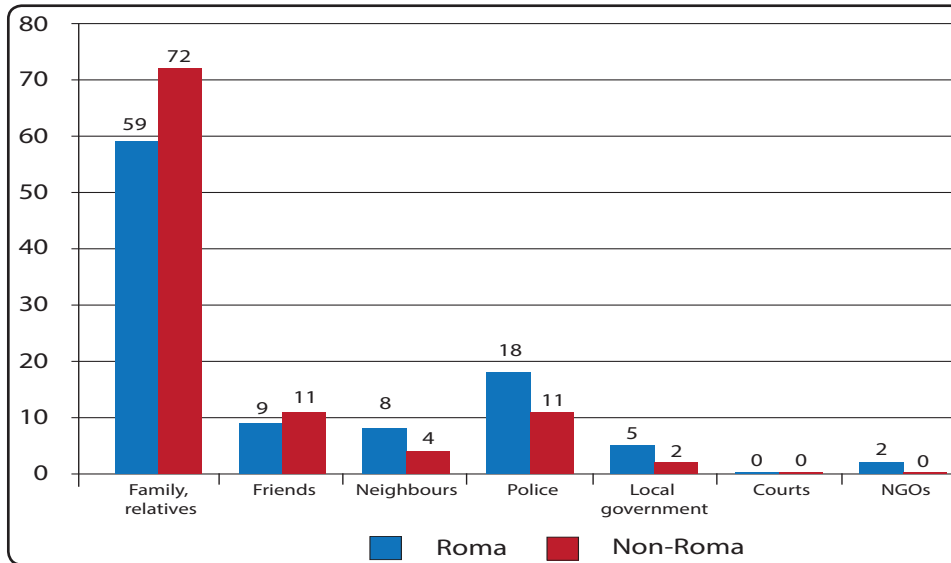
In the light of the assumed traditional strengths of family ties within Roma communities, these data also suggest that multi-generational poverty has reduced extended families’

abilities to provide financial help in emergencies (as is more common in middle-class families).

### Civil society actors – missing at the local level

These results are consistent with those from the 2004 UNDP Regional Roma Survey (although the relevant question was then formulated slightly differently, “If you are in trouble, whom will you approach first?”). The 2004 data shown in Figure 2 suggest that a large majority of Roma and non-Roma respondents also turned to family members and relatives for help then (59% and 72% respectively). The second-most cited source of help was the police (18% and 11% respectively). Friends were the third-most frequently mentioned option (9% and 11% respectively). Once again, virtually none of the respondents seemed to believe that NGOs would help in the case of an emergency.

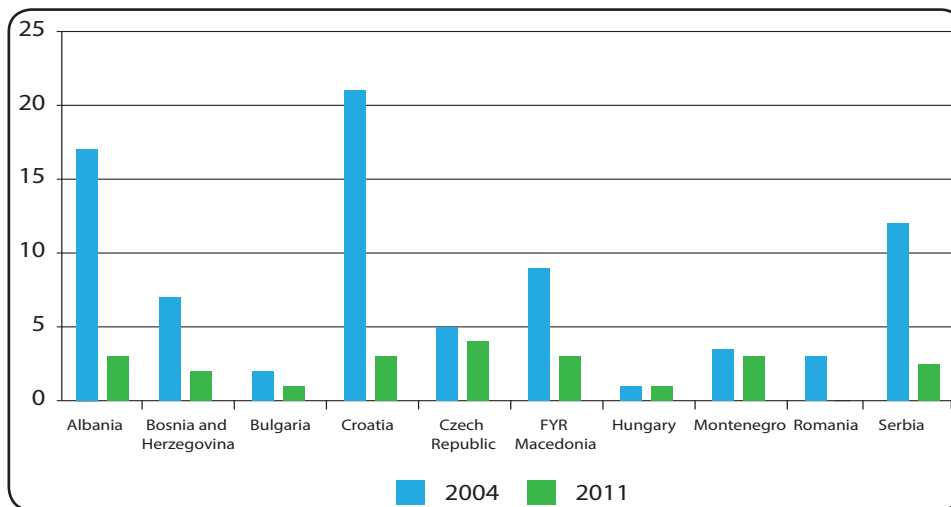
**Figure 2: Responses to the question: “If you are in trouble, whom will you approach first?” Source: UNDP Roma Regional Survey, 2004.**



The 2004 UNDP Regional Roma Survey also asked respondents: “Has anyone from your household ever tried to find an NGO?” Only 1.7% of Roma and 1% of non-Roma respondents answered in the affirmative. These data may reflect passivity/apathy in Roma communities, a lack of awareness of the opportunities often associated with civil activism, inadequate capacity for self-organisation, or other

factors. Whatever the reason, these results highlighted (in 2004) the paucity of effective Roma organisations at the grassroots level. This had deleterious implications for Roma (and other vulnerable) communities’ development prospects, both in terms of their abilities to lobby local governments on their behalf, and in terms of potential improvements in access to services that are often best delivered by NGOs.

**Figure 3: Roma who would turn to NGOs/CSOs for money in case of emergency.<sup>11</sup> Sources: UNDP Roma Regional Survey, 2004; UNDP/WB/EC Roma Regional Survey, 2011.**



<sup>11</sup> As per the EUROSTAT taxonomy, the following abbreviations are used here: AL (Albania), BA (Bosnia and Herzegovina), HR (Republic of Croatia), CZ (Czech Republic), MD (Moldova), ME (Montenegro), MK (Former Yugoslav Republic of Macedonia), RO (Romania), RS (Republic of Serbia) and SK (Slovakia).



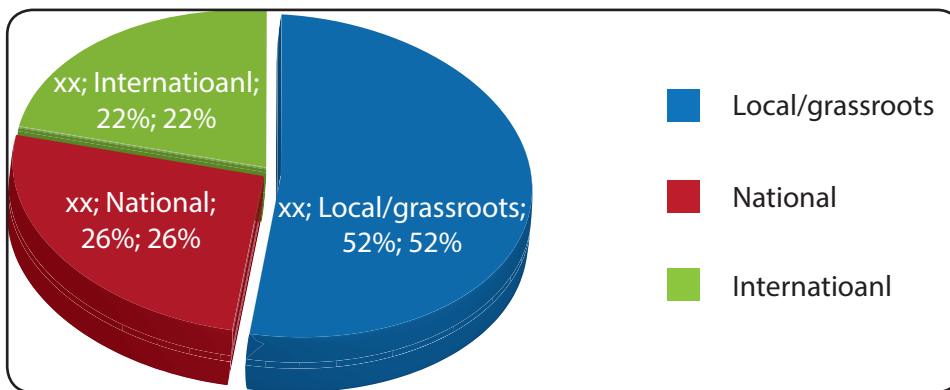
Unfortunately, recent data point to a lack of improvement since 2004. For example:

- The 2011 regional Roma dataset indicates that in the Czech Republic and Montenegro the shares of Roma survey respondents who would turn to CSOs in case of financial emergency remained at extremely low levels (Figure 3). In Croatia, Albania, Serbia, the Former Yugoslav Republic of Macedonia,<sup>12</sup> and Bosnia and Herzegovina – where the 2004 numbers had been somewhat more favourable – these shares had dropped sharply by 2011.
- The 2011 survey asked respondents: “Can you name organisations that work to help the Roma?” The numbers of answers mentioning particular CSOs/NGOs were

working internationally (see Figure 4). By contrast, only 22% were working primarily at the local level – where strong Roma CSOs are arguably most needed.<sup>13</sup>

The disconnection between the CSOs/NGOs and their target beneficiaries in Roma communities suggested by these survey data can be interpreted in various ways. The CSOs that are active at the local level may have important functions that do not extend to providing financial assistance in emergency situations. Awareness of the good work done by these CSOs could be limited by the fact that few have been successful in engaging significant numbers of Roma as employees (Figure 5) – a charge that can also be levied at governments and international organisations.

**Figure 4: Responses (from representatives of Roma CSOs) to the question: “Please indicate which of the following categories best describes your organisation” Source: UNDP 2012.**



not statistically significant. Respondents were instead more likely to list local government institutions – suggesting that Roma communities are less likely to receive assistance from their “own” CSOs than from formal governmental structures.

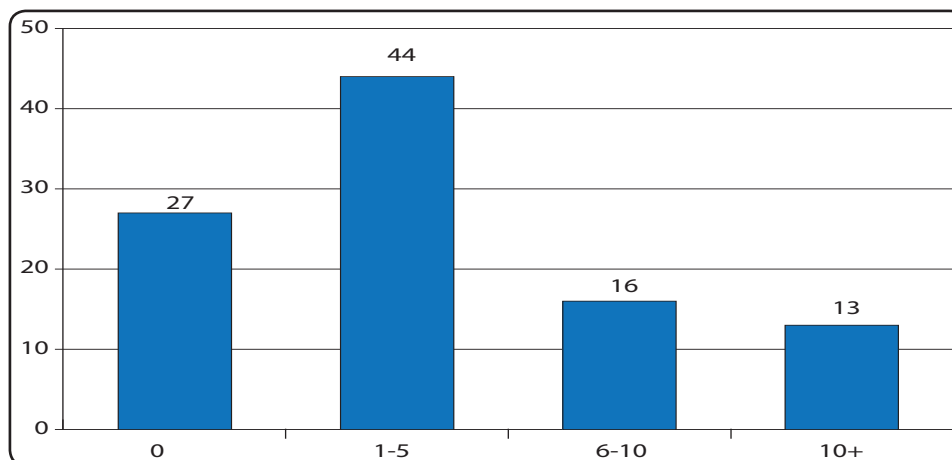
- The results of an online survey of Roma CSOs/NGOs working in Central and South-east Europe conducted in July 2012 found that more than half (52%) of these organisations were working primarily at the national level, while another quarter (26%) were

Nonetheless, these data do point towards serious gaps in civic engagement in terms of Roma inclusion. They reflect the fact that, in many cases, strong pull-factors (such as better career prospects with a government institution or a big donor) drain the grassroots capacities of civil society at the community level. Because Roma CSOs are often not present there in a meaningful way, their place is taken by non-Roma actors. While they may do good work, these actors may not necessarily contribute to building local communities’ capacities to respond to the challenges that they face.

<sup>12</sup> Hereafter: “Macedonia” or “MK”.

<sup>13</sup> This non-representative survey was conducted by the author of this paper, with assistance from the Roma Decade secretariat, the Open Society Institute’s Roma Initiatives Office, the UNDP, and the Roma Virtual Network. Representatives of some 70 CSOs responded to the online questionnaire on which it was based; these data were supplemented by the results of 13 semi-structured interviews with Roma activists.

**Figure 5: Responses (from representatives of Roma CSOs) to the question: “How many staff members in your organisation are Roma?”<sup>14</sup> Source: UNDP 2012.**



### EU funds for Roma inclusion and “civic activism”

After the EU accession the majority of international donors left the region and thus EU funding became a decisive financial instrument for Roma activities. Participants in the July 2012 online survey answered an open-ended question about the contributions of EU funds to Roma civil society development. Some responded that many EU programmes are irrelevant for smaller and medium-sized CSOs working at the grassroots. Concerns about disproportionate bureaucratic burdens, constantly changing rules, and liquidity and cash flow issues (especially for smaller CSOs) were also raised. Many respondents reported that the levels of procedural expertise (in terms of familiarity with EU requirements for project design, implementation, and reporting), as well as the volume of their own financial resources needed, effectively exclude many Roma NGOs from these programmes. Calls to simplify the procedures for EU grants were often heard (a recent analysis of the impact of ESF-funded projects on Roma in Slovakia comes to a similar conclusion<sup>15</sup>), as were suggestions that governments provide technical and administrative support services – including training opportunities for Roma CSOs that are working with Roma communities at the local level.

The online survey and associated interview data also suggest two broader conclusions about EU support for Roma civil society. First, many Roma NGOs perceive EU institutions as allies (especially in financial terms) in their fight against discrimination and social exclusion. This is in contrast with national governments, which are more often seen as pursuing policies that disadvantage Roma, sometimes resorting to explicitly racist discourses.

Second, the administrative requirements associated with accessing these funds bias their allocation towards the larger, more bureaucratized and professionalised NGOs that seem most able to absorb them. As a result, these organisations often appear (nationally and internationally) as Roma policy-makers – even though the local impact of the resources that they manage is often doubtful. Thus the closer Roma NGOs get to EU decision-making and funds, the further they get from the needs and the realities of their intended beneficiaries. As a result, the voices of local (usually segregated) Roma communities are not heard. Meanwhile, grassroots organisations continue to lack the requisite “professional infrastructures”, including the well-paid and highly educated staff members who are found in the national capitals or in Brussels.<sup>16</sup>

14 The data in this figure should be interpreted as follows: 27% of the Roma CSO representatives surveyed reported that they did not have a single Roma staff member, 44% reported having one to five staff members, etc.

15 J. Hurrell, A. Ivanov, J. Grill, J. Kling and D. Škobla, “Uncertain Impact: Have the Roma in Slovakia Benefitted from the European Social Fund? Findings from an Analysis of ESF Employment and Social Inclusion Projects in the 2007–2013 Programming Period”, *Roma Inclusion Working Papers* (Bratislava: UNDP, 2012).

16 I. Rostas, “The Romani Movement in Romania: Institutionalization and (De)Mobilization”, in N. Trehan and N. Sigona, eds., *Romani Politics in Contemporary Europe: Poverty, Ethnic Mobilization, and the Neo-Liberal Order* (Houndmills, Basingstoke, Hampshire; New York: Palgrave Macmillan, 2009).

## Conclusions and recommendations

Roma participation in civil society at the local (as well as national and international) level(s) is widely seen as crucial for the implementation of national Roma integration strategies in Central and South-east Europe. The expansion of this participation, which has been requested by the European Commission,<sup>17</sup> can translate social inclusion principles into local realities by helping Roma NGOs, CSOs and CBOs to become more effective stakeholders in local development processes. However, the data examined here strongly suggest that, for a variety of reasons, national and international Roma advocacy and policy-making do not sufficiently benefit from grassroots activities and institutions. Without vibrant local organisations in the most disadvantaged Roma communities, national and international Roma activism will continue to be detached from the local level, and limits on its effectiveness will remain.

In order to strengthen the connections between European principles and local realities, a number of simple steps seem urgently needed:

**Greater emphasis on integrating Roma programming into national development planning and EU operational programmes.** This requires the design and implementation of more effective methodologies and tools to align national and European policy frameworks for Roma inclusion with local realities on the ground. The needs of Roma communities – and of the Roma stakeholders with the capacity to address them at the local level – should appear more often, and more clearly, on the radar screens of the relevant national and European institutions through inclusion of international, national and local Roma NGOs in the consultation process. For that purpose, the relevant national agencies need to ensure that principles of Roma inclusion are reflected in the national mechanisms by which EU funds are allocated. Moreover, national governments should be requested by the EU to create special grant schemes that provide small and flexible funds for community projects from the EU. These would reduce the bureaucratic and financial burdens on those projects. However, this mechanism needs to be specifically set up in each country.

**Regional support facilities.** The EU, in co-operation with the UNDP and other UN organisations, the OSI, the OSCE, the Council of Europe, and pro-Roma and Roma international organisations, should establish regional support facilities. Their objectives would include the provision of expertise and technical support for grassroots Roma NGOs, in order to strengthen their (and other stakeholders’) roles in the implementation and monitoring of national Roma integration strategies. These facilities could also help to strengthen the institutional role of Roma development concerns in the management of the EU structural funds. These facilities would benefit from the establishment of an international civil society steering group, which would design the methodologies needed to underpin the mobilisation of local communities on social inclusion issues, as well as local engagement in support of national Roma integration strategies.

**Capacity development for local CSOs through direct institutional support.** More active, capacitated grassroots CSOs are not just an instrument to facilitate Roma inclusion: their emergence should also be an important goal of support for inclusion processes. Roma programming should be assessed not just on sectoral criteria (i.e., how Roma employment or education have improved), but also in terms of whether they have developed the missing institutional capacities that grassroots CSOs need to become more effective. Until such capacities are developed, the implementation chain of Roma inclusion will remain broken. Stepped-up financial and technical support for Roma NGOs facing difficulties with cash flow, or pre-financing their activities when applying for finance from structural funds (while of course ensuring appropriate overseeing and reporting requirements), would be a simple step with huge potential.

**Stronger incentives for local level engagement.** At present, Roma activists face strong incentives to abandon local work and focus instead on the national and international levels. Stronger support for efforts to establish CBOs and CSOs in Roma communities, and for those organisations already working there, are needed to offset these brain-drain incentives.

<sup>17</sup> *European Commission (2011) Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions. An EU Framework for National Roma Integration Strategies up to 2020*, available at: [http://ec.europa.eu/justice/policies/discrimination/docs/com\\_2011\\_173\\_en.pdf](http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf).

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# Mechanisms to Improve the Political Participation of Roma in Central and Eastern Europe

CATHERINE MESSINA PAJIC<sup>1</sup>

## Introduction

Roma comprise the largest single ethnic minority in Europe, particularly in Central and Eastern Europe, yet they remain absent for the most part from political debates taking place in the halls of power. Although the engagement of Roma in political and civic life has noticeably increased over the past decade, they still face considerable obstacles in achieving political influence, particularly as elected representatives. Countries around the region have employed various mechanisms to increase the political representation of Roma, including such electoral mechanisms as reserved seats and lowered thresholds. Unfortunately, the lack of meaningful political participation by most Roma communities remains a persistent stain on the continent's newest democracies, where the Roma population is most heavily concentrated and their representation, therefore, is the most vital.

In order to better understand the impact of these mechanisms on Romani political participation, this article will examine the quantity and quality of Roma representation in the national legislatures of six countries in Central and Eastern Europe: Bulgaria, Hungary, Kosovo, Macedonia, Romania and Serbia. These countries will be split between those that employ electoral mechanisms to ensure representation of Roma in national legislatures and those that adopt a *laissez-faire* approach, providing no deliberate system to encourage greater representation or participation among Roma.

By comparing the mechanisms that have and have not been utilised to increase representation of Roma in electoral bodies, this article hopes to draw conclusions on the effectiveness of those mechanisms not only in quantitative terms, but also qualitatively. In other words, are Roma truly better represented *and their communities better served* through the use of these mechanisms?

Finally, this article will attempt to formulate recommendations with regard to these mechanisms in order to increase *and improve* representation of Roma in legislative bodies, as well as enhancing their influence on policies that affect their communities.

In evaluating these mechanisms, the article takes into account several factors: 1) the overall system of elections in each country; 2) legal frameworks governing political party financing and registration; 3) the size of the Roma population compared to the general population in each country; 4) the general level of democratic development in each country. This last factor is more qualitative than quantitative, and admittedly subjective, but draws upon various indicators, such as each country's acceptance in or progress towards European Union membership.

## Electoral Mechanisms

Some countries have taken the affirmative action approach, ensuring the representation of ethnic minorities in national legislatures through mechanisms such as reserved seats or lowered thresholds. Below is a brief look at three such systems – in Kosovo, Romania and Serbia – with dramatically different environments in terms of overall population size, the size of the Roma population, and the level of economic and political development.

### **KOSOVO (ROMA: 38,000 OR 1.8-2% OF THE POPULATION)<sup>2</sup>**

Still unrecognised by five EU Member States, Kosovo has an underdeveloped democracy, which is unsurprising for a new country emerging from a past marked by both conflict and communism. It utilises a proportional representation system of election, with closed party lists. This means that

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2 World Bank, "Estimated Roma Population", *Roma at a Glance*, 2009, [http://siteresources.worldbank.org/INTROMA/Resources/Roma\\_at\\_a\\_Glance.pdf](http://siteresources.worldbank.org/INTROMA/Resources/Roma_at_a_Glance.pdf).

voters select a political party with a list of candidates in a fixed order, as opposed to choosing an individual candidate. Kosovo, a country of only 10,000 square kilometres, is made up of just one electoral district, so members of parliament (MPs) have no ties to specific geographical districts.

Several minorities, most notably the Serbs but also the Turks, the Bosniaks, the Gorani and the Roma, Ashkali, and Egyptian communities, are allocated a number of “set-aside” seats in the Assembly, proportionate to their population size. Four seats (of the Assembly’s total of 120 seats) are allotted for the combined Roma, Ashkali and Egyptian minorities – one for each of the three groups, and a fourth that goes to the highest vote-winner among them. The current allocation of the seats reserved for the Roma, Ashkali and Egyptians communities is as follows: two seats for the Ashkali community (one held by the Democratic Ashkali Party of Kosovo or PDAK, and one by the Ashkali Party for Integration or PAI), one seat for the Egyptian community (held by the New Democratic Initiative of Kosovo or IRDK), and one seat for the Roma community (held by the United Roma Party of Kosovo or PREBK). Although the international community has found it convenient to group these three minorities together, the groups identify differences among themselves, particularly the Egyptians, who have thus far preferred to sit in parliamentary caucuses with mainstream parties rather than with their Roma and Ashkali counterparts. The Egyptian IRDK has chosen to join the parliamentary group of the predominantly Albanian Alliance for the Future of Kosovo (AAK), owing to the traditionally close relations between the two.<sup>3</sup> The Roma and Ashkali MPs are in separate caucuses. The Roma MP joined with Turks and Bosniaks; one of the Ashkali MPs is in the Albanian ARK party caucus, while the other originally joined the Serb-led SLS party caucus but is now independent.

Prior to independence, in the 2002-2006 mandate, the Egyptians held the fourth seat reserved for the Roma, Ashkali and Egyptian communities. For the past two mandates, the fourth seat has gone to the Ashkali. To date, among the Roma, Ashkali and Egyptian communities, the Roma have never gained more than the minimum of one seat, with PREBK holding a virtual monopoly over that mandate. It remains the only Roma political party *per se* in Kosovo, in contrast to the two Ashkali parties noted above and two Egyptian parties (IRDK represented in parliament and the

newer League of Egyptians in Kosovo or LEK). Although there are no other Roma parties, individuals from civil society, as well as local community leaders, have run in local elections on various occasions. In Prizren, for example, a female local councillor, Gjyzele Shaljani, ran as part of the mainstream Democratic League of Kosovo (LDK) party list; to date she is the only Roma councillor in Kosovo. In Central Assembly elections, however, PREBK has never had competition from within the Roma community. A group of civic activists attempted to initiate a new Roma party prior to the elections in 2010, but never coalesced into a genuine party that was able to compete in elections.

The Roma minority is politically challenged not only by poverty, discrimination and illiteracy, but also by geographical dispersion even within the small state of Kosovo, their clan-based divisions, and deep-seated distrust of the majority population, which, in the light of their history, has at times been considered a basic survival skill. Those factors are multiplied and exacerbated by the conflict between the majority Albanian population and the traditionally dominant Serbs. These divisions are played out among the Roma, Ashkali and Egyptians who are defined, in part, by the groups with whom they allied themselves during the conflict. Although the Roma, Ashkali and Egyptian communities are politically overshadowed by the larger and more dominant Serb and Turkish communities, they have not yet identified that as a common threat, nor identified a common interest that unites them. The electoral system, in which they are structurally divided into three groups competing for a fourth seat, reinforces that disunity.

If there were any political will among the Roma, Ashkali and Egyptian political leaders to build a coalition and run together as one list, they might increase their political participation on the local level. Unfortunately, the same cannot be said for the central election. The election system, or specifically the reserved/guaranteed seats, do not favour such a coalition on the central level. Although the mechanism of the reserved seats is meant to ensure the political representation of non-Albanian communities, in this case it does not favour the ability of small communities to build pre-election coalitions.

And yet each of the three communities is too small to accomplish much on its own. At about 0.6% of the population each, no one group could hope to make it into parliament

<sup>3</sup> The IRDK’s President, MP Xhevdet Neziraj, was one of the founders of the AAK before starting his own party. Before that, he was involved in the Democratic League of Kosovo (LDK), another mainstream party.

without an ethnic quota of one kind or another. Even as a unit, they make up only 1.8-2% of the population, still not enough to pass the parliamentary threshold of 5% of the vote required for non-minority parties to gain a seat. The current electoral system at least ensures their representation through the four set-aside seats.

However, the reserved seats have at least two notable disadvantages. First, they reinforce the notion of ethnically based politics and thereby cement political segregation among the Roma, Ashkali and Egyptian communities and between them and the majority. Politicians in this system base their identity on ethnicity rather than ideology, thus encouraging members of each minority community to vote similarly – according to their ethnicity rather than political philosophy. As a result, ethnically based parties are under less pressure to develop a viable platform of ideas, particularly in areas of policy that reach beyond so-called ethnic issues. The Roma in particular have been represented by a party with no clear platform for resolving either the immediate issues of their community (housing, health, education or other points) or any of the larger and equally urgent economic and security issues facing Kosovo as a whole.

Second, and related to this point above, the very nature of a guaranteed or reserved seat for an ethnic minority can – and in this case does – undermine the quality of that minority group’s representation, by taking away the competitive element of elections and thus the mechanism for accountability. To illustrate the point, the PREBK, led by a traditional Romani elder, Zylfi Merxha, who held the community’s one seat in parliament for multiple mandates, did little to put Roma issues onto the legislative agenda or steer public resources towards Roma priorities. That the PREBK put forward a new candidate in the December 2010 elections – Albert Kinolli, who now holds the PREBK seat – may be an indicator of future change within the party and more effective leadership within the Roma community. However, with no viable competitor for that one seat, the incentive for the PREBK to reform itself and more effectively serve its community is somewhat minimal. In the light of the small size of the Roma population, as well as political party finance laws that strongly favour incumbents, the likelihood that another

Roma party will emerge to challenge the PREBK before the next election round is slim.

The effective electoral monopoly by the PREBK also speaks of the low level of capacity within the Roma community to organise an alternative political entity to compete for the reserved seat(s). One of the greatest challenges facing Roma is the lack of skills in electoral and legislative politics. This is not unique to Roma. However, the poor quality of education among Roma, their low levels of participation in the political system, and the lack of targeted programmes to assist them, have all left the Roma, Ashkali, and to a lesser extent the Egyptians, lagging far behind politically.

Finally, the lack of electoral competition indicates a largely disaffected constituency that simply does not engage in politics and has little faith that the system can or will work on its behalf. In the 2010 parliamentary elections, fewer than 7,000 votes – from a community of roughly 38,000 – were cast for the four parties that hold the reserved seats. The United Roma Party of Kosovo received a paltry 690 votes on its own.<sup>4</sup> Given that approximately 739,400 votes were cast in the elections, this constitutes a 0.95% combined vote share for the four parties holding reserved seats – and about 0.09% for the PREBK specifically.<sup>5</sup> Furthermore, while electoral irregularities have been widespread in all of Kosovo’s ethnic communities, the Roma community’s extreme poverty and political disaffection leave it particularly vulnerable to manipulation.

The Roma in Kosovo have urgent issues to address, especially concerning housing and refugee returns. Without strong representation in the legislature, these issues will remain either unaddressed or ineffectively addressed, particularly without a robust civil society or grassroots movement to hold their legislators accountable. Kosovo suffers broadly from an overriding lack of strong, stable democratic institutions capable of addressing minority interests. Virtually nothing in Kosovo works consistently well, complicating every effort among minorities to advance their causes. The economy is in a shambles, social services are insufficient, public administration at all levels lacks expertise and resources, political parties are still in the developmental stage, civil society is underfunded, and the media is

4 The Constitutional Court of the Republic of Kosovo, *Resolution on Inadmissibility*, February 2011, [http://www.gjk-ks.org/repository/docs/gjk\\_ki\\_33\\_11\\_ang.pdf](http://www.gjk-ks.org/repository/docs/gjk_ki_33_11_ang.pdf), 2-3.

5 Kosovar Institute for Policy Research and Development, *Kosovo National Elections 2010: Overview and Trends*, April 2011, [http://www.fes-prishtina.org/wb/media/Publications/2011/KIPRED%20-%20Parliamentary%20Elections%202010%20\(English\).pdf](http://www.fes-prishtina.org/wb/media/Publications/2011/KIPRED%20-%20Parliamentary%20Elections%202010%20(English).pdf), 18.

unable to serve as a reliably accurate and unbiased actor. In this *milieu*, one can imagine the difficulty facing a largely poor, illiterate, and distrustful minority population seeking to resolve even basic issues such as adequate housing, access to health care, and primary education.

Despite the nominal representation of Roma in parliament, the quality of that representation will remain insufficient unless electoral reform can open the playing field to new parties, end vote-buying and other manipulative practices, and encourage greater participation in the legislative and electoral process by civil society and the public at large.

### ROMANIA (ROMA: 1.9 MILLION OR 8.3-11.5% OF THE POPULATION)<sup>6</sup>

One of the European Union's newest members, Romania has become a significant player by virtue of its size, strategic location, and economic development potential. For its first democratic elections in 1990, a reserved seat provision effectively guaranteed one seat in the Chamber of Deputies, the lower house in the country's bicameral legislature, for each nationally recognised minority group. This provision has been in place ever since, and was retained with the most recent electoral law reform in 2008.<sup>7</sup> The Chamber of Deputies currently has two Romani deputies, one elected to a reserved seat through the Roma Party Pro-Europe (RPPE or Roma Party), and the other elected on the list of the opposition Social Democratic Party (PSD).<sup>8</sup> Given that the Chamber has 412 deputies, the two Romani members constitute less than one half of 1% of the total number of seats.<sup>9</sup> The Romanian Senate, which has no such provision, elected its first Romani member, Damian Draghici, in 2012 from the list of the PSD.<sup>10</sup> This makes Romani representation in the Senate 0.57%, with one seat out of 176.<sup>11</sup>

Although this system has guaranteed the Roma a constant representative in parliament for two decades, they remain the most underrepresented ethnic group in Romania. Unless additional Roma are elected through the regular procedures outside of the reserved seat, their community of nearly two million people is entitled only to the same single seat as such smaller minorities as the Ukrainians, with approximately 0.3% of the population. So far, only two of the seven Roma ever to serve in the Chamber of Deputies have been elected outside of the reserved seat, not a strong indication of Romani politicians' ability to gain widespread support.<sup>12</sup> Thus the prospects for an expansion of Roma representation under the current system appear slim.

In order to claim the one seat reserved for a particular minority group, a candidate must obtain 10% of the average number of votes required to elect one regular MP.<sup>13</sup> If several organisations from the same ethnic group run, only the one with the largest number of votes wins the reserved seat. In the case of the Roma, this provision has contributed to their underrepresentation in the parliament. Other provisions regarding party registration, elections and funding for national minority organisations have a combined negative impact on the ability of Roma to gain representation proportionate to their population size. These laws also inhibit open political competition for Roma votes, lessening the accountability of the party that holds the single Roma seat, in this case the RPPE, which has monopolised the Romani legislative mandate for nearly two decades.

In fact, the constitution decrees that each national minority is entitled to representation by only one organisation, either a political party or a non-governmental organisation (NGO). The incumbent RPPE (which, despite its name, is not a political party but a non-governmental organisation),

6 World Bank, "Estimated Roma".

7 Laura Stefan and Sorin Ionita, "Nations in Transit 2011: Romania", *Freedom House*, [http://www.freedomhouse.org/sites/default/files/inline\\_images/NIT-2011-Romania.pdf](http://www.freedomhouse.org/sites/default/files/inline_images/NIT-2011-Romania.pdf), 441.

8 *Madalin-Stefan Voicu's Parliamentary Profile*, Chamber of Deputies, Parliament of Romania, <http://www.cdep.ro/pls/parlam/structura.mp?idm=322&cam=2&leg=2000&pag=0&idl=1>.

9 Romania-Insider, *Romanian Parliament Structure*, January 2013, <http://www.romania-insider.com/romanian-parliament-structure-technical-studies-few-women-and-lower-than-expected-re-election-rate/73971/>.

10 George Lacatus, "Romanian Roma Have Three Representatives in the Parliament", *Roma Transitions*, December 2012, <http://www.romatransitions.org/romanian-roma-have-three-representatives-in-the-parliament/>.

11 Romania-Insider, *Romanian Parliament* (see footnote 6).

12 Dr Oleh Protsyk, "Representation of Minorities in the Romanian Parliament", IPU and UNDP, 2010, <http://www.ipu.org/splz-e/chiapas10/romania.pdf>, 6-7.

13 *Ibid.*, 9.



currently holds that entitlement, having gained entry to the parliament in 1992, from which point it has continued to hold the single Roma seat. The laws governing political party and NGO registration have ensured that in the case of nearly every ethnic minority, the first organisation that won an election has continued to monopolise the community's national political representation.

Although ethnically based political parties are not prohibited by law, the registration criteria are so severe that it proves almost prohibitive for minority parties to present candidates for election lists.<sup>14</sup> The European Commission for Democracy through Law, also known as the Venice Commission, reports that the conditions facing national minorities are so onerous as to virtually exclude them from forming their own parties and running in elections.<sup>15</sup>

NGOs representing ethnic minorities may participate in elections; however, the challenges to electoral competition are still great. In addition to restrictive membership requirements,<sup>16</sup> the law mandates that minority NGOs wishing to field candidates must be “officially recognised minority organisations” with membership in the National Council for Minorities, a body composed of NGOs that have elected representatives in parliament – such as the RPPE. Thus a minority NGO can field candidates only if it is already in parliament – a provision that has effectively protected the RPPE's status, since it first entered parliament before the law was passed. This entitlement has lessened the ability of the Roma community to hold its representatives accountable, and thereby lowered the RPPE's incentive to perform on their behalf. Despite its poor showing in elections, the RPPE lacks a strong platform to regain voters from the minority that it represents, knowing that it will be re-elected regardless of how few votes it attracts. Thus, although Roma have guaranteed representation in parliament, the consistent decline in

votes for the RPPE indicates that the community may not feel that it is being well served by its representative. In fact, a 2009 NDI opinion poll revealed that only 26% of Roma respondents found the RPPE to be effective and only 33% had confidence in it.

Currently, the national threshold required to be represented in the parliament (outside of the guaranteed minority seats) is 5%. Some believe that this is too high for any Roma political party to meet and have suggested lowering the threshold for ethnic minorities without limiting them to one seat. This would allow more Roma to enter parliament and perhaps diversify the political landscape for Romani voters. However, without ethnic data, reliable census figures, or clear indications of Roma election turnout patterns, one cannot say whether Roma might be able to meet such a threshold if they voted as a unified bloc. Although this issue was not addressed by the 2008 electoral reform, the 0.6% election results for the RPPE that year indicate that the threshold for minority parties would have to be dramatically decreased to accommodate such a number. Even then, it would not help Roma to gain additional seats unless party registration requirements were amended to allow new groups to participate and challenge the incumbent.

What the 2008 electoral reform did, however, was move Romania from a party-list proportional representation system<sup>17</sup> to a proportional system in single-member constituencies.<sup>18</sup> The reform came in response to a public campaign for a system that would bring elected officials closer to their constituents by having them represent single districts, but that would also proportionally represent the interests of all Romanian citizens. Mistrust and negative perceptions of political parties are widespread in Romania and cut across all ethnic communities, Roma and non-Roma alike. The common public perception is that parties

14 According to the Law on Political Parties, 25,000 members are required to register a party, with at least 700 members each in 18 of the country's 41 *judets*, plus Bucharest. Furthermore, the party can lose its status and be forced to re-register if it fails to win 50,000 votes in two consecutive elections.

15 Council of Europe/Venice Commission, “Article 45”, *Romania*, <http://vota.te.gob.mx/category/countries/europe/romania?page=5>.

16 According to Law 35/2008 on parliamentary elections, minorities with more than 20,000 citizens declaring themselves members of that group must demonstrate a membership of 20,000 (with 300 members each in 15 *judets* plus Bucharest). Smaller minorities need to demonstrate a membership of 15% of the number of citizens declaring that nationality.

17 Under the prior system, political parties proposed closed lists of candidates to be elected, and seats were allocated to each party proportionally according to the number of votes that they received.

18 In the new system with single member constituencies, individual candidates are elected by voters to represent single constituencies. However, in a second phase, for seats where candidates did not win 50%+1 of the votes in their constituencies, the seats are allocated proportionally according to the number of votes received by all the parties that passed the threshold in each county and throughout the country.

of all ethnic stripes have conducted very little in the way of substantive outreach to Roma communities and have typically been viewed as the purveyors of widespread corruption and vote-buying.<sup>19</sup>

The 2008 parliamentary elections, the first under the new system, saw several prominent Roma running for parliament representing mainstream parties – the National Liberal Party (PNL) and the PSD most notably. Of these, one was elected. The 2012 elections again saw one Romani member of parliament elected on a mainstream party list, in addition to the RPPE incumbent, as well as the first Romani member elected to the Senate, which has no reserved seats. Typically, mainstream parties do not run large numbers of Romani candidates, although without hard data that can only be speculated. What is clear is that the mainstream parties appear reluctant to throw their full support behind those Romani candidates who do run on their behalf, for fear of alienating their base of non-Roma voters. While NDI's focus groups showed that a candidate's ethnicity was a point of contention for some, most respondents felt that ethnicity was not as important as the candidate's ability to perform the job that he or she was elected to do.<sup>20</sup>

Overall, the 2008 reform has not yielded significant positive results for Roma, partly because their population may be too dispersed to win a single district. Furthermore, the system that Romania adopted for redistributing votes cast for candidates who did not achieve a majority is extremely complicated, and confused even seasoned party members who ran. Several candidates speculated that it may have led to fraud or manipulation of votes. However, the 2008 reform has not presented any significant new barriers to the Roma's quest for elected representation. It may, over time, result in closer connections between Roma communities and their elected representatives – regardless of ethnicity – who must now look to the votes of a single district for their re-election. Given the pervasive dissatisfaction among Romanians of all ethnic groups, as indicated in NDI's 2009 public opinion poll, stronger links between constituents and MPs would be a favourable result.<sup>21</sup>

## SERBIA (ROMA: 475,000 OR 6-6.7% OF THE POPULATION)<sup>22</sup>

Still recovering from more a decade of war and isolation, Serbia has set itself on the path to European integration, incorporating if not embracing the values of minority inclusion and ethnic tolerance. Its efforts to include minorities in the parliament have been relatively recent and somewhat halting.

In 2000 Serbia switched from a majoritarian system to proportional representation, and in subsequent elections in 2003 not a single minority party managed to cross the 5% threshold to enter parliament. In response, Serbia abolished the 5% threshold for minority parties in 2004 and subsequently reduced the number of signatures required for registration of minority parties, from 10,000 to 3,000. The impact was immediate: five minority parties representing Hungarians, Bosniaks, Albanians and Roma gained seats in the 2007 parliamentary elections. Roma fared relatively well according to the numbers, with three representatives elected: Dr Rajko Djuric of the Roma Union of Serbia, and Srdjan Sajin of the Roma Party, as well as Jovan Damjanovic who was elected under the banner of the far right Serbian Radical Party, of which he had long been a member. However, while the other minorities were generally able to consolidate their vote into one party, the Romani MPs came from three different parties. In a country that consists of only one electoral district, the ability of Roma to vote as a bloc remains a critical factor in determining their future success.

Following a Constitutional Court ruling against the reduced signature requirement for party registration, both of the members that represented distinctly Roma parties lost their seats in the subsequent election of 2008. What these MPs might have achieved in office is uncertain, as they had less than a full mandate to prove their effectiveness. The fact that they did not work well together during their brief tenure signalled a disunity that plagues Roma communities and inhibits political success. Their failure to mobilise the resources that they needed to meet the new, higher threshold of signatures required for getting on the ballot (10,000) further indicated that they were not likely to have accomplished much. In fact, several parties became defunct in the

19 National Democratic Institute, *Assessment of Barriers to Roma Political Participation in Romania*, September 2009, [http://www.ndi.org/files/Assessment%20Report%20Final%20\(complete\).pdf](http://www.ndi.org/files/Assessment%20Report%20Final%20(complete).pdf), 21.

20 *Ibid.*, 23.

21 *Ibid.*, 11.

22 World Bank, "Estimated Roma".

face of the more stringent registration requirements prior to the 2008 elections.

These elections in 2008 yielded two Romani members of parliament. The first was Jovan Damjanovic, who was again elected on the Serbian Radical Party list, but formed his own party -- the Democratic Left Roma party (DLR) -- in May 2009. The other was Vitomir Mihajlovic, who was elected on the Sandzak Democratic Party list and joined the Democratic Party caucus. While their presence in parliament was important on a symbolic level, the expectation that just two parliamentarians might effectively represent the country's 475,000 Roma demonstrates how politically underrepresented the community remained. Furthermore, the quality of representation in this case was questionable in terms of demonstrated results, consistent outreach to the community, and effective legislative interventions on behalf of his constituents. While Mihajlovic was a relatively active MP and was elected president of the National Roma Council -- a quasi-governmental body that was formed in 2010 -- Damjanovic was much less visible on Roma issues.

The 2012 parliamentary elections in Serbia saw former member Srdjan Sajn recapture his seat as a member of the Roma Party in coalition with the Serbian Progressives, who placed him in the top 20 on their candidate list. Damjanovic and Mihajlovic did not return to parliament -- the latter having been placed extremely low on the candidate list by his own party. While Roma representation declined in quantitative terms, more important is the trend toward their election in coalition with or on the candidate list of a mainstream political party. On the one hand, this can be seen as a positive step toward integration. However their attachment to mainstream political parties may hinder the ability of Romani MPs to focus on the issues within their community. What remains to be seen is whether Sajn's previous electoral defeat in 2008 -- or Damjanovic's recent removal from office by the electorate -- might increase the former's incentive to demonstrate results to his constituents. More likely, in the context of Serbia's electoral system, the lesson for all MPs, although particularly Romani members whose constituents have little public or party influence, is to gain favour with mainstream party leaders who either can place them high on the candidate list or put them in untenable positions.

## The Mainstreaming Approach or *Laissez Faire*

### BULGARIA (ROMA: 750,000 OR 9-10.4% OF THE POPULATION)<sup>23</sup>

*Editor's Note: This article was written prior to the May 2013 elections in Bulgaria and thus does not take into account those results.*

Bulgaria is one of the EU's newest Member States, along with Romania, and still struggles to instil accountability and transparency in its democratic institutions, as well as a system for protection of minority rights according to international standards. Bulgaria's 1991 Constitution forbids the existence of ethnic political parties in Article 11, which states that "[t]here shall be no political parties on ethnic, racial, or religious lines, nor parties which seek the violent usurpation of state power." This restriction is in line with the general spirit of the Bulgarian constitution, which avoids the mention of the word *minority* and does not provide for any collective rights. Despite arguments by minority rights advocates that the constitutional ban of ethnic parties is discriminatory and violates international law, no serious debate on amending the constitution to this effect has taken place.

Nonetheless, the party of the Turkish minority, the Movement for Rights and Freedoms (DPS), has been an integral part of Bulgarian politics since 1990, often holding the key votes in parliament or governing coalitions. It circumvents the ban by proclaiming itself a liberal rather than ethnic party and ensuring the presence of ethnic Bulgarians in its leadership and membership. It has also reached out to the Roma community, although less on substantive policy issues than to secure votes.

In contrast, Roma parties have been unable to secure a stable place in Bulgarian politics. Statistics from the 2011 census put the Roma population at about 325,000, or 4.9% of the overall population. However, outside estimates put that figure as high as 10%, making it one of the countries with the highest percentage of Roma.<sup>24</sup> On this basis, Roma would be represented by close to 11 MPs to proportionally represent their population size.<sup>25</sup> Yet in the 2005 and 2009 elections only one Roma MP

23 World Bank, "Estimated Roma".

24 UNHCR, "Overview", *Bulgaria: Situation of Roma*, October 2012, <http://www.unhcr.org/refworld/country,,,BGR,,50a9eea32,0.html>.

25 Rossen Vassiliev, "Roma in Bulgaria: A Pariah Minority", *The Global Review of Ethnopolitics*, 3 January 2004, [http://www.ethnopolitics.org/ethnopolitics/archive/volume\\_III/issue\\_2/vassiliev.pdf](http://www.ethnopolitics.org/ethnopolitics/archive/volume_III/issue_2/vassiliev.pdf), 44.

was elected each time, while the election before that saw only two Roma MPs.<sup>26</sup>

In part, the comparatively low level of Roma representation might be attributable to the fact that they are more heterogeneous than the Turks, and are scattered around the country. As in other countries, the Roma have been unable as yet to mobilise and support a single national party. When the Democratic Union Roma (DUM) was formed in 1991, not only was it denied registration as a political party but it was also plagued by internal disagreements.

Between 1997 and 2003, more than 20 Roma political organisations were founded, highlighting the community's fragmentation but also its increased political ambition. The 1999 local elections, in which Roma parties competed for the first time and succeeded in electing three mayors and over 60 local councillors, led to optimism about the upcoming parliamentary elections. Unfortunately, divisions and infighting among Romani leaders precluded the formation of a unified Roma party. Still, a coalition did develop between Free Bulgaria and the Party for Social and Democratic Change (PSDC) – two of the main parties – and six smaller organisations and parties at the 2001 elections. Another Roma party, Euroroma, elected to run in a coalition with the Movement for Rights and Freedoms, while the Citizens' Union Roma joined the coalition led by the mainstream Bulgarian Socialist Party (BSP). The Roma coalition got only 27,000 votes or about 0.6% of the popular vote, although Roma turnout was estimated by the UNDP at around 65%.<sup>27</sup> The two Roma who were elected were both from mainstream coalitions – one with the BSP and one through the lists of the National Movement for Stability and Progress (NDSV), a populist party led by the former Tsar Simeon.

Forming coalitions with bigger parties has basically ensured consistent representation of Roma, but has not led to an increase in Romani MPs or greater attention to their issues. At the 2005 elections, the BSP alliance ran Toma Tomov, leader of the Citizens' Union Roma, on their lists; the centre-right United Democratic Forces (UDF) alliance included another Roma organisation, DROM. Euroroma ran alone and failed to win representation. However, Euroroma did get a vote

share of 1.25%, which secured it some state support and helped it to develop as a political organisation of the Roma minority. In 2009, Euroroma ran as part of the Coalition for Bulgaria, headed by the opposition BSP, and had on its list the only Romani candidate who made it into the parliament, Milena Hristova. She is also the first Romani woman in the Bulgarian parliament.

During the Roma deportations from France in 2010, Hristova was asked by the party to raise a question about government measures for Roma policy, which she did. Regardless of her overall level of effectiveness, her very presence in the parliament and her ability to raise questions both have merit. Few of her predecessors among the Roma elected to parliament have accomplished anything significant for their people, and some have contributed to the pervasive negative stereotypes of corrupt Roma politicians. Tzvetelin Kanchev, the leader of Euroroma, was perhaps the most visible and active of these MPs, but was arrested in 2009 on charges of blackmail and was eventually convicted and sent to prison. Although he is probably not the only corrupt politician to have served in the parliament, he is the only MP who has been imprisoned for such an offence; his ethnicity presumably played a factor in pursuing the investigation and achieving a conviction.

The long-term trend among mainstream political parties in Bulgaria has been to use Romani candidates primarily to secure votes and to give the appearance of political integration. This integration is not always genuine – a conclusion drawn from the fact that Roma are often placed low on the candidate lists. For example, if a party estimates that only the top five to seven candidates on its list will be elected in a given region, then the Roma candidate is often placed at number 15 on that list. In the 2005 elections, more Romani candidates ran on the lists of the mainstream parties than ever before, and while they did not get elected, their candidacies helped to cultivate a talent pool of politically experienced Roma for future contests. In 2009, even more Roma candidates appeared.<sup>28</sup> This increase may be due to trends in the EU, in which Bulgaria is now a member and with which it wants to keep pace culturally and politically. However, the increase in Romani candidates also may be due

26 See: [http://demo.itent.hu/roma/portal/downloads/Education%20Resources/Bulgaria\\_report.pdf](http://demo.itent.hu/roma/portal/downloads/Education%20Resources/Bulgaria_report.pdf), 17.

27 Maria Spirova, "The Political Representation of the Roma Minority in Bulgaria", *Politeia*, [http://www.politeia.net/Newsletter/politeia\\_newsletter\\_45\\_may\\_2007/quarterly\\_theme\\_roma\\_in\\_europe/the\\_political\\_representation\\_of\\_the\\_roma\\_minority\\_in\\_bulgaria\\_1990\\_2005](http://www.politeia.net/Newsletter/politeia_newsletter_45_may_2007/quarterly_theme_roma_in_europe/the_political_representation_of_the_roma_minority_in_bulgaria_1990_2005).

28 Bulgarian Helsinki Committee, "Lack of Willpower Marks Roma Minority Policies", June 2009, <http://www.bghelsinki.org/bg/publikacii/obektiv/blgarski-khelzinski-komitet/2009-06/lipsa-na-volya-belezhi-politikite-za-romsko-malcinstvo/>.

to the fact that Romani citizens as a whole are becoming more politically active. Unfortunately, this positive trend has not yet altered their dismal level of representation in all levels of government; in fact, the 2011 local elections saw a decrease in the number of Romani municipal councillors from approximately 100 to less than 40 nationwide. Still, in roughly two decades of democracy, Bulgaria has almost always had at least one Romani MP, despite the absence of reserved seats, lowered thresholds, or quota systems.

**HUNGARY (ROMA: 575,000 OR 5.3-5.8% OF THE POPULATION)<sup>29</sup>**

As it emerged from its communist past, Hungary was among the more politically and economically developed democracies in the region. Its rotation in the EU presidency for the first half of 2011 was a critical moment for Hungary, as it sought to promote an image of tolerance in the wake of a series of racially motivated attacks and the rise of the extreme right-wing political party *Jobbik*. Accordingly, Hungary chose to make Roma inclusion a priority issue during its turn at the helm in Brussels.

Despite a lack of any quotas, reserved seats, or lowered thresholds, Hungary's Roma have achieved a measure of political representation in their parliament. They have won seats not through affirmative action measures but simply by virtue of success at the ballot box, utilising strategic coalitions and inclusion in mainstream parties.

Hungary has a highly complex electoral system. Of its 386-member parliament, 176 are elected in single-seat constituencies, 152 by proportional representation in multi-seat constituencies, and 58 through so-called compensation seats that are achieved through redistribution of seats in both single and multi-seat constituencies in which the threshold for winning votes or overall turnout was not met. The latter two have an election threshold of 5%.

Roma have entered parliament by running in coalition with or on the lists of larger mainstream parties. In the 2010 elections, four of the winning candidates were of Roma origin. Of these, three (Laszlo Berenyi, Florian Farkas and Jozsef Varga) were from *Lungo Drom*, a Romani organisation that ran together with the conservative

FIDESZ-KDNP coalition, which won by a landslide. FIDESZ is also the party of the only Romani member of the European Parliament, Livia Jaroka. The fourth self-declared Romani MP, Agnes Osztolykan, was one of 16 candidates elected from the newly formed Politics Can Be Different party (LMP), which identifies itself as a liberal green party promoting tolerance and multiethnicity.

That mainstream political parties in Hungary have included Roma on their lists and, to a greater degree, Roma parties in their coalition indicates a recognition of the value of Roma votes that those parties can bring to the table. However, this success should be placed in context. The means by which Romani votes are brought to the table – whether through genuine outreach and a strong legislative track record or through manipulation and vote-buying schemes – is up for debate. As in the rest of the region, Hungary's Roma communities often complain that they are largely ignored by politicians outside of campaign season.

Furthermore, those four Romani MPs comprise just about 1% of the elected representatives in the parliament. Whether their presence actually heightens the attention paid to Roma issues in the parliament remains questionable. Without stronger demands for accountability of elected representatives by their constituents, either directly or through civil society, Romani MPs will function primarily as vote-getters at election time, and remain absent from the community between campaigns. As in other parts of the region, this lack of accountability both of politicians within their own parties and of civic and political actors outside their parties typically lowers the quality of representation. Nonetheless, the relatively high number of Roma who have been able to gain seats in parliament, in addition to the two Romani women who have represented Hungary in the European Parliament, is not something to be dismissed.

**MACEDONIA (ROMA: 240,000 OR 10.7-12.7% OF THE POPULATION)<sup>30</sup>**

The Macedonian Assembly's 123 members are elected through a closed-list proportional representation system.<sup>31</sup> The country has six electoral districts, with 20 members each. In addition, Macedonians living abroad can vote

29 World Bank, "Estimated Roma".

30 World Bank, "Estimated Roma".

31 Inter-Parliamentary Union, The Former Yugoslav Republic of Macedonia, "Last Elections", [http://www.ipu.org/parline/reports/2313\\_E.htm](http://www.ipu.org/parline/reports/2313_E.htm).

and elect three members – one for Macedonians in North America, one for Europe, and one for Asia or Australia.<sup>32</sup> No set threshold is required to enter the parliament, as votes are tabulated using the D’Hondt formula.<sup>33</sup> At least 30% of the candidates on each party list must be of a different gender from the majority elected.

With no guaranteed seats, smaller minorities such as the Roma usually go into pre-election coalitions with the two major parties – VMRO-DPMNE, a conservative party that currently controls both government and parliament, or the Social Democrats, now in opposition. The Roma typically get one or two slots on the party’s list, high enough to get into parliament.

Overall, the Roma have five ethnically based parties in Macedonia, and at least three have elected MPs at different times.<sup>34</sup> Nezet Mustafa of the United Party for Emancipation (OPE) was the first Romani member of parliament, elected in 2002 on a list in coalition with the winning Social Democrats.<sup>35</sup> In 2006, he was joined by another Romani member, Saban Saliu from the Roma Union, which went into coalition with VMRO-DPMNE, but the two were on different sides of the house and did not co-operate. In 2008, Mustafa was again re-elected, along with newcomer Amdi Bajram, but left to become Minister without Portfolio and Coordinator for the Decade of Roma Inclusion. He was replaced by the next person on the list, who was not Romani.

In the 2011 elections, the Union of Roma of Macedonia, the Party for Integration of Roma, and the Democratic Forces of Romas went into a coalition with VMRO-DPMNE. The Party for the Total Emancipation of Roma went into a coalition with the Social Democrats.<sup>36</sup> Neither Mustafa nor Saliu was re-elected to the Assembly (although Mustafa remains Minister without Portfolio and Coordinator for the Decade of Roma Inclusion and Saliu heads the Directorate of Protections and Rescue). Amdi Bajram, who had been the sole Romani MP in the previous legislative session (as a member

of the Democratic Progressive Party of the Roma in Macedonia), was re-elected, this time as a member of the Union of Roma of Macedonia.<sup>37</sup> Another Romani individual, Samka Ibrahimovski, was elected as a member of the Party for the Total Emancipation of Roma.<sup>38</sup>

During debates over the electoral reform prior to the 2008 elections, a proposal was introduced to create reserved seats for Roma, Turks, Serbs and Vlach – 10 seats for the four communities combined – but it was not successful. Perhaps one reason why reserved seats have not been deemed necessary is because other provisions encourage representation of minorities in the parliament. The Ohrid Framework Agreement that ended the country’s civil conflict in 2001 stipulated that ethnically related proposals in the National Assembly (and later on in the city councils and other local government bodies) should be supported by a majority of both major ethnic groups – Albanian and Macedonian. Often called the “Badinter principle” after one of the Agreement’s drafters, this later became enshrined in the country’s constitution and subsidiary laws, which require that certain legislative proposals can pass only with a majority of the representatives of the ethnic minorities in the parliament. While this primarily affects the much larger Albanian community, it does create an incentive to elect Roma and other minorities in order to achieve the necessary ethnic minority vote on key pieces of legislation.

The Ohrid Agreement also stipulates that one individual out of the group of MPs identifying themselves as Roma sit on the Committee for Relations among Communities. This Committee, a body parallel to the Assembly that deals especially with minority issues, has powers concerning voting on parliamentary issues related to minorities, and can decide to call a re-vote on such issues if a vote is “unsuccessful or questionable”. If no Romani MP is elected, the Roma are represented on the Committee by the People’s Public Attorney.

32 *Ibid.*

33 Agon Maliqi, “Comparative Study of Electoral Systems in South-East Europe”, *Kosovar Institute for Policy Research and Development*, July 2011, [http://www.kipred.org/advCms/documents/69697\\_Electoral\\_Reform.pdf](http://www.kipred.org/advCms/documents/69697_Electoral_Reform.pdf), 7-8.

34 Svetimir Skaric, “Ohrid Agreement and Minority Communities in Macedonia”, *FES Macedonia*, 2004(?), available at: [http://www.fes.org.mk/pdf/SVETOMIR\\_SKARIC - OHRID AGREEMENT AND MINORITY COMMUNITIES.pdf](http://www.fes.org.mk/pdf/SVETOMIR_SKARIC - OHRID AGREEMENT AND MINORITY COMMUNITIES.pdf), 99-106.

35 Assembly of the Republic of Macedonia, *Results from the Parliamentary Elections Held on 5th June 2011*, <http://www.sobranie.mk/en/default.asp?ItemID=3117B2594B76DA4DA19ACBC1D4FAE5CE>.

36 *Ibid.*

37 *Ibid.*

38 *Ibid.*

Even with these provisions and with a consistent presence in the parliament, the election of one or two MPs out of 123 leaves Roma underrepresented proportionate to their size. Furthermore, the Roma who have been elected have not always been effective at introducing legislation to benefit their constituency or at raising Roma issues in parliamentary debate. However, by strategically utilising the Badinter majority on key votes and leveraging the political capital gained in the election campaign to land a higher position in government, Roma can have decisive input into policy that directly affects them. If Roma were to develop stronger civic activists and NGOs, they might significantly increase their influence in the parliament and hold representatives of all ethnic groups accountable to deliver to their constituents. Unfortunately, Roma in Macedonia, like those in the rest of the region, are plagued by divisions and infighting. Any increase in the number of Roma serving in parliament or advocating for better laws would need to be accompanied by improved co-operation on practical issues of common interest. Otherwise, Romani MPs, no matter what their number, will not do a better job of serving their constituents than their *gadje* counterparts.

## Impact and Determining Factors

In the realm of electoral politics, one of the most important factors of course is the overall electoral system – proportional representation versus single-district constituencies, closed versus open lists, and electoral thresholds. Closed party lists, for example, can leave Roma without much leverage to gain higher positions on the candidate lists, whereas preferential voting can allow them to tap into their communities to bring in votes and climb to an electable position. Single-seat districts, when they include a high enough percentage of Roma, can similarly provide Romani candidates with a direct tie to their voters, although this system can work against Roma when Roma are highly dispersed or districts are constructed to favour a different constituency. The size of the Roma population compared to the general population in each country can impede the ability of Roma to pass an electoral threshold without special provisions. A large Roma population, particularly one that is able to mobilise the community and deliver votes on election day, can help Romani candidates and coalition partners to demonstrate their value to mainstream parties and thus improve their bargaining power.

Laws governing party finance and registration, when they are too restrictive, can significantly weaken the ability of Roma to form parties that are representative of their interests and can compete for seats. Other legal frameworks governing minority participation and approval for relevant legislation can provide incentives for mainstream parties to include Roma in their ranks or in coalitions and strengthen the hand of minority parties to represent their communities.

Finally, the level of democratic development in each country is of great importance. The absence of democratic institutions and traditions lessens the effectiveness of any elected representation, but particularly for communities such as the Roma, who are already marginalised. A strong civil society and active citizens' participation in politics, as well as transparency and accountability mechanisms within parliament, are all critical to ensuring the effectiveness of those Roma who are elected, as well as the non-Roma parliamentarians who serve Romani constituencies. Obviously, a tradition of inter-ethnic tolerance and co-operation can lessen the need for reserved seats, as Roma can potentially find their way onto mainstream party candidate lists or work in coalition with mainstream political parties.

## Conclusions and Recommendations

Electoral mechanisms such as reserved seats and lowered thresholds are designed to ensure some level of representation of Roma and, generally speaking, are an effective means of guaranteeing at least a minimal number of Roma in elected office. However, these mechanisms often suppress representation beyond a certain number, effectively limiting Roma in their parliamentary aspirations. Moreover, while they may achieve some quantitative representation, these measures in and of themselves cannot speak of the quality of that representation, as they do not address the multitude of political obstacles that Roma confront.

Competition is what drives elections. When parties do not have to compete for Roma votes – either because they have cornered the market on the reserved seats or because Romani voters themselves are vulnerable to manipulation – the quality of representation suffers. Without competition, the incentive for parties and MPs to serve the public interest rather than their own is significantly lessened. Elections should be the ultimate accountability mechanism to give

politicians a thumbs up or thumbs down, but only if voters exercise their rights based on the performance of public officials and debate on public issues rather than short-term financial gain. Effective chains of accountability are needed – both within Romani and other political parties and by civil society – to ensure the quality of that representation.

Laws governing party finance, registration, and the designation of minority political parties and groups can counteract the effectiveness of reserved seats by effectively endowing one party with a monopoly, and thus removing the key element of competition for votes. Even in systems that build in a competitive component to reserved seats, ethnically based parties feel little need to conduct issue-based outreach to voters who are disengaged from politics and are easily manipulated at the ballot box.

Many mainstream political parties fear alienating their base by catering to Romani voters more than they desire the additional Romani votes that they believe can be easily and cheaply bought. Without effective activism on the part of Romani communities to hold their elected representatives accountable, members of parliament from any ethnicity or political party are unlikely to do a good job of serving this under-served constituency.

Reserved seats and favourable mandates would be unnecessary in systems in which the Roma population was large enough and influential enough to require political parties to compete for Roma votes in order to gain a majority. Without the votes that they need to win on their own, Roma are resigned to being junior partners at the mercy of larger coalition parties, or running as candidates of mainstream political parties. In either scenario, Roma issues can get lost behind larger party or coalition priorities and Roma candidates can be easily relegated to the bottom of the list unless an incentive exists to place them higher or preferential voting allows them to move up. Coalition agreements are often more about horse trading and patronage than policy, and thus encourage corruption and

self-interest unless an active civil society or party membership intervenes. Nonetheless, coalitions are generally a path to representation for Roma in parliament and positions in government where they have more influence.

Regardless of whether they are in ethnically based parties or on mainstream party lists, Roma candidates need to be trained in campaign and other political skills so that they can participate effectively. And once Roma attain office they need to have the skills to perform. Because of discriminatory attitudes and their relative lack of access to education and resources, Romani elected officials face additional hurdles and often find themselves in positions for which they have had little preparation. Established Romani leaders should work to ensure the engagement of young Roma, who often feel that they do not have a place in efforts led by more traditional and sometimes entrenched elders. Preparing the next generation is a way to build a sustainable flow of Romani activists who can then engage new Romani leaders.

Most countries in the region, whether they have reserved seats, lowered thresholds, or no incentives at all, have had a relatively consistent level of parliamentary representation of Roma, with the glaring exception of Slovakia, which was not examined here but just elected its first and only Romani MP in 2011. That Roma have the opportunity to serve in their national legislatures is commendable. That they remain underrepresented proportionate to their population size is regrettable. That the few Roma elected to parliament have accomplished so little in the way of significant change is an indication that quality is as important as quantity in terms of political representation and that a multi-faceted assistance approach is needed to simultaneously improve civic activism and good governance among Roma. Finally, that Romani representatives have entered the corridors of government and parliament even without special provisions, and are making themselves heard in capital cities across Europe, is a sign of political evolution in the Roma community and a reason for considerable optimism.



# The Trends in the Participation of Romani Candidates in Elections in Slovakia

TOMÁŠ HRUSTIČ<sup>1</sup>

Most of the data presented in this paper come from the National Democratic Institute's archives and the author's own research in this field.<sup>2</sup> In 2004 the National Democratic Institute for International Affairs (NDI) launched a regional initiative aimed at Roma political participation in Bulgaria, Romania and Slovakia. With funds from the National Endowment for Democracy (NED), and supplementary support from the U.S. Agency for International Development, the Open Society Institute (OSI), the Council of Europe, and Bureau of Democracy, Human Rights and Labor at the U.S. Department of State, NDI has expanded this initiative, which now includes Roma in Albania, Bulgaria, Hungary, Kosovo, Macedonia, Romania, Serbia and Slovakia. The goal of these programmes is to develop skilled Roma activists who will be able to participate in all levels of politics and to be engaged in civil society, in order to influence policies, run for elected office, and govern effectively.

In this paper several trends in Roma political participation will be analysed through examples of their participation in local, regional and national elections in 2005-2006 and 2009-2010 in Slovakia. The comparison of the election participation from the perspective of two election cycles creates a broader picture, which can grasp a few trends that might be significant for Roma election participation in the future. The sequence of elections presented in this article

is in chronological order, with the aim of following the developments of Roma election candidates over time. Thus the elections to regional parliaments in 2005 and 2009 will be analysed first in this article, followed by parliamentary elections in 2006, 2010 and 2012 and concluded by elections to municipal councils in 2006 and 2010. In some instances there are also data from previous elections, in order to make the picture broader; however, these data are only partial and cannot be considered to be comprehensive.

On the one hand, quantitative data such as the number of candidates, number of votes gained and exact results will be analysed. On the other hand, softer data (from a qualitative perspective) will be taken into serious consideration, too, because information about the quality of campaigns and voters' outreach and capacities to enter coalitions with non-Roma mainstream political parties and ability to attract non-Roma votes can be also seen as progressive trends in Roma political participation.

## Regional elections<sup>3</sup>

There were 39 Romani candidates in the 2005 regional elections for the parliaments of eight administrative regions in Slovakia.<sup>4</sup> From that number there were six Romani women

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- 2 The author has worked on the programme of Roma political participation since March 2006. The author is also a researcher at the Institute of Ethnology at the Slovak Academy of Sciences. The final writing of this paper was also enabled thanks to the VEGA Grant (no. 2/0014/11 "Roma in majority society: the research of models of mutual cohabitation") of the Institute of Ethnology at the Slovak Academy of Sciences.
- 3 Slovakia is administratively divided into eight regions (higher territorial units: the Slovak abbreviation is VUC) and 2,891 municipalities, each region being composed of several electoral districts. Every district is assigned a specific number of mandates based on its population size. Political parties and coalitions nominate candidates for the VUC according to the number of mandates per district. At the same time, voters from all of the districts in the particular region choose one candidate for the head of their region (VUC) on a separate ballot.
- 4 Interestingly, there were 126 Romani candidates running in the first regional elections after decentralisation reform in 2001. Several factors may have contributed to such a dramatic decrease in 2005: the overall failure of Romani candidates to get elected in 2001 and the resulting disappointment with regional politics, a decrease in the number of active Roma parties, and agreements between parties to support each other's candidates. See Zuzana Dzurikova, *Roma Participation in the 2005 Slovak Regional Elections* (Washington, DC: National Democratic Institute for International Affairs, 2006), available at: [http://www.ndi.org/files/1977\\_sk\\_roma\\_011806.pdf](http://www.ndi.org/files/1977_sk_roma_011806.pdf). For a detailed description of Roma participation in regional elections in 2001, see Michal Šebesta, "Rómska politická scéna", in M. Vašečka, ed., *Čačipen pal o Roma. Súborná správa o Rómoch na Slovensku* (Bratislava: Inštitút pre verejné otázky, 2002), 308.

running. Seven of these candidates were independents, 22 were running on the ticket of the Roma Coalition Party in the Slovak Republic (Strana rómskej koalície na Slovensku),<sup>5</sup> and nine were running on the ticket of mainstream parties.<sup>6</sup>

The number of Romani candidates increased in the 2009 regional elections. Approximately 80 Romani candidates ran. Most of these candidates were running on the lists of two Roma political parties. The newly established Party of Roma Coalition (Strana rómskej koalície – SRK) nominated 46 candidates, and the Roma Initiative in Slovakia (Rómska iniciatíva Slovenska – RIS) put 23 Romani candidates on their lists in different regions in Slovakia. At the same time there were also several Romani candidates running on the ticket of smaller mainstream parties, such as Most-Híd, Free Forum (Slobodné fórum – SF), Agrarian Party (Agrárna strana vidieka – ASV) and as independent candidates. From among the known Romani candidates there were 13 women. It is disputable whether the increased number of Romani candidates in 2009 also means a positive trend in Roma political participation. For example, in 2005, as there were fewer candidates, there was a smaller split among the Roma vote, which in previous elections decreased the chances of Romani candidates.<sup>7</sup>

In 2005 none of the Romani candidates was elected. The first Romani candidates were elected to regional parliaments in Slovakia in 2009. Miroslav Dano in Vranov and Toplou district (Presov region) ran for the SRK and Gejza Milko in Rožnava district (Kosice region) ran on the list of Vladimír Meciár's Movement for Democratic Slovakia (HZDS-DS). Both elected representatives were rather unknown figures in the Romani political and activist milieu. However, they became the first Roma elected to regional parliaments in Slovakia, and their success raised hopeful voices that they would be more visible advocates for Romani communities.

Interestingly, we can also see some progress in the amount of votes that all Romani candidates were able to receive in regional elections. In 2005 five Romani candidates earned more than 1,000 votes each, as compared to only one candidate in the 2001 elections. However, in 2009, already 13

Romani candidates received over 1,000 votes each. This increase could mean that several Roma leaders confirmed their solid standings in their respective districts and regions and even a few new and upcoming leaders were able to gain decent support from their communities, although they had not been elected in previous elections.

The progress of Romani candidates can be seen from examination of a few cases: for example, in 2005 the most successful Romani candidate, Peter Pollak, became the first alternate for the Kosice regional parliament. Pollak received 1,757 votes (15% of all Roma votes in his district) and he was only 178 votes away from receiving a seat representing the district of Spisska Nova Ves. However, his campaign (and also the campaign of a few other Romani candidates) and results “marked a significant improvement from the previous election and indicated a positive trend toward future electoral success”.<sup>8</sup> Pollak had elaborated a solid election programme addressing the needs of Roma communities with regard to the competencies of regional level offices. He was able to recruit almost 70 volunteers from Roma settlements in the district who helped him in his campaigning. His campaign team introduced direct communication with voters and a door-to-door campaign, which turned out to be very successful. This was the first systematic door-to-door campaign in Roma communities in Slovakia. Even though he was not elected, this campaign and its result were recognised by many Roma and non-Roma organisations in Slovakia.

In the regional elections in 2009 Peter Pollak ran for the second time, leading a similar campaign, and improved in a few respects. Moreover, this time Pollak and his campaign team members shared their experiences with several other Romani candidates in other regions and districts in Slovakia. There were Albin Cina from Bardejov district, Radoslav Scuka from Kežmarok district, and Ladislav Duda in Sabinov district, all of them running for a seat in the Presov regional parliament. There was also Vladimír Sendrei, a renowned Romani musician, running for a seat in Banská Bystrica region for his district of Poltar. What proved to be successful for one

5 This Roma political party does not exist anymore, although its name resembles that of the present-day Party of Roma Coalition, which is a different political party.

6 Five of the nine ran for the liberal ANO party (Alliance of New Citizens), which is also non-existent presently. The party was in government coalition from 2002 to 2005 in the first government of Mikuláš Dzurinda.

7 Dzuriková, *Roma Participation in the 2005 Slovak Regional Elections*.

8 *Ibid.*

Romani candidate in 2005 was successful also for other candidates in 2009: more Romani candidates developed their campaigning around solid election programmes and platforms, and relied on direct and targeted communication with voters and systematic door-to-door canvassing, including the most impoverished communities. All these candidates also promoted free and fair election campaigns, emphasising to their voters that selling their votes would not lead to change for their children. Despite this endeavour, none of these Romani candidates was elected,<sup>9</sup> even though Peter Pollak had received an even larger percentage of votes than in 2005.<sup>10</sup> Similarly, other candidates employing fair election campaigns based on direct communication with voters received a significant amount of votes. For example, Albin Cina,<sup>11</sup> in his campaign networking Roma local councillors and leaders from all Roma municipalities in Bardejov district, became the most successful Romani candidate in that region ever. Cina received almost 30% of all Roma votes in the district. Similarly, Vladimir Sendrei (Poltar district), and Radoslav Scuka ran similar campaigns, mobilising Romani voters and receiving significant numbers of votes. Radoslav Scuka received 1,104 votes in the 2009 elections compared to his 352 votes in the same district in the 2005 elections. However, the numbers of votes were not sufficient to get elected. Nevertheless, Scuka's door-to-door campaign strategy mobilised many Romani communities in the district.

As already indicated, in the 2009 regional elections more Romani candidates focused on direct communication and door-to-door campaigning. The candidates and their teams were successful in applying these techniques, and it proved to be an effective strategy. Another positive fact is that large numbers of young, new Romani activists assisted with the election campaigns, which enabled them

to get necessary experience for their future campaigns. And despite massive vote-buying in Romani communities in Slovakia (by major political parties and several Romani candidates), some Romani candidates running in the elections led democratic campaigns and refused to participate in vote-buying and other unethical campaign behaviour. The results achieved (the number of votes won) prove that Romani constituents can vote without being “bought,” which sends a positive signal to all candidates who would like to opt for fair election campaigns. On the other hand, there were also many “successful” examples of vote-buying, especially in segregated Roma settlements, making it an attractive and effective tool for securing votes from impoverished communities.

The trends in regional elections in Slovakia suggest a few recommendations for future Romani candidates. All candidates campaigning in Romani communities must focus part of their energy on the prevention of vote-buying, especially in extremely poor, marginalised, and socially segregated communities. Otherwise, candidates will face disappointments in the last stages of the campaign by losing votes in these constituencies. As several examples of Romani candidates showed, the chances of getting elected to regional parliaments will be increased if Romani candidates also target non-Romani voters. In several cases this trend was proven, as the most successful Romani candidates also received votes from non-Romani voters in their respective districts.<sup>12</sup> Romani candidates should also focus on direct communication with voters and door-to-door campaigning in order to mobilise greater numbers of voters. At the same time, in order to increase their chances, Romani candidates could also consider more systematic cooperation with mainstream political parties. This is especially important if the trend of increasing voter turnout continues, making it increasingly more difficult to get elected as independent candidates.

9 Surprisingly high voter turnout played a significant role in the 2009 election results. Although all pre-election surveys and polls predicted a 15 to 20% turnout, the numbers reached almost 25 to 30% in some regions, as mainstream political parties mobilised their voters in a span of a few hours before the polling stations were closed. Unfortunately, this meant that many candidates that were running independently or were affiliated with smaller political parties were not elected.

10 Peter Pollak received 1,986 votes (the last elected candidate had 2,254 votes). Pollak achieved a better result than four years previously, gaining almost 300 votes more. There was also a really aggressive campaign against Peter Pollak in the Spis region by other Romani candidates, which almost reached the point of absurdity when rumours spread around during the election day that Pollak had been arrested for vote-buying and other misconduct and therefore it was useless to vote for him.

11 Albin Cina received 1,369 votes (the last elected candidate had 3,352 votes). Albin Cina ran in an extremely difficult district for a Romani candidate to be elected; however, he was able to mobilise and work with Romani voters from all parts of the district. Cina and his dedicated team of volunteers from segregated settlements based their campaign on direct communication. According to official statistics, out of approximately 5,000 Romani voters in the district, Cina was able to get almost 30% of their votes, which is indeed a remarkable outcome.

12 For example, Pollak got almost 300 votes from non-Romani voters without targeting them specifically in his campaign.

## Parliamentary Elections<sup>13</sup>

Under the present electoral system in Slovakia it is very difficult for Roma representatives to get elected to the National Council unless they run high enough on the list of a mainstream political party. In the modern history of the Slovak Republic there was no Roma MP in the Slovak parliament until the national elections in 2012. There are no reserved seats for minorities, and a political party has to receive the threshold of 5% of votes nationwide to get elected to the parliament. Roma political parties have in general the support of far less than 1% and there were not many Roma active in the structures of mainstream political parties in the past.

There were two Roma political parties running in the parliamentary elections in 2002: the Roma Civic Initiative (Rómska občianska iniciatíva – ROI), which nominated 91 Romani candidates, and the Political Movement of Roma in Slovakia (Politické hnutie Rómov na Slovensku – ROMA), which tried to unify several smaller Roma political parties and nominated 44 candidates. Their results were, however, predicted by pre-election polls, with ROI receiving 0.29% of votes and ROMA 0.20% of the total votes. There were also a few Romani candidates running for mainstream political parties. The Party of Hungarian Coalition (Strana maďarskej koalície – SMK) nominated three Roma on relatively high spots on its ticket, between 30<sup>th</sup> and 40<sup>th</sup> place, the Movement for Democratic Slovakia (Hnutie za demokraticke Slovensko – HZDS) nominated one Romani candidate in 75<sup>th</sup> place on the list, and one Rom was running on SMER's (SMER – Social Democracy) list in 144<sup>th</sup> spot on the list.<sup>14</sup>

If we look closely at the 2002 and 2006 parliamentary elections, we will see that the number of Romani candidates on mainstream party lists increased from five in 2002 to 12 in 2006,<sup>15</sup> while no Roma political party ran in

the 2006 elections. However, out of these 12 candidates in 2006, only three ran on the ticket of a party that had a slight chance of reaching the parliamentary threshold, the Free Forum (Slobodne fórum – SF) and were placed very low on the list, with practically no chance of being elected. Others ran on the ticket of the Movement for Democracy (Hnutie za demokraciu – HZD), established by Slovak President Ivan Gasparovic. This party included several Roma on its candidate list,<sup>16</sup> but according to most of the pre-election polls the party had extremely low chances of passing the threshold. Roma running on the HZD list were not united around a single Roma faction or a set of issues; they were local leaders and activists representing various regions and backgrounds. There were also some other Romani candidates running on the lists of a few other marginal mainstream political parties. Neither SF nor HZD were close to passing the parliamentary threshold. The amount of preferential votes for these Romani candidates was also very poor, with the highest number of 897 preferential votes for the famous musician Jan Berky on the list of HZD.

However, Romani candidates could see a slight progress in the parliamentary elections in 2010, when more Romani candidates were running on the lists of mainstream political parties, with a better chance of getting seats in the Slovak parliament, such as the Christian Democratic Movement (KDH) or Most-Hid, the newly established political party formed by Hungarian minority politicians declaring their intention to build bridges among minorities and ethnic groups in Slovakia. The results of Romani candidates were also better, even though no Roma came close to receiving enough preferential votes. Valeria Lakatosova, the highest-ranked Romani candidate and highest-ranking Romani woman on the mainstream ticket of all Slovak mainstream political parties, with the 29<sup>th</sup> spot on the Christian Democratic Movement's (Kresťansko

13 Slovakia's unicameral parliament is elected through a proportional representation system with a 5% threshold. There is one nationwide electoral district, with a polling district for approximately every 1,000 people. Slovakia has a party-list system with preferential voting. In addition to choosing a party list, voters have the option of casting preference votes for a maximum of four candidates. For candidates to improve their position on the list they must receive at least 3% of all the preferential votes cast for candidates from their party. See Zuzana Dzurikova and Tomas Hrustic, *Roma Participation in the 2006 Slovak Parliamentary Elections* (Washington, DC: National Democratic Institute for International Affairs, 2006), available at: [http://www.ndi.org/files/2076\\_sk\\_roma2006elections\\_100106.pdf](http://www.ndi.org/files/2076_sk_roma2006elections_100106.pdf).

14 Pavel Pečínka, *Romske strany a politici v Európe* (Brno: Doplněk, 2009), 60-61.

15 It is important to note that it is impossible to identify the exact number of Romani candidates, as no such statistical information exists. Only candidates that officially declared themselves as Romani are included in these figures. All of the information that NDI offers in this report was gathered through personal and informal contacts, the *Romano Nevo Lil* paper (552-556) and other additional sources, and as a result may be incomplete.

16 Among HZD's Romani candidates was the famous musician Jan Berky, who was tenth on the party list. This marks one of the highest positions that a Romani candidate has ever held on a mainstream political party ticket.

demokratické hnutie – KDĤ) list, received 2,254 preferential votes, which is a remarkable result for a Romani woman. KDĤ received in total 215,755 votes nationwide, which creates 8.52% of all votes cast in Slovakia. Most-Hid nominated four Romani candidates. Stanislav Vospalek who was placed on the 30<sup>th</sup> position on the list, received 1,109 votes, and Peter Pollak, from the 40<sup>th</sup> position on the party's list, received 2,139 votes nationwide, which made him the strongest Romani candidate within this party. Two other Romani candidates placed lower on the list received a significantly lower amount of votes (Richard Danis 870 votes and Jozef Brindzak 148 votes). Most-Hid received 205,538 votes nationwide, which was 8.12% of all votes, and this result secured the party's place in the parliament and also in the government coalition formed after the elections. Two Romani candidates were also running on behalf of Vladimir Meciar's Movement for Democratic Slovakia (Hnutie za demokratické Slovensko – HZDS). Gejza Milko, who was also elected to the regional parliament in the 2009 regional elections, received 5,716 votes nationwide, and Ladislav Gazik received 1,407 votes. However, there were alleged speculations that HZDS had organised vote-buying in many places around Slovakia in Roma communities.<sup>17</sup> A few Romani candidates ran also for other minor non-Roma parties, without any significant result. The only Roma party that ran in parliamentary elections in 2010 was the Party of Roma Coalition (SRK), which nominated 120 Roma on its list. In total this party received 6,947 votes nationwide, which was a result of 0.27%.

The most visible and vocal campaign by a Romani candidate in the parliamentary elections in 2010 was the campaign of Peter Pollak, who ran on the list of the Most-Hid party. Pollak ran twice in regional elections (2005 and 2009), and was able to put together a team of skilled volunteers and planned to build on his previous experience and campaigns. In a national campaign he planned to target mostly Romani voters, and believed that he would get enough preferential votes (estimates were around 7,000–10,000, which should be enough to get elected to

the parliament), uniting other strong Romani candidates from regional elections and using the skills of their teams and volunteers, which would enable him to get elected to parliament. However, although Peter Pollak was not elected (for several reasons), he achieved the best result of all Most-Hid candidates from the Presov region.<sup>18</sup> Pollak and his team again focused on fair and democratic elections. During the election day many Romani voters asked Pollak's team members for financial or other incentives in exchange for their votes, and rather than buying those votes, the campaign team tried to explain to these Roma that by selling their votes, they were preventing the election of a Romani candidate. In this environment, the mobilisation and “get-out-the-vote” (GOTV) efforts resembled a civic education campaign against vote-buying rather than an election campaign *per se*.

The results of Romani candidates in the 2010 parliamentary elections confirmed that national elections are different from regional elections also in the manners of voters' behaviour and decision-making process and in the electoral system, which strongly affects all candidates. For example, Peter Pollak was able to receive almost 2,000 votes in regional elections in one district, while he had received only 399 votes in the same district in the parliamentary elections. The reason for this drastic decrease could lie in the fact that in regional elections voters could vote for more candidates across the political spectrum,<sup>19</sup> and in parliamentary elections they had to choose only one specific political party.<sup>20</sup> Interviews with Romani voters during the election day revealed that many of them declared that they would vote both for a Romani candidate and for a mainstream political party, for example SMER-SD, or SDKU-DS. Then they discovered that this double vote was not possible and that they had to make a decision. As the results confirmed, many Roma voted for SMER-SD, represented by Robert Fico – or to a lesser extent for other political parties – rather than for a Romani candidate. Many Romani voters showed strong support for Fico and SMER during the

17 Vote-buying by this political party was allegedly reported also by the media during the election day: <http://korzar.sme.sk/c/5419913/poslanecky-kandidat-za-hzds-priznal-zvazanie-volicov.html>.

18 The party's regional branch president Marian Straka got only 370 votes, and other candidates from this region received a similarly low number of votes. Pollak became the strongest Romani candidate in the party. Stanislav Vospalek – one of the party's founding members, with a higher place on the party list – got 1,180 votes.

19 There is just one ballot in regional elections, and voters can choose several candidates from the list regardless of their party affiliation. Thus they can vote for a given number of candidates, choosing from different political parties or from independent candidates at the same time.

20 Each political party has one separate ballot. It is not possible to vote for candidates placed on different ballots.

election day, and they appreciated SMER's social rhetorical messages. This confirms that on a national level Romani voters opted for reassurance and an established and strong politician rather than for the new and unknown possibility of having a Romani candidate in the parliament. This trend was also indicated in a poll of Roma political participations that NDI conducted in Slovakia in 2005,<sup>21</sup> which confirmed that in national elections Roma tend to vote for strong mainstream political parties. Conversely, in local and regional elections Roma tend to decide according to the reputation of specific candidates.<sup>22</sup> Romani candidates should focus on developing strong programmes and messages but should also target more non-Romani voters. As Pollak's 2010 campaign indicated, there are many non-Roma who would support a strong Romani candidate running on the list of a mainstream political party.

Two years later, after the Slovak government collapsed, new elections were scheduled for 10 March 2012. Compared to the elections in 2010 we can see significant progress in including Romani candidates on the mainstream parties' lists. The newly established party called "Ordinary People – Independent Candidates" (OLaNO) placed a Romani candidate at number 8 in their candidates' list, which was a historical placement of a Romani candidate on a mainstream party list (here meaning a mainstream party with a chance of reaching the 5% threshold) for parliamentary elections in Slovakia. There were also other Romani candidates running for OLaNO. Again, a famous Romani musician, Igor Kmeto, was in 22<sup>nd</sup> place on the list, and two other Romani candidates, Marcel Koky and Albin Cina, were placed 84<sup>th</sup> and 88<sup>th</sup> respectively. Most-Hid nominated seven Romani candidates, with the highest place for a Romani woman activist, Ingrid Kosova from Zvolen, who ran as number 29 for this mainstream party. Other Roma were placed lower on the list. There were also two Romani candidates running on the ticket of the Christian Democratic Party (KDH), Miroslav Banik as number 50 and Alexander Patkolo, Jr., as number 100. Four candidates were running on the ticket of the Hungarian Coalition Party (SMK), lower on their election list. Interestingly, Vladimir Meciar's Movement

for Democratic Slovakia (LS-HZDS) nominated 9 Romani candidates, with a regional MP from Kosice region, Gejza Milko, as number 15 and a second Roma regional MP from Presov region, Miroslav Dano, as number 50. There was also a Romani woman and renowned journalist, Denisa Havrlova, running on the ticket of the former Free Forum party (SF: "We are doing it for children").

From the total of 24 running parties, there was just one Roma ethnic party running (from the existing three Roma parties). The Union of Roma in Slovakia (URS), led by Frantisek Tanko, was a relatively young party, established in 2010. Taking into account the results of Roma parties in the previous elections in Slovakia, it again seemed highly probable that URS would not be able to achieve a significant result.

As for the results, Peter Pollak received 6,072 votes, which is the highest number of votes for a Romani candidate in Slovak history, comparing all types of elections. Peter Pollak was elected to the Slovak parliament as the first Roma since Slovakia's independence in 1993. Other Romani candidates did not achieve significant results. Pollak's colleague Igor Kmeto from the OLaNO party received 1,692 votes, Albin Cina from the same party 618 votes and Marcel Koky 442. Ingrid Kosova, running for Most-Hid, received 846 preferential votes. Miroslav Banik, running for KDH, received 1,045 votes and Alexander Patkolo, Jr., 415 votes. As for the only Roma party running in these elections, the Roma Union in Slovakia, they received 2,891 votes nationwide, making 0.11% of votes.

These results show that a Romani candidate has a serious chance of getting elected to the Slovak parliament only if he or she runs on the ticket of a strong mainstream political party that places the candidate high enough on the list. Peter Pollak, using the skills and applying the lessons learned from previous unsuccessful national campaigns, was able to build a good working team and enjoyed significant support from his political party, which helped him to conduct a successful winning campaign, targeting not only middle-class Roma but also many non-Romani voters.

21 The primary purpose of the poll was to better understand the factors that affect the quality of political participation among Roma of voting age in Slovakia and to measure and identify the level of political awareness among Roma, the nature of political participation of Roma (voting patterns, activism, past electoral behaviour, factors influencing the choice, etc.), the confidence of Roma in public institutions and political leaders, and the sources of political information. For results, see [http://www.ndi.org/files/1901\\_sk\\_romapresent\\_090105.pdf](http://www.ndi.org/files/1901_sk_romapresent_090105.pdf).

22 *Roma Political Participation and Public Opinion Survey – Slovakia 2005* (Washington, DC: NDI), Slide 22.

## Local Elections<sup>23</sup>

According to the Roma political participation and public opinion survey, municipal governments are the most trusted forms of government among Roma in Slovakia.<sup>24</sup> With the government decentralisation reforms there are also many competencies that empower local governments with tools for addressing many problems of local Roma communities. The local level of government is thus crucial for many communities. At the same time, as the past local elections in Slovakia show, it is also quite accessible for many Romani candidates.

The number of Romani candidates is increasing with every local election in Slovakia. The statistical estimates indicate that the number of Roma running in local elections and the number of Roma elected to municipal councils grows constantly. For example, in the local elections in 1998 there were 254 Romani candidates running, 56 Roma were elected to municipal councils and 6 Roma were elected to mayoral offices.<sup>25</sup> In the elections in 2002 the number of Romani candidates increased to 756, and 158 Roma were elected to municipal councils.<sup>26</sup> In the local elections in 2006 there were more than 1,600 Romani candidates running and more than 220 Roma were elected to local councils.<sup>27</sup>

And according to recent estimates, there were many more Romani candidates running in the 2010 local elections, too.

In 2010 Roma ran as candidates on the lists of the three Roma political parties,<sup>28</sup> on the lists of many mainstream political parties (SMER, SDKU-DS, Most-Hid, HZDS and others), or as independent candidates. It is very problematic to estimate even rough numbers of Romani candidates for election to municipal councils in 2010; no precise statistics were collected. According to the internal estimates of NDI, the number of these candidates could be twice those of 2006. Roma aimed to be elected also as municipal mayors. According to NDI estimates, the number of Roma mayoral candidates almost doubled from the 60 candidates in 2006 to approximately 120 in the 2010 elections.

As for the results, there were 29 Roma mayors elected in Slovakia,<sup>29</sup> in comparison with 19 in the 2006 elections. Most of these mayors were elected in eastern and central Slovakia. Moreover, there was a Romani woman elected as mayor in Lomnicka (Maria Orackova). Mrs Orackova thus became the first Romani woman elected to the office of mayor in Slovak history. Compared to the local election results in 2006, Slovakia also witnessed more Roma councillors being elected to municipal councils. Approximately 330 Roma were elected to municipal councils in Slovakia (in comparison with approximately 220 in 2006). Interestingly, 121 of these elected Roma councillors ran for Roma political parties (SRK, RIS, SSS and their coalitions) and the rest of them ran for mainstream parties or as independent candidates. This means that more Roma were elected

23 Elected political representation in each municipality consists of members of a municipal council and the mayor. In practice, every city, town or small village in Slovakia represents one municipality, and that is also the reason for the big diversity in the number of elected seats for representatives in different municipalities. For example, there are some municipalities that have fewer than 100 inhabitants in which a municipal council is elected, while big cities such as Presov, Poprad, Banska Bystrica and others also have only one municipal council. The only exceptions are Bratislava and Kosice, which have one city council each, as well as other councils representing individual city districts (boroughs). Each borough has a separate elected mayor, in addition to the main city mayor for Bratislava and Kosice. Thus the voters in Bratislava and Kosice vote on four ballots: they will elect their city mayor, city councillors, borough mayor and borough council members. The voters in all other municipalities vote for just one municipal mayor and members of one municipal council. The number of seats in individual municipal councils varies according to the number of inhabitants: from three to more than thirty in big cities. All voters are eligible to run in local elections either as candidates of a political party or coalitions of political parties, or as independent candidates. Political parties can nominate their candidates for all municipalities. Independent candidates have to collect signatures in a petition to get registered – the number of signatures needed for registering as an independent candidate varies according to the size of the municipality: from 10 to 400. The candidates for seats on an individual municipal council are listed on one ballot in alphabetical order regardless of their political affiliation. Voters can select as many candidates as the number of seats in that particular municipal council.

24 *Roma Political Participation and Public Opinion Survey – Slovakia 2005* (Washington, DC: NDI), Slide 40.

25 Šebesta, “Rómska politická scéna”, 308.

26 Pečínka, *Romske strany a politici v Európe*, 61.

27 According to the research of NDI and *Romano novo Lil*.

28 Roma Initiative in Slovakia (RIS), the Party of Roma Coalition (SRK) and the Party of Social Solidarity (SSS).

29 Five of these Roma mayors were elected for the Party of Roma Coalition (SRK), four of them ran for LS-HZDS, four were elected as Most-Hid candidates, four ran for SMER-SD, two ran for SDKU-DS, two ran for the Roma Initiative in Slovakia (RIS), two ran as independent candidates, one ran for the Hungarian coalition party (SMK) and one ran for a small non-parliamentary party, Movement for Democracy (HZD). Four Roma mayors were supported by coalitions of political parties.

as candidates of mainstream parties, and it clearly demonstrates that many Roma have a strong potential to be equal partners and members of mainstream political parties and they can successfully enter the negotiating process with the representatives of mainstream parties' local structures.

The 2010 local elections in Slovakia saw a significant increase both in the number of municipalities in which Roma ran as candidates and in the number of Romani candidates elected to local office. At least 330 Roma local councillors were elected in 2010, compared with 220 in 2006. Roma local councillors were elected in approximately 130 municipalities, compared with 95 in 2006. The number of Roma mayors increased from 19 in 2006 to 29 in 2010. There was a slight increase in the number of Romani women elected to municipal councils. Compared with 2006, when 11 Romani women were elected (which makes approximately 5% of elected women among all Roma elected to councils), in 2010 there were 20 Romani women elected to municipal councils (approximately 6% of all Roma councillors).

The fact is that most of these Roma mayors and councillors were elected in municipalities with a majority of Roma inhabitants. From a certain point of view it can be admitted that there is an important demographic factor that provides for better statistics in the number of Roma elected to local councils and mayoral offices.<sup>30</sup> However, on many occasions these mayors and councillors were elected also due to strong, well-designed election campaigns that mobilised Romani voters, or they were re-elected and voters voted for them because of their good results during the previous electoral period.<sup>31</sup> The fact that 10 mayors<sup>32</sup> out of 19 elected in 2006 were re-elected in 2010 confirms the assumption that voters can also take into consideration good results regardless of the ethnicity of the candidate. At the same time, in an even more positive trend, in some cases these mayors were also able to get votes from non-Roma inhabitants of the villages (especially in some municipalities in central and western Slovakia, such as Velky Grob, Hubice and Valkovna). On the other hand, there are also

suspicions that several of these mayors had been elected due to alleged well-organised vote-buying.

## Conclusion

These statistics clearly demonstrate the increase of elected Roma on the local and regional level, as well as the increased attention paid to the need for Roma political participation in general. At the same time, in more instances it becomes self-evident that the quality of Romani candidates and campaigns is increasing, too. This positive increase can be ascribed partly to NDI's long-term efforts in Slovakia to work with Roma political candidates, but also to general trends of increasing political awareness among Roma. It is interesting to see the results of those Romani candidates on the local level who were part of election campaign teams of Romani candidates in the regional elections or in the national elections. These candidates had already had rich experience of election campaigns, and they designed electoral programmes and tried to communicate their messages to their voters in a more strategic manner. It is evident that similar long-term efforts would require systematic and sustained intervention over time, but have a strong potential to be effective. Although not many regional and national campaigns were successful in terms of a Romani candidate's being elected to office, they were successful in promoting systematic political endeavours among Roma leaders and establishing a new political culture among many new Roma leaders in several regions of Slovakia. From this point of view, it can be certainly viewed as a positive achievement to see local Romani candidates discussing their electoral programmes, developing their targeted messages and conducting door-to-door campaigning in segregated Roma settlements. This perspective indeed gives them a better chance of being elected than not only their non-Roma counterparts, but also their Roma counterparts, who just rely on their name and reputation. Many of these Romani candidates were successful in municipalities such as Rudnany, Vitkovce, Dolany – Roskovce,

30 For a more detailed analysis of this trend, see Tomáš Hrustič, "Romska politická participácia v komunálnej politike na Slovensku", in V. Benc, T. Hrustič, T. Kardos and A. Musinka, eds., *Teoretické a praktické otázky politickej participácie Romov na lokálnej úrovni* (Presov: SFPA, 2013), 59.

31 For the best practices presented by Roma mayors and local councillors, see the publication mapping Roma political participation on the local level: Benc, Hrustič, Kardos and Musinka, eds., *Teoretické a praktické otázky politickej participácie Romov na lokálnej úrovni*. Roma mayors from Čakov, Hostice, Kesovce, Barca and Rakytinik, and Roma local councillors from municipalities of Rudnany, Zborov, Čaklov and Vcelince speak about their election campaigns and experience after being elected. Many of these good practices can serve as an inspiration for their non-Roma colleagues not only in Slovakia, but also in other European countries.

32 Municipalities of Čakov, Kesovce, Martinova, Sutor, Nitra nad Iplom, Sivetice, Valkovna, Bystrany, Strane pod Tatrami and Hubice.



Smizany, Cigelka, Zborov, Strane pod Tatrami, Podhorany and many other localities.

Analysing the Roma election participation from the perspective of a few election cycles, we can speak of two trends, one of which is dangerous and negative and threatens the democratic principles of free elections, while the other is positive and strengthens democracy and fair elections. The first negative trend is vote-buying in Roma communities, which has a dramatically increasing tendency in Slovakia. The positive trend is the greater emphasis placed by more Romani candidates on more professional campaigns focused on direct communication with voters. More Romani candidates

are aware of the usefulness of effective campaigning in order to get greater support from their community. More Romani candidates conduct professional campaigns; more Roma elaborate good election programmes, platforms and strong messages; they work on their communication strategies and are able to mobilise teams of volunteers to canvas, establishing direct voter contact and running “get-out-the-vote” activities. This positive trend can be viewed as part of a new political culture among Romani candidates, and over time it could become a strong factor in counteracting the negative trend of vote-buying. It takes a long time to change the mindset of people, and it is the most difficult level of development, but it is worthwhile to try it systematically.

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# Rome and the “Roma Emergency”: Roma in Italian Political Discourse, Media and Public Opinion

EMMI TEWKSBURY-VOLPE<sup>1</sup>

## Abstract

*The objective of this article is to explore the interdependent relationship between Italian party politics, media and public opinion that paved the way for the 2008 Italian State of Emergency Decree. Although this analysis points to a strong division along party lines when it comes to political statements, the divide was less obvious when it came to the nature of the policies implemented. In addition, the targeted press analysis did not yield a correlation between the volume of articles referencing Roma and the political affiliations of the newspapers or governing parties. This research concludes that the stance and influence of Italian right-wing and left-wing parties on Roma policy are not as divergent as they are commonly assumed to be.*

The “Roma Emergency” first gained prominence in Italian political discourse on a national level in 2007. Since then, Italy has had four different governments led by coalitions spanning the political spectrum. The article will analyse the interdependent relationship between Italian party politics, media and public opinion that paved the way for the controversial State of Emergency Decree that has deeply shaped policy towards Roma in Italy. The research makes use of primary and secondary sources and is structured in three parts. The first section contrasts statements and policies endorsed by right-wing and left-wing parties. The second segment consists of a targeted analysis of the archives of the two major Italian daily newspapers. The analysis aims to discern whether the political affiliations of the governing coalitions affected the extent of press coverage received by Roma in the years 1992-2012. Italian public opinion and the underlying influences governing public discourse and prejudice surrounding the Roma community are outlined in the third part of the article.

On 21 May 2008 Italian Prime Minister Silvio Berlusconi approved a State of Emergency Decree in three regions: Lazio, Campania and Lombardy. This type of emergency

legislation is usually requested by Italian regions to obtain national funding and resources to counter a natural disaster such as an earthquake, drought or flood. Its provisions remain in effect for a predetermined amount of time, in this case one year, after which the presidents of the regions can request its renewal. The decree explicitly singled out “nomad camps” (*campi nomadi*) as engendering “serious events that jeopardise public safety... the intensity and scope of which are too severe to be addressed by ordinary legislation”.<sup>2</sup> The now infamous decree, whose funding and provisions were renewed and extended to Venice and Piedmont in 2009, 2010 and 2011, was the culmination of a heated political and media debate that transcended party affiliations and unwaveringly focused on countering what was labelled as the “Roma Emergency”.<sup>3</sup>

In 2011, in response to an appeal presented jointly by the European Roma Rights Centre and a Romani family, the Italian Council of State found the State of Emergency Decree to be illegitimate, cancelling its provisions.<sup>4</sup> However, in February 2012, former interim Prime Minister Mario Monti presented an appeal of this decision to Italy’s Court of Cassation, the country’s highest appellate court.<sup>5</sup> As a result, many of the

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2 “Decreto Del Presidente Del Consiglio: Dichiarazione Dello Stato Di Emergenza in Relazione Agli Insediamenti Di Comunità Nomadi Nel Territorio Delle Regioni Campania, Lazio E Lombardia”, *Gazzetta Ufficiale Italiana* N. 122, 21 May 2008.

3 “Proroga dello Stato di Emergenza per la Prosecuzione delle Iniziative Inerenti agli Insediamenti di Comunità Nomadi nel Territorio delle Regioni Campania, Lazio, Lombardia, Piemonte e Veneto”, *Gazzetta Ufficiale Italiana* N. 304, 30 December 2010.

4 “Emergenza Rom: Governo in Cassazione contro il Consiglio di Stato”, *Leggi Oggi* (2012), available at: <http://www.leggioggi.it/2012/04/03/emergenza-rom-governo-in-cassazione-contro-il-consiglio-di-stato/>.

5 *Ibid.*

provisions undertaken under the State of Emergency continued to remain in effect until 2 May 2013, when the Court of Cassation rejected the appeal. By ending the State of Emergency, the Court of Cassation has definitively closed the book on what NGO Associazione 21 Luglio called “the darkest chapter in human rights violations for Italy”.<sup>6</sup>

## Roma in Italian political discourse

Following a high-profile murder committed by a Romanian Romani immigrant in 2007, the government led by Romano Prodi, of the centre-left Democratic Party (*Partito Democratico*, PD), responded to the public outcry by issuing decree n. 181/2007, aimed at facilitating the removal of EU citizens from Italy whenever they are deemed “a threat to public safety”.<sup>7</sup> In response, European institutions expressed concern that this measure established an ambiguous precedent and was a veiled attempt at targeting a specific group of immigrants: Romanian Roma.<sup>8</sup> In the political elections that followed some months later, the Roma immigration “emergency” remained high on the agenda of the centre-right People of Freedom (*Popolo della Libertà*, PDL) and the PD, as both parties sought to capitalise on public anti-immigration sentiment.

Until 2010, the governing right-wing administration consisted of a coalition made up of Silvio Berlusconi’s party, the PdL, *Lega Nord* (Northern League) and *Autonomia Siciliana* (Sicilian Autonomy). The PdL itself was a composite party comprising Berlusconi’s *Forza Italia* (Go! Italy) and Gianfranco Fini’s *Alleanza Nazionale* (National Alliance). The PdL made the “Roma Emergency” one of the cornerstones of the administration’s agenda with their 2008 electoral manifesto specifically referring to the goal of “combating the illegal nomad settlements”.<sup>9</sup> In July 2010 Fini left the PdL, forming the party Future and Freedom (*Futuro e*

*Libertà*, FLI). However, it was not until 2011 that the FLI withdrew its support of Berlusconi, and mounting pressure from the European Union and the international community forced Berlusconi to step down, leading to the creation of Mario Monti’s technocratic interim government.

The current government was finally formed in May 2013, after inconclusive elections in February led to two months of uncertainty, with both the PD and the PdL failing to receive enough votes to form a government and the third-placed 5-Star Movement party (*Movimento Cinque Stelle*, M5S) refusing to join in a coalition either. Enrico Letta of the PD was confirmed as the new premier, leading an unlikely coalition made up of Berlusconi loyalists and centrists aligned with Monti.

Although alarmist rhetoric on the “Roma Emergency” in Italy has spanned the width of the political spectrum, the tone taken by right-wing parties allied to Berlusconi has been decidedly more extreme. The role of the Northern League was particularly important in shaping policies and discourse. In an attempt to enfranchise the southern regions, the Northern League has been shedding its image of a Venice-based regionalist secessionist party, and has begun to use the xenophobic sentiment that is prevalent throughout much of Italian society today as an instrument to achieve the new goal of a “federalist revolution” involving all of Italy’s regions.<sup>10</sup>

Italian fear and prejudice towards foreigners continue to grow, as the number of immigrants increases and the economy stagnates. Following a series of high-profile allegations of criminal activity involving Roma, Silvio Berlusconi voiced these growing societal anxieties by likening foreign criminals to “an army of evil”.<sup>11</sup> As Umberto Bossi, long-time leader of the Northern League, put it, “People want this country to remain theirs.”<sup>12</sup> As a result of Italy’s fragmented political system, Bossi held considerable leverage over Berlusconi, because withdrawing his party’s support

6 *Sentenza Corte di Cassazione Piano Nomadi*, available at: [www.romatoday.it/cronaca/sentenza-corte-cassazione-piano-nomadi.html](http://www.romatoday.it/cronaca/sentenza-corte-cassazione-piano-nomadi.html).

7 T. Hammarberg, *Memorandum by the Commissioner for Human Rights Following His Visit to Italy on 19-20 June 2008*, No. CommDH (2008)18, Strasbourg.

8 *Ibid.*

9 *Missioni per il Futuro. Programma Elettorale 2008* (2008), available at: [www.ilpopolodellaliberta.it/speciali/PROGRAMMA2008.pdf](http://www.ilpopolodellaliberta.it/speciali/PROGRAMMA2008.pdf).

10 D. Tambini, *Nationalism in Italian Politics: The Stories of the Northern League, 1980-2000* (London; New York: Routledge, 2001).

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12 The Open Society Institute (OSI), European Roma Rights Centre (ERRC), *Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of the Roma in Italy* (2008), available at: [www.errc.org/cms/upload/file/m00000428.pdf](http://www.errc.org/cms/upload/file/m00000428.pdf).

from the ruling coalition could topple the government, as happened when Bossi withdrew in 1994, abruptly ending Berlusconi's first term. In Berlusconi's 2008 government, Bossi served as Minister for Reforms, an ideal platform to give more autonomy to the north.<sup>13</sup> The growing leverage of the Northern League within the PdL-led coalition was underscored by the results of the March 2010 regional elections, which saw the Northern League candidates surpassing the PdL in several regions.<sup>14</sup>

Although far less publicised, the current climate has also led to an increasing amount of violence and torching incidents against Roma settlements.<sup>15</sup> Commenting on the two attacks on the Ponticelli settlement in Naples in 2008, Bossi said: "People are going to do what the political class cannot."<sup>16</sup> Statements of concern over the mob attack on the nomad encampment of Naples came primarily from the left. Senator Emma Bonino of the Green Party stated:

We risk missing the point if we make citizens believe, by manipulating politics and the media, that safety issues are caused by Roma and not by organised crime perpetuated by the mafia or the camorra. Checks by patrollers can easily degenerate into punitive expeditions in search of vindication. They cannot and must not be tolerated or justified in a country considered the cradle of the rule of law.<sup>17</sup>

The Ponticelli settlement attacks can be seen as a catalyst for the State of Emergency Decree that was issued just a month later, with the Campania region (of which Naples is the capital) being one of the first three regions to demand this legislation. A troubling feature of anti-Roma rhetoric used by the

governing coalition is not so much xenophobic statements made by party leaders, but the lack of condemnation of – and even implicit support for – ethnically motivated acts of violence. Anti-immigration discourse has become ubiquitous, and the promise of eliminating nomad encampments from cities and municipalities a political platform. Davide Boni, a Northern League representative of the Lombardy Regional Government, concluded "All gypsies must go."<sup>18</sup> On 11 May 2008, Minister of the Interior Roberto Maroni, also a member of the Northern League, stated publicly that "all Roma camps will have to be dismantled right away, and the inhabitants will be either expelled or incarcerated," according to the national Italian newspaper *La Repubblica*.<sup>19</sup>

Gianfranco Fini, the leader of the FLI, has remarked that the Roma consider "theft to be virtually legitimate and not immoral" and they feel the same way about "not working because it has to be the women who do so, often by prostituting themselves".<sup>20</sup> Fini was also quoted as having claimed that Roma "have no scruples about kidnapping children or having children [of their own] for purposes of begging".<sup>21</sup>

In April 2008, Gianni Alemanno was elected as the first right-wing mayor of Rome since World War II, riding on the pledge that he would expel 20,000 illegal immigrants.<sup>22</sup> During the electoral campaign for mayor, which saw Alemanno pitted against Francesco Rutelli of the PD, the latter stated: "I will be the mayor of the Roma people as well, and I am ready to open up a positive dialogue with them. It is not possible to conceive that the nomad camps stay as they are set up currently. For this reason, it is necessary to co-operate."<sup>23</sup> The backlash to this comment from the

13 "Bossi Focuses Immigration Fears", *BBC News*, 10 May 2001.

14 Marco Severo, "La Lega Sempre Più Forte "E Ora Alle Comunal Da Soli", *La Repubblica*, 29 March 2010.

15 Camps or settlements made up of tents, shacks, cabins and mobile homes isolated from utilities such as water and gas are a prominent feature of Roma housing in Italy. State-run public housing in the form of compounds also exist, and are often segregated from other neighbourhoods. As reported in ERRC's 2000 report *Campland*, the unfounded notion that the Roma in Italy are traditionally nomads with an itinerant lifestyle has shaped Italian housing policy towards Roma, creating formal and informal Roma "camps".

16 Tom Kington, "68% of Italians Want Roma Expelled", *The Guardian*, 17 May 2008.

17 "Le Spedizioni Punitiva Sono una Risposta Violenta ed Intollerante alla Domanda di Sicurezza", *Emma Bonino – Press Releases*, 16 May 2008, available at: <http://www.emmabonino.it/pressreleases/key=giustizia>. Author's own translation.

18 OSI, ERRC, *Security a la Italiana*, 15.

19 Liana Miella, "Maroni Conferma La Linea Dura Contro Gli Sbarchi E I Rom – Cronaca – Repubblica.it", *La Repubblica*, 11 May 2008.

20 "Violations of EC Law and the Fundamental Rights of Roma and Sinti by the Italian Government in the Implementation of the Census in 'Nomad Camps'", ERRC, *OSI, Osservazione*, 4 May 2009.

21 *Ibid.*

22 OSI, ERRC, *Security a la Italiana*.

23 "Voto a Roma, La Sfida Finale", *La Repubblica*, 19 April 2008, available at: [www.repubblica.it](http://www.repubblica.it).

right-wing parties was immediate. Communal Councillor Federico Guidi accused the left of “tolerating illegal situations that make it impossible to live in Rome and that are renowned to originate in the nomad camps”.<sup>24</sup> Alemanno has since been re-elected and has continued to dismantle illegal Roma settlements. An Amnesty International report found that 850 Roma were forcibly removed from settlements in Rome in the first six months of 2012 alone.<sup>25</sup>

Flavio Tosi, the mayor of Verona and a member of the Northern League, said his city was home to the largest Romanian community in Italy, “and they themselves say the Roma are a problem,” Tosi concluded.<sup>26</sup> He was also initially sentenced to two months in jail for publicly stating that “wherever Roma go there are thefts”, as well as for his signature collection initiative to rid Verona of all nomad camps in 2001. This ruling was first overturned<sup>27</sup> but later confirmed on appeal in 2009.<sup>28</sup> Anti-Roma rhetoric and policies have clearly not hindered political careers, as both Tosi and Alemanno were re-elected.

In 2009, Thomas Hammarberg, the Commissioner for Human Rights at the Council of Europe, expressed concern about the volume of anti-immigrant and anti-Roma statements made by public officials and the lack of condemnations of racially motivated acts of violence.<sup>29</sup> This increasing tendency has been noted with concern also by *Opera Nomadi*, the leading Italian NGO concerned with Roma Rights issues. Maurizio Pagani, president of *Opera Nomadi*, said: “The sad thing is that racism towards gypsies is not only found in people but is also institutional.”<sup>30</sup>

Although anti-Roma sentiments can be found within all parties, an interesting contrast can be drawn by simply looking at the 2008 electoral manifestos of two of the most influential parties, the PD and the PdL. Nomad camps are

mentioned specifically in the PdL electoral programme in the section dealing with public security. The PdL 2008 Priorities Programme included the following points:

Mai più clandestini sotto casa. Contrasto all’immigrazione clandestina e lotta contro i trafficanti di esseri umani. Sgombero degli insediamenti abusivi e allontanamento dei nomadi senza residenza e mezzi di sostentamento.<sup>31</sup>

*Say never again to illegal immigrants on your doorstep. Support the fight against illegal immigration and human traffickers. Vote for the dismantlement of illegal settlements and the expulsion of nomads without residence and means of support.*

At the opposite end of the spectrum, the PD’s stance on increasing public safety also addressed the issues of illegal immigration and crime together, stating:

Affinché l’immigrazione sia vissuta non come una minaccia, ma come un’opportunità, è necessario che essa sia governata e non subita. Favorire la regolarità dell’ingresso e della permanenza nel Paese e contrastare duramente la clandestinità e la criminalità.<sup>32</sup>

*In order for immigration to be seen as an opportunity and not a threat it must be regulated and not just experienced passively. It is necessary to facilitate legal ways of entry and of obtaining residency, and to take a hard-line against crime and illegal immigration.*

The electoral manifesto of the PdL creates an overall picture of immigration as an imminent threat. The *Charter of Values (Carta dei Valori)* of the PdL verbalises this tone of urgency with its introduction of a new “value”: “We believe that another complementary value must be added to the value of freedom: the safeguarding of our identity in the face

24 *Ibid.*

25 Yearly Report: Italy (2012), Amnesty International, available at: <http://rapportoannuale.amnesty.it/2012/italia/aggiornamento>.

26 “Tosi Condannato per Propaganda Razzista”, *La Repubblica*. 21 October 2008.

27 *Ibid.*

28 “Idee razziste: Tosi condannato in via definitiva Lui: ingiustizia” (2009), *Il Corriere Della Sera*.

29 T. Hammarberg, *Report by the Commissioner for Human Rights of the Council of Europe Following His Visit to Italy on 13-15 January 2009*, No. CommDH (2009) 16: 29.

30 “La Linea Dura Contro I Lavavetri? Un Fallimento? Intervista Di Daniele Riosa Di Affari a Maurizio Pagani”, *Opera Nomadi*, 29 August 2007, available at: [www.operanomadimilano.org/opinione/opinione.htm](http://www.operanomadimilano.org/opinione/opinione.htm).

31 PdL Priorities Programme (2008), available at: <http://prioritaprogramma.votaberlusconi.it/sicurezza/>.

32 PD Electoral Manifesto (2008), available at: [http://archivio.lavoce.info/binary/la\\_voce/documenti/programma\\_pd.1207827508.pdf](http://archivio.lavoce.info/binary/la_voce/documenti/programma_pd.1207827508.pdf). Author’s translation.

of immigration.”<sup>33</sup> Following the victory of the PdL in the 2008 elections, left-wing parties engaged in activities opposing some of the policies pursued by the governing coalition. Some PD members spoke out against the government’s proposed forcible census of all the Roma settlements in Italy by participating in the *Book Us All (Schedateci Tutti)* initiative promoted by ARCI, an Italian advocacy group. As part of this public protest, political figures including Dario Franceschini, Vice-Secretary of the PD, Rosy Bindi, Vice-President of the Chamber, and Livia Turco, Minister of Health in the last PD administration, were among those fingerprinted in a symbolic gesture emulating the census.<sup>34</sup> Dario Franceschini commented that combating crime by taking fingerprints from children was “highly dangerous”. He also compared the current anti-Roma discourse to “the darkest moments of our history where racial prejudice took over”.<sup>35</sup>

Nevertheless, it is inaccurate to say that the Italian left has taken a decisive stance against anti-Roma rhetoric and supported meaningful policy changes towards this minority. *Opera Nomadi* reported that the Prodi government rejected their proposal to carry out a comprehensive census of the Roma population in Italy, with data collected by trained cultural mediators from all Roma communities, not just those living in the “camps”.<sup>36</sup> While the right-wing fingerprinting initiative was a thinly veiled attempt to begin expulsions of Roma living in the settlements, the census proposed by *Opera Nomadi* represents a missed opportunity to gain valuable insight that could have shaped thoughtful and effective policies.

While right-wing politicians have been more vocal and prominent in the anti-Roma discourse, it is important to point out that the labelling of the Roma “emergency” began gaining momentum during Romano Prodi’s centre-left government, with the approval of a law allowing for the expulsion of EU citizens. The *Partito Democratico*’s disjointed position on the Roma highlights the fractures and

divisions among party lines that left-wing coalitions have long suffered from in Italy. The condemnation of xenophobic speech and policies employed by the Berlusconi coalition government has been timid, and reflects a pragmatic need not to disenfranchise a sizeable proportion of the electorate that is supportive of a hard-line approach to immigration and to Roma living in Italy.

A 2009 poster of the *Partito Democratico* concerning the Roma camp in Naples categorically declares: “Away with the Roma settlements of Ponticelli!”<sup>37</sup> The poster goes on to appeal to the local municipality to dismantle camps that are “unsustainable in a region that is already characterised by a deep-seated criminal presence”.<sup>38</sup> Implying that the existing Roma settlements increase the reach of local organised crime is simply an indirect way of advocating the same policies as the governing coalition led by the PdL. Another 2010 PD poster celebrated the forcible dismantling of the Via degli Angeli settlement by putting up posters on the fourth district city hall walls saying “We won the battle! No more degradation.”<sup>39</sup>

Recent years have brought new players onto the Italian political scene. Mario Monti’s technocratic interim government appealed against the Council of State’s ruling to end the State of Emergency Decree. As a result, funding for the provisions set forth by the decree has remained available, pending the Court of Cassation’s final decision, facilitating the removal of Roma from settlements across Italy. In particular, the city of Rome has seen a large number of Roma settlements dismantled with the funding of this legislation during Gianni Alemanno’s second term as mayor. In contrast, Beppe Grillo’s *Movimento Cinque Stelle* has shown signs of supporting a more thoughtful approach to Roma inclusion. Members of the party have presented motions to improve sanitation conditions in Roma settlements at the municipal level in Asti and have published a scathing reaction to the torching of a Roma settlement in 2012 on the party’s blog.<sup>40</sup>

33 “Carta Dei Valori”, *Il Popolo Della Libertà (PdL)*, 26 March 2009, available at: [www.ilpopolodellaliberta.it/notizie/15346/carta-dei-valori](http://www.ilpopolodellaliberta.it/notizie/15346/carta-dei-valori). Author’s translation.

34 “Schedateci Tutti”, *Sito Ufficiale Del PD*. ARCI, 4 July 2008, available at: <http://beta.partitodemocratico.it/doc/54411/schedateci-tutti.htm>.

35 *Ibid.*

36 “La Linea Dura Contro I Lavavetri? Un Fallimento”.

37 *Osservazione*, 2009, [www.osservazione.org/](http://www.osservazione.org/).

38 *Ibid.*

39 *Osservazione*, 2010, available at: <http://www.osservatoriorepressione.org/2010/02/roma-sgombero-dei-rome-il-pd-festeggia.html>.

40 “Miglioramento delle condizioni igienico-sanitarie del Campo Nomadi e rispetto della legalità. (2012)”, *Movimento Cinque Stelle*, available at: <http://www.beppegrillo.it/listeciviche/liste/asti/2012/11/>.

The Catholic Church has often expressed strong criticism of certain government policies affecting Roma and illegal immigrants. In 2009, a heated debate was sparked when Milan's Archbishop Dionigi Tettamanzi criticised the dismantling of a Milanese Roma camp as a human rights violation. The Northern League led the chorus of criticisms, going as far as picketing Tettamanzi's mass dedicated to St. Ambrogio, the patron saint of Milan, and comparing him to a Sicilian priest found to have ties with organised crime.<sup>41</sup> Tensions also flared between the weekly publication of the Vatican, *Famiglia Cristiana*, and the Minister of the Interior, Roberto Maroni, when the magazine criticised the laws included in the 2008 "Security Package" (*Pacchetto Sicurezza*) to counter illegal immigration and the "Roma Emergency" as being "racially discriminatory".<sup>42</sup>

## Roma and the Italian media

In most countries, the media plays an important role in shaping the perceptions and opinions of the electorate, but in Italy the media is of particular importance when covering a topic that is at the centre of political debate. As highlighted by the NGO Freedom House, "Italy suffers from an unusually high concentration of media ownership by European standards." Freedom House publishes yearly reports on freedom of the press in countries around the world. Over the past decade, Freedom House has downgraded Italy's freedom of the press to "Partly Free" status 6 times (2004-2006 and 2009-2012). The "Partly Free" status has largely coincided with Silvio Berlusconi's tenure in office, with the 2012 report noting that "Berlusconi's departure from office late in 2011 helped to reduce this concentration (of media ownership) in *de facto* terms, although indirect influence through a network of high-level appointees he made while in office remains substantial."<sup>43</sup>

According to *The Economist's* findings, when Silvio Berlusconi served as Italian Prime Minister, he retained effective control

of 90% of all national television broadcasting.<sup>44</sup> Although Berlusconi is no longer Prime Minister, his influence on Italian media and public opinion continues to loom large through his involvement in broadcasting, advertising and publishing. Berlusconi (ranked by Forbes in 2013 as Italy's seventh-richest man with a net worth of 6.2 billion USD)<sup>45</sup> is the owner of Mondadori, Italy's largest magazine publishing house, Publitalia, the largest advertising company, and is a shareholder of broadcasting company Mediaset.<sup>46</sup> The "conflict of interest" in Italian media and its impact on public perception of the Roma also worried Thomas Hammarberg. In his 2009 report on Italy, the former commissioner dedicated an entire section to the topic, concluding that the measures taken thus far to remedy the situation have been "insufficient".<sup>47</sup>

In order to isolate trends in media coverage, I carried out a targeted analysis of the press coverage of the so-called "Roma Emergency". The data were gathered from the online archives of two Italian newspapers: *La Repubblica*, of long-standing centre-left affiliations and reputed to be "anti-Berlusconi", and *Il Corriere della Sera*, considered within Berlusconi's sphere of influence. The two newspapers have 2.9 and 3 million readers respectively, making them the most widely read newspapers in Italy.<sup>48</sup>

The analysis tracked the evolution of the words *nomadi* (nomads), *zingari* (gypsies) and *Roma* (Roma) to designate Roma in the Italian press over the past 20 years, from 1992 to 2012. In order to yield relevant search results from the newspapers' archival databases, the terms were combined in three searches as follows: articles containing the words *Roma* and *nomadi*, articles containing the words *Roma* and *zingari* and articles containing the exact phrase *campo nomadi*. The word *nomadi* as a synonym for Roma has a long-standing tradition in Italy. This term does not reflect an actual itinerant lifestyle; rather, it is symptomatic of a need to separate Roma from Italian mainstream culture by labelling them as "others". *Nomadi* is therefore a loaded term, which has influenced Italian policy on Roma housing arrangements. In 2000, a report on Italy

41 "I Leghisti Contro Tettamanzi Volantini Anti-rom Dopo La Messa", *La Repubblica*, 5 April 2008.

42 "Scintille Tra Famiglia Cristiana E Maroni 'Leggi Razziali'. 'Falso, Vi Denuncio'", *La Repubblica.it - Homepage*, 9 February 2009.

43 Freedom of the Press Report 2012. *Freedom House*, available at: [www.freedomhouse.org/report/freedom-press/2012/italy](http://www.freedomhouse.org/report/freedom-press/2012/italy).

44 "Italy's Media Law: Berlusconi in a Box", *The Economist*, 14 September 2006.

45 Forbes 2013 Report, available at: [www.forbes.com/profile/silvio-berlusconi/](http://www.forbes.com/profile/silvio-berlusconi/).

46 Freedom of the Press Report 2012.

47 Hammarberg, *Report by the Commissioner for Human Rights of the Council of Europe Following His Visit to Italy on 13-15 January 2009*, 29.

48 "Indagine Sulla Lettura Dei Quotidiani E Dei Periodici in Italia", Audipress, 2012, available at: <http://www.audipress.it/>.



published by the European Roma Rights Centre entitled *Campland* found that while the terms *Rom* (Roma) and *nomadi* (nomads) are used interchangeably, the word *nomadi* was more often placed in the title of news articles.<sup>49</sup>

As can be seen from Table F, comparing the number of articles containing *Rom + nomadi*, *Rom + zingari*, and *campo nomadi* in the two newspapers from 1992-1999, *Il Corriere della Sera* consistently published at least twice as many articles as *La Repubblica* for all three searches. A possible explanation for this is that *Il Corriere della Sera* is based in Milan, while *La Repubblica* is centred in Rome. Historically, northern Italy has had a much higher percentage of autochthonous Roma and Yugoslav foreign-born Roma, while the Roma camps further south have only become a political hot topic in the last decade. However, beginning in the year 2000, *La Repubblica* has consistently published two to three times as many articles containing the search words than *Il Corriere della Sera*, highlighting the fact that the Roma have increasingly become relevant at the national level.

Comparing the two charts, it is also evident that the three searches yielded a more recognisable trend over time in *La Repubblica*. Both newspapers registered a steep increase in the use of all three terms in the years 2007 and 2008, coinciding with Romania's accession to the European Union. In *La Repubblica*, between 2006 and 2007, the number of articles including the words *Rom* and *nomadi* increased by 304.7%, the words *Rom* and *zingari* increased by 268.4% and the phrase *campo nomadi* increased by 168.2%. During the same time, *Il Corriere Della Sera* saw the frequency of the use of the words *Rom* and *nomadi* increase by 259.8%, the words *Rom* and *zingari* increased by 41.6%, and that of *campo nomadi* increased by 153.7%. (See Table F.) Looking at Tables G and H it is possible to see that the use of the three terms over time is more correlated and more volatile in *La Repubblica*.

Another aim of this press coverage analysis was to establish which internal political factors may have influenced the extent of the press coverage received by the Roma. In particular, due to Berlusconi's aforementioned expansive influence on Italian media, the results of the analysis were compared to the years that he spent as Prime Minister to ascertain if this coincided with any variance of coverage in *La Repubblica* and *Il Corriere della Sera*. During the 20-year arc covered by the databases, Berlusconi served as Italian Prime Minister

three times: in 1994-1995, 2001-2006 and 2008-2011. Taking a closer look at the year-to-year variance around these time-frames provides some interesting insights. Between 1993-1994 and 1994-1995 both *Il Corriere della Sera* and *La Repubblica* displayed steady percentage increases in the number of articles published regarding the Roma population in Italy (the average percentage increase of the three search combinations for each publication was used). However, between 1995 and 1996, which was the year when Berlusconi left office, *La Repubblica* recorded an 80% decrease in articles regarding the Roma population, while *Il Corriere della Sera* reported a 34% increase for the same time period.

However, when looking at data from Berlusconi's second term in office (2001-2006) the year-to-year average percentage increases/decreases across both publications vary greatly, yielding no reliable trend and making it difficult to draw conclusions regarding Berlusconi and the PdL's influence on the extent of the coverage in either publication. As previously noted, the year 2006-2007 coincided with a record percentage increase across the board, which is most closely linked to Romania's accession to the EU. Similarly the variance between 2011 and 2012 (the year following Berlusconi's last term) yields a dramatic decrease across both publications. Nonetheless, this trend is probably not correlated to Berlusconi's exit from his role as Prime Minister, but is probably due to the "Roma Emergency" being overshadowed in the media by the tumultuous political and economic changes taking place in Italy. The analysis of these two publications, chosen because of their diametrically opposed political affiliation, does not provide strong support for the notion that the volume of the press coverage received by the Roma in Italian press was more significantly influenced by the left-wing or right-wing governing coalitions. The analysis focused only on the volume of articles and not on the content and nature of coverage, and so its results do not exclude closer correlations using those metrics.

## Roma and public opinion in Italy

The results of the press coverage analysis highlight the fact that regardless of the political affiliation and regional location of the two newspapers, the Roma became a hot topic in Italian media and political discourse after Romania's accession in 2007. This section focuses on the effect

49 C. Cahn, K. D. Carlisle, C. Fregoli, D. Kiuranov, D. Petrova, and European Roma Rights Centre, Budapest, Hungary, *Campland: Racial Segregation of Roma in Italy. Country Reports Series*, European Roma Rights Centre (2000), 11.

that alarmist and sensationalist press coverage of crimes committed by Roma affects public sentiment and concern, and compels both left-wing and right-wing parties to take hard-line approaches to avoid alienating the electorate. The increase in anti-Roma sentiment is somewhat linked to the high number of immigrants from Romania, only a small percentage of whom are Roma. As of 2010, ISTAT, Italy's national census bureau, reported that there were 4.3 million foreign citizens residing in Italy, of whom almost 1 million are from Romania.<sup>50</sup> High-profile crimes attributed to Romanians and Romanian Roma have been the catalyst of much of the anti-immigrant sentiment that has developed. In 2007 the Department of the Interior found that 35% of reported crimes in Italy were committed by foreigners, with Romanians leading the foreign nationalities with 16% of those crimes.<sup>51</sup> Romanians were the number one foreign minority charged in crimes such as homicide, rape, home burglaries and car theft.<sup>52</sup>

However, *The Guardian* reported that 81% of Italian respondents said that they found all gypsies, Romanian or not, “barely likeable or not likeable at all”, a greater number than the 64% who said that they felt the same way about non-gypsy Romanians.<sup>53</sup> *The Guardian* also reported that 68% of Italians said that they wanted to see all of the country's 160,000 Roma gypsies expelled from Italy.<sup>54</sup> A survey undertaken by *IPR Marketing* reported by the Italian newspaper *La Repubblica* found that 70% of Italians think that the “Roma emergency” is a priority that should be solved by expelling the Roma population.<sup>56</sup> Furthermore, the same survey found that only 27% of those interviewed supported the social integration of Roma as a solution, and that Roma are viewed as undesirable by 68% of Italians.<sup>57</sup>

The survey also compared people's responses on Roma with those concerning non-EU immigrants. The survey found that only 52% wanted to expel non-EU immigrants without jobs, a low percentage compared to the 70% of Italians who answered the same for Roma.<sup>58</sup> The poll also found that three out of 10 Italians are afraid of Roma, twice the figure reported for non-EU immigrants. An important note to make on the category of non-EU immigrants is that, due to the fact that Romania joined the EU in 2007, it is uncertain whether Romanians are still considered part of this category by some poll-takers. No polls or studies have been undertaken to specifically discern and compare the sentiment of Italians towards Romanians and towards Roma, and the interaction of these two attitudes. In addition, a *Eurobarometer* study of discrimination in Europe has shown Italians to be the most intolerant population of the 27 EU member states.<sup>59</sup> In Italy, 47% of respondents declared that they would feel “uncomfortable” having Roma neighbours, compared to the 24% European average. The European average of people with Roma friends was 14%, while in Italy this was a mere 5%.<sup>60</sup>

## Conclusion

Although this analysis points to a rather strong division along party lines when it comes to political statements, the divide was less obvious when it came to the implementation of policy towards Roma. While the left-wing parties have criticised the hard-line approaches adopted by the right-wing parties, the Italian Left's record in terms of implementing meaningful policy is weak at best and for the most part comparable to the Right's performance in this regard. The targeted press analysis also did not yield substantial evidence that the volume of articles regarding Roma was affected by

50 “Istat: 4,3 milioni di residenti stranieri”, *ISTAT*, available at: [www.stranieriinitalia.it/attualita-istat\\_4\\_3\\_milioni\\_di\\_residenti\\_stranieri\\_10416.html](http://www.stranieriinitalia.it/attualita-istat_4_3_milioni_di_residenti_stranieri_10416.html).

51 *Sicurezza: I dati del Viminale*, available at: [www.immigrazione.aduc.it/notizia/viminale+reato+tre+commesso+immigrati\\_99097.php](http://www.immigrazione.aduc.it/notizia/viminale+reato+tre+commesso+immigrati_99097.php).

52 *Ibid.*

53 Kington, “68% of Italians Want Roma Expelled”.

54 *Ibid.*

55 According to ERRC's 2008 report *Security a la Italiana*, there are approximately 150,000 Roma living in Italy, and about half of them are Italian citizens, while 20-25% are from European Union countries, chiefly Romania. Most Roma live in the northern parts of the country.

56 B. Persano, “I Rom Peggio degli Extracomunitari: “Sono un Pericolo. Via i Campi””, *La Repubblica*, 15 May 2008, available at: [www.repubblica.it](http://www.repubblica.it).

57 *Ibid.*

58 *Ibid.*

59 I. Marinaro, “Italy's Census of Roma Camps Is Racist”, *The Guardian*, 8 July 2008.

60 *Ibid.*

the political affiliations of the newspapers or governing parties between the years 1992 and 2012.

Both left-wing and right-wing parties seem to be responding to pressure from Italian public opinion so as not to antagonise the electorate. Public opinion is in turn strongly influenced by allegations of crimes committed by Roma and Romanians and the nature and extent of the press coverage that they receive. The media has for a long time been disproportionately under Berlusconi's control, and by extension has also been strongly influenced by the interests of allied regional anti-immigrant parties. Although all three of these domestic factors (the media, public opinion and party politics) are clear determinants of Italian policy towards Roma, dissecting the circular interaction between them is more complex.

Both the PD and PdL have been responding to pressure from the electorate, but only one side has had effective control

over manipulating public alarm and concern. At the same time, the fragmented and disjointed condition of the Italian Left has so far prevented it from embracing a cohesive and thoughtful policy approach to the Roma population in the country. In Italy's ever-changing political landscape, newcomers Mario Monti and Beppe Grillo have already begun to leave their mark on discourse surrounding the "Roma Emergency". In particular, Beppe Grillo's M5S's rise to the forefront of Italian politics points to social media and the blogosphere as an effective new platform for Italian political discourse and policy. While the party is still in its infancy and its broader political alliances remain unclear, some encouraging steps towards more thoughtful Roma inclusion policy have been coming from some of the regional branches of the movement. It will be interesting to see if this development will start to erode the influence of broadcast and print media on public opinion and how this will impact policy towards Roma and Roma engagement and participation.

## Appendix

Table F.<sup>61</sup> Number of articles including the words *Rom + Zingari*, *Rom + Nomadi*, and the exact phrase *Campo Nomadi* from *Il Corriere della Sera* and *La Repubblica* between 1992 and 2012.

LA REPUBBLICA			IL CORRIERE DELLA SERA			
Year	Rom + Zingari	Rom + Nomadi	Year	Rom + Zingari	Rom + Nomadi	Campo Nomadi
1992	9	8	1992	15	12	116
1993	7	7	1993	9	14	67
1994	8	12	1994	15	17	79
1995	14	27	1995	27	47	86
1996	0	2	1996	34	60	193
1997	30	29	1997	30	50	158
1998	13	20	1998	33	49	113
1999	70	73	1999	72	116	233
2000	142	531	2000	25	38	93
2001	127	295	2001	35	73	130
2002	108	245	2002	3	8	33
2003	86	171	2003	21	51	127
2004	153	425	2004	19	43	112
2005	110	541	2005	29	40	201

61 Data retrieved from *La Repubblica*: [www.repubblica.it](http://www.repubblica.it) and *Il Corriere della Sera*: [www.corriere.it](http://www.corriere.it).

2006	126	422	458	2006	45	122	175
2007	384	1,133	720	2007	108	317	269
2008	410	1,440	735	2008	86	754	191
2009	115	412	245	2009	21	117	89
2010	197	902	426	2010	39	199	183
2011	202	725	404	2011	36	169	155
2012	103	291	170	2012	26	56	93

Table G.<sup>62</sup> Number of articles including the words *Rom + Zingari*, *Rom + Nomadi*, and the exact phrase *Campo Nomadi* from *Il Corriere della Sera* between 1992 and 2012.

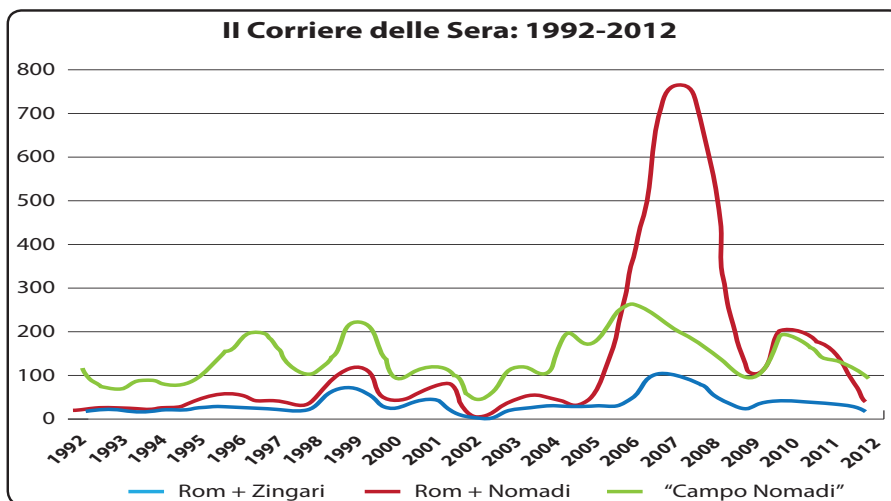
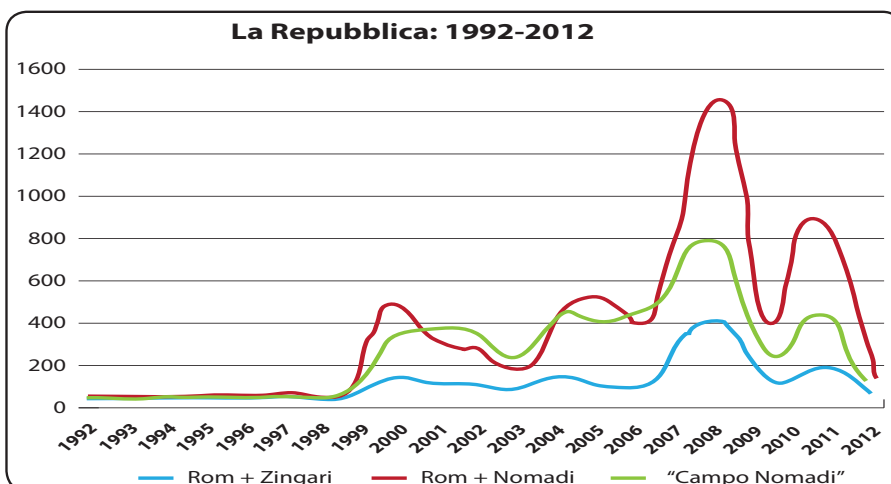


Table H.<sup>63</sup> Number of articles including the words *Rom + Zingari*, *Rom + Nomadi*, and the exact phrase *Campo Nomadi* from *La Repubblica* between 1992 and 2012.



62 Data retrieved from *Il Corriere della Sera*: [www.corriere.it](http://www.corriere.it).

63 Data retrieved from *La Repubblica*: [www.repubblica.it](http://www.repubblica.it).

# Active Participation of Roma: An Experience of Participatory Planning Towards Labour Integration

VERONICA RINIOLO AND FRANCESCO MARCALETTI<sup>1</sup>

## Abstract

As in other European countries, the situation of Roma in Italy raises many concerns, especially in relation to their social exclusion. Moreover, despite a strong legislative framework, Roma, and in particular Roma women, suffer multiple discriminations. The experimental project *Valore Lavoro* shows the efficacy of a participatory approach in promoting the labour inclusion of one of the most excluded minorities in Europe. The direct involvement of Roma through a participatory bottom-up scheme in the design of initiatives addressing them and in the decision-making process represents a way towards effective inclusion in different fields and promotion of active citizenship.

## Introduction

This article aims to illustrate the role of participatory planning in designing and implementing social inclusion measures addressing Roma people in order to foster their full access to social and economic citizenship in mainstream society. The experience acquired through the *Valore Lavoro* project, financed by the Italian Ministry of Labour and Social Policy, and promoted by the Lombardy Region Family, Social Solidarity and Voluntary Sector Department, shows how a participatory and bottom-up approach facilitates the labour integration of vulnerable groups, while at the same time enhancing their active citizenship.

The project, which took place between 2008 and 2010, intended to promote Roma labour integration through different but integrated actions, such as vocational training, encouragement of self-employment, and promotion of the capability and sensitivity of public services in assessing and

meeting Roma-specific needs. It adopted a new participatory approach that reshaped the concept of active citizenship through the involvement of Roma in defining and implementing social policies addressing them. As revealed by the *Valore Lavoro* experience, this approach led to Roma empowerment, emancipating Roma from reliance on passive measures of social protection.

To conclude, the principles of autonomy, responsibility and active participation are the new salient elements to be kept in mind in the planning of social interventions.

## The active citizenship of Roma in Italy and the need for a redefined approach

Active citizenship generally indicates the informed participation of a person in political life, and his/her full inclusion in the network of rights and duties that constitute being a citizen. In a more general sense, active citizenship concerns the thresholds and the balance between rights given by an elected body under its remit, and the responsibilities to be upheld by citizens.

With regard to Roma minorities in Italy,<sup>2</sup> informed participation as a way to express active citizenship remains an unresolved issue, and one that is not discussed. Roma minorities continue to live in contexts of economic, social, cultural and political marginalisation. Their coexistence with the other components of society is often marked by contradictions and conflicts, including the spread of xenophobic attitudes in metropolitan suburbs, caused by the fear of having to share the same urban space with “the other”, as embodied by the Roma.<sup>3</sup> Although Italian authorities have long been provided with instruments to

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2 The term *Roma* refers to a variety of groups of people, who describe themselves as Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti and other names. This term is commonly used in EU policy documents, discussions and generally in the literature. In Italy there are three main communities: Roma, Sinti and Camminanti, which have different dialects, culture and legal status, and specific linguistic characteristics.

3 Zygmunt Bauman, *Homo consumens. Lo sciamè inquieto dei consumatori e la miseria degli esclusi* (Lavis: Erickson, 2007).

combat discrimination,<sup>4</sup> local authorities have enacted a series of initiatives through the instrument of municipal ordinances, which explicitly violate the goals of Roma social inclusion. The most emblematic case is the forced evictions of settlements and camps, but there are also other discriminatory initiatives that are targeted solely against the Roma minorities, for example through signs and posters discouraging begging.<sup>5</sup> It is worth mentioning that in 2012 Italy elaborated a *National Strategy for the Inclusion of Roma, Sinti and Camminanti Communities* in response to the European Commission's Communication no. 173/2011.<sup>6</sup> This strategy, which adopts an inter-ministerial approach, represents an attempt to improve on previous ways of dealing with the Roma issue, which were mainly characterised by an emergency approach.<sup>7</sup>

Even though some progress has been made, the attitude of public institutions can still encourage discrimination against Roma. For example, the establishment of temporary camps has led to unintended negative effects, such as an increase in spatial segregation and isolation. These settlements are simultaneously the main Italian response to the question of housing for Roma and the main cause of tensions with residents.<sup>8</sup> The establishment of temporary camps for Roma people dates back to the 1980s, during which time several

Italian regions, through regional laws, began to set up camps where Roma were supposed to live.<sup>9</sup> The camp solution is underpinned by the mistaken perception of the nomadic lifestyle of Roma. This perception does not correspond to the Italian context, where only 3% of Roma still practise a nomadic life, mainly due to their labour activities.<sup>10</sup>

The tendency to make temporary solutions – such as settlements – permanent forces Roma people to live together under conditions of insecurity and discomfort and, paradoxically, worsens their housing conditions, forcing them to live in marginal urban areas. Indeed, camps are usually far from the centre of the cities and, therefore, also far from services. As pointed out by the Commissioner for Human Rights of the Council of Europe, Thomas Hammarberg, following his visit to Italy in February 2009, the standards of the living conditions in all the settlements that he visited were unacceptably low and caused serious health risks for their inhabitants, especially children.<sup>11</sup> Criticism regarding the situation of Roma – characterised by discrimination and exclusion – was also published in official reports regarding Italy<sup>12</sup> and in scientific literature.<sup>13</sup> Moreover, another difficult aspect of camp management is the cohabitation in the same place – a camp – of families belonging to different clans and with different traditions, languages and so forth. This can lead to conflicts.<sup>14</sup>

4 D.Lgs. 9 July 2003, no. 215, Attuazione della direttiva 2000/43/CE and D.Lgs. 9 July 2003, no. 216, Attuazione della direttiva 2000/78/CE.

5 Veronica Riniolo, "L'inclusione sociale dei rom nel contesto europeo e nazionale", in Francesco Marcaletti, ed., *Valore Lavoro: integrazione e inserimento lavorativo di rom e sinti* (Milan: Fondazione ISMU, Regione Lombardia, Osservatorio Regionale per l'Integrazione e la Multietnicità, 2010), 19-34.

6 *An EU Framework for National Roma Integration Strategies up to 2020*. Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 5.4.2011, 173/2011.

7 It follows a parliamentary inquiry whose results are published in Senato della Repubblica, Commissione Straordinaria per la tutela e la promozione dei diritti umani, *Rapporto conclusivo dell'indagine sulla condizione di Rom, Sinti e Caminanti in Italia*, Rome (2011).

8 Maurizio Ambrosini, *Richiesti e respinti. L'immigrazione in Italia. Come e perché* (Milan: Il Saggiatore, 2010).

9 The Lombardy Regional Law N. 77/89 "Azione regionale per la tutela delle popolazioni appartenenti alle etnie tradizionalmente nomadi e seminomadi" established the creation of nomad camps as an answer to the Roma issue.

10 National Strategy for the Inclusion of Roma, Sinti and Camminanti Communities, 84.

11 Commissioner for Human Rights, *Report by Thomas Hammarberg Commissioner for Human Rights of the Council of Europe Following His Visit to Italy on 13-15 February 2009*, CommDh (2009) 16, Strasbourg, 18 April 2009.

12 Among others: ENAR (European Network against Racism), *Enar Shadow Report 2009-2010. Racism and Discrimination in Italy*, 2011; ECRI (European Commission against Racism and Intolerance), *ECRI Report on Italy 2012*; Open Society Institute, Centre on Housing Rights and Evictions, European Roma Rights Centre, Romani Criss, Roma Civic Alliance in Romania, *Security a la Italiana: Fingerprinting, Extreme Violence and Harassment of the Roma in Italy* (2008), available at: [http://www.soros.org/initiatives/brussels/articles\\_publications/publications/fingerprinting\\_20080715](http://www.soros.org/initiatives/brussels/articles_publications/publications/fingerprinting_20080715) (28.07.2008).

13 Ambrosini, *Richiesti e respinti*; Piero Colacicchi, "Ethnic Profiling and Discrimination against Roma in Italy: New Development in a Deep-Rooted Tradition", *Roma Rights Journal* 2 (2008): 35-44; Maurizio Ambrosini and Antonio Tosi, eds., *Favelas di Lombardia. La seconda indagine sugli insediamenti rom e sinti. Rapporto 2008* (Milan: Fondazione ISMU, Regione Lombardia, Osservatorio Regionale per l'Integrazione e la Multietnicità, 2008); Maurizio Ambrosini and Antonio Tosi, eds., *Vivere ai margini. Un'indagine sugli insediamenti rom e sinti in Lombardia* (Milan: Fondazione ISMU, Regione Lombardia, Osservatorio Regionale per l'Integrazione e la Multietnicità, 2007).

14 Paola Santoro, "Zingari, gagé e pregiudizi sulle differenze culturali. Una ricerca in chiave sistemica", in S. Ignazi and M. Napoli, eds., *L'inserimento scolastico dei bambini rom e sinti* (Milan: Franco Angeli, 2004), 31-42.

As documented by the most significant sociological inquiries on Roma in Italy,<sup>15</sup> a system operates in urban environments that transforms minorities into a threat to social order and security. Once these groups have been identified as a threat, it becomes harder and harder to find urban areas willing to accommodate camps: building new settlements is even more difficult, resulting in a tendency to multiply the occupation of marginal areas by Roma. Repeated evictions from informal camps undermine any efforts towards social integration and violate basic human rights, exacerbating the marginalisation of individuals and the weakest social groups. This spiral could become unstoppable.<sup>16</sup> The attitudes of social resistance and denial are also cultivated and encouraged by political forces<sup>17</sup> and amplified in the mass-media arena in increasingly harsh tones.<sup>18</sup> The High Commissioner for Human Rights of the UN, Navi Pillay, condemned politicians for the propaganda of ideas based on racial superiority and ethnic hatred during her visit to Italy in March 2010.<sup>19</sup>

All these factors – discrimination, hate speech and xenophobic discourse – hinder the chances of Roma of participating as active citizens in the society where they live. This situation is further complicated as Italy does not recognise the Romani and Sinti languages among the historical-linguistic minorities protected on the level of full equality by Act No. 482/1999.<sup>20</sup> This has led, as a consequence, to the failure to transpose EC regulation No. 2204/2002 into national legislation. This regulation identifies among disadvantaged workers any person belonging to an ethnic minority of a Member State who has to improve her/his language

skills, her/his professional competence or her/his work experience to increase the chances of obtaining stable employment. As a consequence, Roma have been prevented from being included in paths towards protected occupations that are addressed to disadvantaged people as foreseen by the Italian labour legislation.<sup>21</sup>

The result of all these tendencies is therefore a situation where barriers to the inclusion of Roma among the categories of full citizens, barriers that are constructed also by the measures undertaken by public institutions, overlap with those characteristics of Roma and Sinti that define their contours and specificity; for instance, the citizenship of origin and, as a consequence, the right of legal residence within the host country.

Prejudices – of Roma against mainstream society and of mainstream society against Roma – also represent a relevant obstacle to the access of Roma to services such as job centres. This should be kept in mind in the elaboration and implementation of social inclusion measures addressing Roma.

In line with this, the definition of the social inclusion measures themselves – as is specified in the light of the outcomes of the *Valore Lavoro* project presented in the following paragraph – has to adopt a bottom-up scheme of the involvement of recipients, thus starting from their needs and their concrete conditions. Starting from the bottom also means identifying a starting point for inclusive measures among the traditional fields that define promotion of citizenship rights (housing, education, employment and health care), especially adopting an active approach, oriented towards empowerment.

15 Ambrosini and Tosi, eds., *Favelas di Lombardia*; Ambrosini and Tosi, eds., *Vivere ai margini*.

16 Ambrosini and Tosi, *Vivere ai margini*.

17 In 2011, during the campaign for the election of the mayor of Milan, one of the political parties running for office accused a counterpart – because of the attention that it paid in its political programme to the problem of the camps – of being willing to transform the town into a – so-called in Italian (from Greek) – *zingaropoli*, meaning “town of gypsies”, as Roma people are usually called in a derogatory manner.

18 See on this topic i-RED, RED Annual Report 2012, Athens, 2013, available at: <http://www.red-network.eu/?i=red-network.en.library.369>.

19 See: <http://www.ohchr.org/EN/NewsEvents/Pages/HRchiefvisittoItaly.aspx>.

20 Law 15 December 1999, n. 482, “Norme in materia di tutela delle minoranze linguistiche storiche”, published in *Gazzetta Ufficiale* n. 297, 20 December 1999.

21 People belonging to disadvantaged categories identified by the law can be hired by social cooperatives, a special kind of cooperative companies that can be directly assigned by municipalities and local authorities of work orders without any comparative evaluation procedure when they meet the minimum requirement of having at least 30% of their labour force composed of disadvantaged people. This is the most powerful way in Italy to foster the labour integration of disadvantaged people, such as convicted people sentenced to alternative means of punishment outside prison, drug addicts, alcoholics, and mentally and physically disabled people.

## An experimental project: *Valore Lavoro*

In the light of the above-mentioned assumptions, the *Valore Lavoro* project<sup>22</sup> aimed at improving and facilitating the labour integration of Roma through their involvement in decision-making processes.<sup>23</sup> It was articulated in different but integrated actions: 1) vocational training; 2) promotion and support of already existing working activities (i.e. cooperatives); 3) hiring of Roma as employees; 4) encouragement of self-employment; 5) improvement of Roma autonomy in accessing public services (*empowerment*); 6) promotion of the capability and sensitivity of public services in assessing and meeting Roma-specific needs.

As also highlighted by a European Commission survey promoted in the autumn of 2009, low educational attainments and the lack of professional capacities among the Roma population are core challenges for European Member States.<sup>24</sup> Accordingly, in the project a great deal of attention was dedicated to vocational training. The acquisition of competences is also one of the main objectives of the Europe 2020 Strategy.<sup>25</sup>

The project promoted five initiatives in the Lombardy Region: 1) “*Progetto stireria e piccola sartoria*” (*Project Small tailoring and ironing* – led by Caritas Ambrosiana, a charity organisation), implemented in the cities of Milan and Rho. It activated a programme of vocational training addressed to Romani women who, at the end of the training

programme, were employed (with work fellowships) in a dressmaking workshop and laundry opened in downtown Milan; 2) similarly “*I lavori artigianali delle donne e dei giovani rom e sinti*” (*Project Handicrafts of women and young Roma and Sinti* – led by Opera Nomadi Milano, a Roma association) focused on improving Romani women’s capacities in the field of dressmaking; 3) the third initiative sustained the ongoing activities of *Cooperativa IES* (led by Casa della Carità, a charity), which employs Romani men in activities of pallet production and assemblage; 4) “*Mengro Labatarpe*” (*Our Work* – led by Sucar Drom, a Sinti association) planned for professional training of Romani women and men towards job integration supported by grants and the establishment of a cooperative company for the gathering and sale of iron materials; 5) vocational training of a group of young Roma through the support of Comunità di Sant’Egidio, a charity, and ISMU Foundation, the project leader.

The main characteristics of the experimental project *Valore Lavoro* can be summarised as follows:

- **Participatory planning involving Roma together with the public authorities and civil society** in the definition of the project’s actions.<sup>26</sup> As stated in the Common Basic Principles on Roma Inclusion,<sup>27</sup> an effective initiative must involve not only regional and local authorities,<sup>28</sup> but also civil society<sup>29</sup> and the Roma.<sup>30</sup> The *Valore Lavoro* project benefited from a close cooperation between regional authorities (Lombardy Region),

22 The project “Valore Lavoro. Percorsi di inserimento lavorativo per Rom e Sinti” started in May 2008 and concluded in November 2010. It was financed by the Ministry of Politics and Social Solidarity, promoted by the Lombardy Region Family, Social Solidarity and Voluntary Sector Department and coordinated by Fondazione ISMU and Regional Observatory for Integration and Multiethnicity of Lombardy (ORIM), with the support and participation of five private charities, associations and social cooperatives: Caritas, Casa della Carità - Cooperativa IES, Comunità di Sant’Egidio, Opera Nomadi and Sucar Drom.

23 It is important to stress that each project’s action was part of a broader initiative, which included paths towards housing and school integration.

24 “Roma in Europe: the Implementation of European Union Instruments and Policies for Roma Inclusion – Progress Report 2008-2010”, SEC (2010) 400 final: par. 2.1.

25 *Europe 2020: Strategy for an Intelligent, Sustainable, Inclusive*, Brussels, 3.3.2010 COM (2010)2020.

26 Francesco Marcaletti and Veronica Riniolo, “A Participatory Governance Model towards the Inclusion of Ethnic Minorities: an Action Research Experience in Italy”, *Revue Interventions économiques* Special Issue 2013 (forthcoming).

27 “In June 2009 Member States of the European Union have unanimously agreed in Council to take the Common Basic Principles for Roma Inclusion into account when drawing up or implementing relevant policies.” Brussels, 7.4.2010 SEC (2010) 400 final, 2.5.

28 Principle n° 8: “Involvement of regional and local authorities. Member States need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with regional and local authorities [...]”

29 Principle n° 9: “Involvement of civil society. Member States also need to design, develop, implement and evaluate Roma inclusion policy initiatives in close cooperation with civil society actors [...]. The involvement of civil society is recognised as vital both for the mobilisation of expertise and the dissemination of knowledge required to develop public debate and accountability throughout the policy process.”

30 Principle n° 10: “Active participation of the Roma. The effectiveness of policies is enhanced with the involvement of Roma people at every stage of the process [...]”



civil society (charity organisations, social partners and researchers) and Roma (individuals and their associations). What is important to stress is the fact that the collaboration among the different partners of the project took into account not only the implementation of the project's actions but also their very design. In particular, the regional administration, after the submission of a Protocol with the Ministry of Labour and Social Policy,<sup>31</sup> convened all the stakeholders, Roma and non-Roma, working for the improvement of Roma conditions in the regional territory.<sup>32</sup> During the first meeting the regional administration explained the terms of the ministerial agreement and stakeholders communicated their action's priorities according to their ongoing initiatives. Following this, individual interviews with additional key stakeholders allowed the development of an in-depth insight into the possible fields of collaboration between the Lombardy Region Administration and stakeholders – Roma and non-Roma – interested in the realisation of the objectives stated in the institution protocol signed by the Lombardy Region Administration. From the very beginning, priorities and concrete interventions were planned in collaboration, and during their realisation regular meetings and monitoring actions guaranteed a unitary dimension of the different local projects.

- **Responsibility in managing funds.** The process of co-participation was activated by the Lombardy Region Administration, which also fulfilled the governance function.<sup>33</sup> The coordinated funds management allowed an effective participation of Roma and of other non-profit organisations that took part in the project, not only in implementing the activities but also in managing funds, for, as observed by some authors, “There exist many worthy non-profit organisations who attempt to help the Roma, financing enterprise projects, social inclusion [...], but very few which are managed directly by the Romani communities. Instead, they are almost always excluded from the funding networks.”<sup>34</sup> Thus all the members of the

social cooperative established by *Sucar Drom* in Mantua are Sinti people who are responsible for the management of the activities and of its economic functioning. Moreover, the dressmaking workshop opened in the centre of Milan is run by Romani women.

- Specific attention to **Romani women.** Romani women are exposed to the highest level of risks (multiple discriminations, health risks and so forth)<sup>35</sup> but at the same time they can play a fundamental role as key catalysts of change in their own communities. The attention paid to the gender dimension is also emphasised in the 5<sup>th</sup> Principle of the Common Basic Principles on Roma Inclusion, *Awareness of the gender dimension*, which states the following: “Roma inclusion policy initiatives need to take account of the needs and circumstances of Roma women. They address issues such as multiple discrimination and problems of access to health care and child support, but also domestic violence and exploitation.” The majority of the 60 beneficiaries of *Valore Lavoro* initiatives were women and, as interviews emphasise,<sup>36</sup> the project's activities had a great impact on their life, in terms of increased autonomy and improved family management. One of the Romani woman beneficiaries affirmed this: “I like my job, because I know that if I like something I can buy it, I am independent, I can go by myself. I do not need to ask somebody. And I like it.”<sup>37</sup>
- **Awareness-raising** in Italian society. A number of public initiatives have been intended not only to spread the results and outcomes of the project, but also to open a public debate on issues concerning minorities, discrimination and social exclusion. Moreover, a job services guidebook addressing public services, such as job centres, and the Roma themselves, has been published. The guidebook offers key information in simple language on how to access the labour market, and it is aimed at facilitating the autonomy of Roma as well as the capability and sensitivity of public operators.

31 “Accordo per il finanziamento di un programma di interventi in materia di inserimento lavorativo destinato alle comunità rom e sinti presenti in Italia”, 29 December 2008.

32 Marcaletti, ed., *Valore Lavoro: integrazione e inserimento lavorativo di rom e sinti*, 52.

33 *Ibid.*

34 Lucy Orta, ed., *Mapping the Invisible. EU- Roma Gypsies* (London: Black Dog Publishing, 2010), 9.

35 COM (2010) 133 final: 10; Principle n. 5, Common Basic Principles on Roma Inclusion; SEC (2010) 400 final: 7- par. 2.1. See also the European Union Report *Ethnic Minority and Roma Women in Europe. A Case for Gender Equality?*, European Union, 2010.

36 During the project 20 semi-structured interviews were conducted with Roma beneficiaries and operators of the *Valore Lavoro* project.

37 Interview with an 18-year-old Romani woman, Milan, Treviglio: July 2010.

Finally, in terms of active participation of Roma in improving their social conditions, and, specifically, their labour integration, the *Valore Lavoro* project introduces a series of **initiatives and mechanisms of active participation in the decision-making processes**. It is noteworthy that the dressmaker's and laundry business is still open, and the social cooperative in Mantua, established with the support of Sucar Drom and the funding of the *Valore Lavoro* project, is still running its business. As shown above, a virtuous circle between **labour integration and citizenship rights** can also be identified: the possession of a regular job stimulated within the Roma people involved in the project the activation of processes addressed at obtaining the legal entitlements to permanent residence in Italy for those who do not have Italian citizenship, a regular residence entitlement for Italian citizens and so forth.

## The role of public policies and the value of participatory planning

Also taking into account the main research findings on Roma carried out in Italy,<sup>38</sup> the experience of the *Valore Lavoro* project produced a series of recommendations addressed particularly to subjects directly and indirectly involved in the definition and implementation of inclusive measures, from the perspective of active citizenship.

Despite some negative trends emerging from the study of the Italian context, public policies can still play a relevant role in dealing with the factors at the basis of Roma marginalisation and social exclusion. Compared to traditional social assistance services, many of the more recent innovations in the field of social interventions have been oriented towards the empowerment of recipients, thus emancipating them from reliance on passive measures of social protection. In line with this, the principles of autonomy, responsibility and active participation are the new salient elements to be kept in mind in the planning of social interventions.<sup>39</sup>

It is also of paramount importance to increase awareness of the mechanisms that have hindered integration processes and

to recognize the fear of the “Other” both on the part of social and public institutions and on the part of Roma minorities. Indeed, people identified as Roma still remain excluded from the more general acceptance that is accorded to immigrants, who are recognised as playing an economic role in the host society. Thus Roma still suffer a stereotyped pathological view of their relationship with mainstream society. At the same time, as outlined above, Roma themselves show a deep-rooted distrust towards *gadje* (non-Romani people) with whom they usually get in touch only to meet specific and extemporaneous needs, without having complete trust in them.<sup>40</sup>

From all of the foregoing, it is worth emphasising that it is not possible to reduce the issue of Roma labour integration to a typical problem of labour market adjustment. Instead, it is appropriate to give Roma people of working age full dignity and potential access to all occupations covered from the regulatory point of view, according to their capabilities and skills. In the light of this, interpretations tending to emphasise the difficulty in principle that Roma may have in taking the usual paths in accessing employment should be eradicated as a form of prejudice. But this being said, it is also not possible to reduce the Roma labour integration process to the problem of matching a theoretical labour demand and a weak labour offer represented by a vulnerable group of the population, because of its poor human capital and a lack of competencies that can be applied to the labour market.<sup>41</sup>

On the one hand, holding down a regular job could be considered as one of the very first steps of social promotion, assumed as an activating factor of virtuous processes that, as a consequence, should lead towards a better economic condition, thus enhancing the economic citizenship of the Roma. On the other hand, living in an authorised camp or in an ordinary house is to be considered as a prerequisite for acquiring regular entitlements of residence within a municipality. As has been argued, conditions in settlements and camps and their precariousness decisively determine the life opportunities of Roma in general and their chances for successful paths towards regular jobs, health promotion, educational attainments and access to social services.<sup>42</sup>

38 Ambrosini and Tosi, *Vivere ai margini*; Ambrosini and Tosi, *Favelas di Lombardia*.

39 Ambrosini, *Richiesti e respinti*.

40 Santoro, “Zingari, gagé e pregiudizi sulle differenze culturali”.

41 Marcaletti, ed., *Valore Lavoro: integrazione e inserimento lavorativo di rom e sinti*.

42 Ambrosini, *Richiesti e respinti*, 149-150.

At the policy-making level, the achievement of all these objectives implies an investment in new participatory approaches that reshape the concept of active citizenship and involve the weakest components of society in defining and implementing social policies. Thus the transposition of European principles, recommendations and directives into national, regional and local legislation should take place within a perspective of the active involvement of Roma as citizens. This objective can be reached by implementing social interventions focused on the enhancement of practices and experiences of participatory planning (co-planning).

In methodological terms, the co-design of remedial measures must be supervised and accompanied by stable actors, able to provide steady support to interventions and at the same time act as their elements of continuity. An added value and, above all, a factor for success of social inclusion measures is the adoption of a logic of action as participatory as possible, and shared between public bodies, private actors (including social partners) and third-sector organisations (including associations of Roma).



## Case Reviews

DARYA ALEKSEEVA AND JUDIT GELLÉR<sup>1</sup>

### States Must Investigate Violence against Roma

#### Introduction

Discrimination and violence against Roma are widespread in Europe. Several national and international human rights organisations and international monitoring bodies have noted that Roma suffer from discrimination, including discrimination by law enforcement authorities, manifested in excessive use of force or brutality against Romani individuals. These cases are often unreported or treated with negligence, leaving victims without redress.

Over the years the ERRC has litigated cases of violence by state and non-state actors, including ones leading to the deaths of Romani individuals, before the European Court of Human Rights (ECtHR). In the present article an overview of four recent cases of ill-treatment of Romani individuals that were decided on by the Court in 2012 is presented. In these cases the Court emphasised the point that states must investigate violence against Roma, including possible racist motivation, regardless of whether it is committed by state or by non-state actors. However, disappointingly, in three of these cases the Court did not find that the ill-treatment and the failure to adequately investigate were based on racial discrimination against the victims.

#### ARTICLE 2

The Court reiterated on several occasions that Article 2 of the Convention, which safeguards the right to life, ranks as one of the most fundamental provisions in the Convention. In the following two cases, *Kleyn and Alexandrovich v. Russia* and *Fedorchenko and Lozenko v. Ukraine*, the author will give an overview of the cases concerning

police violence and ill-treatment of Roma leading to their deaths. The discussion below presents a brief description of the cases (the facts and arguments of the parties) and an analysis of the decision of the Court.

#### UKRAINE: *FEDORCHENKO AND LOZENKO V. UKRAINE* – DECEMBER 2012

The case of Fedorchenko and Lozenko v. Ukraine<sup>2</sup> concerns events in a village in Ukraine where in October 2001 five Romani people, including three children, died as a result of a violent arson attack. Three men deliberately set a family home on fire, breaking into the house and spraying the interior of it with flammable liquid. After having done so, they barred the door of the house from outside and fled. Five Romani people died from extensive burns and smoke inhalation, including three children, who were three, six and 15 years old.

The severely flawed investigation into the incident by the Ukrainian authorities did not result in any effective outcome, and nobody was prosecuted for the death of these five people.

In 2002, in an application to the European Court of Human Rights, Mr Fedorchenko and Ms Lozenko (the parents/grandparents of the arson victims), represented by the European Roma Rights Centre, claimed that among those responsible for the arson attack was a senior police officer and that the entire incident had not been properly investigated. The applicants also claimed that both the attack and the subsequent failure to investigate were linked to widespread discrimination against Roma in Ukraine. In their application to the Court the applicants claimed that the Ukrainian authorities had violated several articles of the European Convention of Human Rights, namely Article 2 under two limbs – substantively, the right to life, and procedurally, the right to

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<sup>2</sup> See: [http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-113119#{"itemid":\["001-113119"\]}](http://hudoc.echr.coe.int/sites/eng/pages/search.aspx?i=001-113119#{).

have an effective and independent investigation conducted into the death of the people, Article 3 – the right to be free from torture and inhuman and degrading treatment, Article 8 – the right to private life, Article 13 – the right to an effective remedy, and Article 1 Protocol 1 – the right to property. The applicants further claimed that the investigation was flawed and ineffective due to the fact that they were of Romani origin and thus were discriminated against in their rights (Article 14 of the Convention).

Ten years after this case was filed, on 20 December 2012 the ECtHR found that Ukraine had failed to meet the procedural requirements of Article 2 of the European Convention of Human Rights by failing to conduct an effective investigation into the deaths, and in doing so also violated Article 14 of the European Convention, the right to be free from discrimination.

In the judgment the Court reiterated one more time the principles that it had already set up in its case law on the right to life, and on the requirements necessary in order for an investigation to be considered effective and independent. In particular the Court emphasised the following:

For an investigation to be effective, the persons responsible for and carrying out the investigation must be independent and impartial, in law and in practice. This means not only a lack of hierarchical or institutional connection with those implicated in the events but also independence in practice. The effective investigation required under Article 2 serves to maintain public confidence in the authorities' maintenance of the rule of law, to prevent any appearance of collusion in or tolerance of unlawful acts and, in those cases involving State agents or bodies, to ensure their accountability for deaths occurring under their responsibility. In all cases, the next of kin of the victim must be involved in the procedure to the extent necessary to safeguard his or her legitimate interests.<sup>3</sup>

When applying these principles to the applicants' case, the Court noted that in the present case, despite the heinous nature of the incident, in which small children were burned alive, it appears that the state authorities had limited the investigation to some basic procedural steps. In particular,

despite the Government's reference to a number of procedural actions performed during the investigation of the criminal case, in the absence of the case-file materials it is unclear what exactly was examined, who was questioned during the investigation and when these actions were taken. The Court also reiterated that not every investigation is necessarily successful or comes to a conclusion coinciding with the claimant's account of events. However, it should in principle be capable of leading to the establishment of the facts of the case and, if the allegations prove to be true, to the identification and punishment of those responsible.<sup>4</sup>

The very important thing about the Fedorchenko and Lozenko case is the fact that for the first time the Court found a violation of Article 14 taken in conjunction with Article 2 under its procedural limb in relation to the Roma minority in Ukraine. The Court stated the following in its judgment:

Given the widespread discrimination and violence against Roma in Ukraine as noted, in particular, by the report of the ECRI, it cannot be excluded that the decision to burn the houses... had been additionally nourished by ethnic hatred and thus it necessitated verification... The Court notes that there is no evidence that the authorities have conducted any investigation into the possible racist motives of this crime... The Court considers it unacceptable that in such circumstances an investigation, lasting over eleven years, did not give rise to any serious action with a view to identifying or prosecuting the perpetrators.<sup>5</sup>

**RUSSIA: KLEYN V. RUSSIA – MAY 2012**

The second case concerns an incident that allegedly occurred in 2002 when a Russian woman of Romani origin jumped out of a second-floor window in a police station where she was being held on suspicion of pickpocketing. After having been arrested on a bus, Ms Aleksandrovich was taken to the local police station for questioning. About two and half hours later her unconscious body was found in the police station courtyard. She was taken to hospital in a coma and died four days later. The autopsy report concluded that she had died of cerebral trauma and numerous other injuries to her body. The report also noted scratches on her left wrist and right knee.

3 *Fedorchenko and Lozenko v. Ukraine*, paragraph 43.

4 *Fedorchenko and Lozenko v. Ukraine*, paragraph 48.

5 *Fedorchenko and Lozenko v. Ukraine*, paragraphs 68-70.

According to the Government, Ms Aleksandrovich had jumped from the toilet window in order to escape. Under stress, she had made several other attempts to escape (from the bus and then on her way to the police station). Suffering from stomach pains, she had also frequently asked to go to the toilet and seized the opportunity to escape through the toilet window when only a male officer was available and he had had to leave her alone in the toilet.

The case had been brought to the Court by the husband of the deceased woman and her son. Relying in particular on Article 2 (the right to life and the right to have a thorough investigation should the right to life be breached), the applicants alleged that Ms Aleksandrovich had died as a result of ill-treatment in police custody and that her unconscious body had been placed in the police courtyard to make it look as if she had tried to escape from a toilet window. The applicants also claimed a violation of Article 3 of the Convention (the right to be free from torture and inhuman treatment), Article 8 (the right to private life), Article 13 (the right to an effective remedy) and Article 14 (the right to be free from discrimination).

Proceeding to the argumentation of the case, the Court found in particular that, due to an inadequate legal framework and failure to ensure the effective participation of Ms Aleksandrovich's next of kin in any form of criminal proceedings, the Russian authorities had not taken all reasonable steps to determine the circumstances in which she had died. The Court also pointed out that no criminal investigation into Ms Aleksandrovich's death had ever been launched. The authorities had refused to open an investigation on at least four occasions, and the domestic courts even admitted that, in that regard, her partner's access to justice had been breached.

The Court found that the authorities had failed to ensure the next of kin's effective participation in the proceedings. Not having the status of a victim in such proceedings meant that they had had no opportunity to lodge applications, to put questions to experts or to obtain copies of procedural decisions. Furthermore, Mr Kleyn (the applicant and the victim's partner) had apparently not been notified of the first decision of June 2002 not to bring criminal proceedings, meaning that he had only retained legal counsel to access the case file and lodge an appeal 18 months later, in December 2003. This loss of time had further undermined the adequacy of the investigation.

The Court further emphasised that persons in custody are in a particularly vulnerable position and the authorities are under an obligation to account for their treatment. As a general rule, the mere fact that an individual dies in suspicious circumstances while in custody should raise the issue of whether the state has complied with its obligation to protect that person's right to life.

The Court therefore concluded that the Russian authorities had not taken all reasonable steps to establish the circumstances in which Ms Aleksandrovich had died, in violation of Article 2 (the right to life and investigation).

In the present case the Court did not find the Russian authorities to be in breach of Article 14 of the Convention, as there was no evidence supporting this claim. By the same token, the Court did not find a violation of Article 3 of the Convention.

These two cases under Article 2 of the Convention have one common message when it comes to the principles established by the Court in relation to the investigation of the incidents concerning the right to life under the procedural limb. The Court is quite consistent in following its jurisprudence and case law when it comes to examining these issues. The Court reiterates rules and principles that should be observed by the state authorities in order for an investigation into alleged violations of the right to life to be considered effective. The same conclusion can be inferred in relation to the substantive limb of Article 2, where in both cases the Court did not find a violation. Under the substantive limb of Article 2 of the Convention the Court requires the provision of proof beyond reasonable doubt in order to establish a violation of the substantive limb of the Article; the mere assertion is not enough. In assessing evidence, the Court adopts the standard of proof "beyond reasonable doubt". However, such proof may follow from the co-existence of sufficiently strong, clear and concordant inferences or of similar unrebutted presumptions of fact. The Court is sensitive to the subsidiary nature of its role and recognises that it must be cautious in taking on the role of a first-instance tribunal of fact, where this is not rendered unavoidable by the circumstances of a particular case. Nonetheless, where allegations are made under Articles 2 and 3 of the Convention the Court must apply a particularly thorough scrutiny, even if certain domestic proceedings and investigations have already taken place. The Court obviously does this and follows the lines of already established principles.

It is more difficult to speak about consistencies when it comes to claims of discrimination. Obviously every case is different – discrimination claims and evidence adduced depend on the circumstances of the case. The Court, when it comes to discrimination claims, seems to be inclined to take a rather selective individualised approach and prefers to judge each case taken on its own merits rather than establishing and subsequently applying principles of precedents and following its case law and jurisprudence, as is demonstrated by the two judgments at hand. While it may be quite obvious what evidence is needed in order to make a case of discrimination, it is not at all obvious whether the same evidence will have the same proof value in different circumstances of different cases.

### ARTICLE 3

Article 3 of the European Convention of Human Rights and Fundamental Freedoms (Convention), the provision on prohibition of torture, and inhuman and degrading treatment or punishment, enshrines one of the fundamental values of democratic society, and is one of the substantive rights in the Convention that is absolute and can never be derogated from. Article 3 read in conjunction with Article 1<sup>6</sup> of the Convention imposes a very clear positive obligation on the state to prevent and provide redress for ill-treatment if it occurs, especially at the hands of state agents. In several judgments the Court recalled that “Where an individual makes a credible assertion that he has suffered treatment infringing Article 3 at the hands of the police or other agents of the State, that provision, when read in conjunction with the State’s general duty under Article 1 of the Convention ‘to secure to everyone within their jurisdiction the rights and freedoms defined in [...] [the] Convention’, requires by implication that there should be an effective official investigation.”<sup>7</sup> Furthermore, it sets out the criteria that any investigation should meet: it has to be effective, thorough and capable of leading to the identification and punishment of those responsible.<sup>8</sup> It also has to be independent, impartial and subject to public scrutiny, and the authorities must act diligently and promptly.<sup>9</sup> Article 3 also imposes a duty to investigate ill-treatment caused by state or non-state actors, as well as

the duty to investigate any possible link between racist attitudes and acts of violence.

Effective investigation of ill-treatment is essential for finding redress for victims and in maintaining public confidence in the rule of law. Failure to do so may send the message that such unlawful acts are tolerated. Conducting effective investigation is an increasingly important task of the state authorities in situations when the ill-treatment was committed due to alleged motivation of bias. However, states tend to fail in satisfying the requirement of effective investigation, especially when it comes to revealing racist violence. In this part of the article, the author discusses two recent examples where the states did not comply with their obligations under the Convention to conduct an effective investigation.

### SLOVAKIA: *KOKY AND OTHERS V. SLOVAKIA* – JUNE 2012

In the case of *Koky and Others v. Slovakia*, Romani individuals were attacked by non-Roma in Slovakia, causing injuries and damaging their property. Unfortunately, this was not an isolated case back in 2002; rather, there is an ongoing trend of violence against Roma. As this case demonstrates, Slovak authorities are unwilling to address the issue of racial violence and properly investigate and prosecute perpetrators and bring justice to Romani victims.

### The facts of the case

In February 2002, 10 Slovak citizens of Romani ethnic origin were violently attacked in Ganovce-Filice, Slovakia. A group of men armed with baseball bats and iron bars, wearing masks, and shouting racist language, attacked the applicants’ settlement following an earlier incident in a bar. A non-Roma waitress had refused to serve a drink to Roma, which developed into an argument between one of the applicants and the waitress.

Later that night, the attackers went to the Romani settlement and forcibly entered three houses in the Romani settlement, causing damage and breaking windows. They also physically assaulted three of the applicants, causing injuries to two of

6 Article 1 of the Convention to “secure to everyone within [its] jurisdiction the rights and freedoms defined in [the] Convention”.

7 ECtHR, *Jasar v. The Former Yugoslav Republic of Macedonia*, paragraph 55.

8 ECtHR, *Assenov and Others v. Bulgaria*, no. 24760/94, paragraph 102.

9 ECtHR, *McKerr v. the United Kingdom*, no. 28883/95, paragraph 128, *Hugh Jordan v. the United Kingdom*, paragraph 120; *Kaya v. Turkey*, paragraph 87.



them. The victims suffered serious injuries, including a skull fracture, a cut to the back of the head and a crushed arm, which required one applicant to stay in hospital for about two weeks. The other applicant suffered a fractured elbow, which healed only after one week. The applicants' property was also damaged during the racially motivated attack.

About half an hour after the incident the police arrived, and on that night and the following day they carried out inspections of the houses that had been attacked and interviewed some of the applicants. A criminal investigation was opened on the following day by the prosecutor's office into allegations of causing bodily harm, violation of the privacy of the home and causing destruction of property.

During the following weeks, an investigation was carried out, including an investigation of possible racist motivation, and witnesses were interviewed. However, the investigation was suspended twice when the prosecutor concluded that that no evidence had been established in order to identify and bring charges against specific perpetrators, despite the fact that all necessary steps had been taken by the authorities. Despite the consequent appeals by two of the applicants requesting the continuation of the investigation and unmasking the racial bias, and also a constitutional appeal contending that the attacks had not been effectively investigated, the investigation did not continue, and no remedy was provided to the applicants in the domestic proceedings.

Subsequently the ERRC, together with its local partner the League of Human Rights, submitted an application to the ECHR alleging that the violence to which the applicants had been subjected by private individuals had been inhuman and degrading treatment and it had been racially motivated, and furthermore that the Slovak authorities had failed to conduct an effective investigation into the attack.

## Judgment

After declaring the case admissible in an admissibility decision in 2009, the Court brought its judgment in June 2012. First the Court examined whether the alleged ill-treatment was serious enough to fall within the scope of Article 3. It noted that in an assessment of whether the gravity of the injuries and the damage reaches the threshold of Article 3 the overall context of the attack has to be taken into consideration. The Court observed the following: "The incident

took place at night time and in a Roma settlement, and [...] it involved a group of partly armed and masked men who forcibly invaded the applicants' home and privacy; moreover, damage was caused to the applicants' property and there was a physical confrontation inside the applicants' home as well as outside." The Court also took note of the verbal threats and "imprecations affronting the applicants' ethnic dignity". Therefore it concluded that there could be no doubt that the treatment fell under the remit of Article 3 of the Convention.

Consequently, the Court found that Slovakia had violated Article 3 of the Convention under its procedural limb, when Slovak authorities failed to adequately investigate the ill-treatment of the Romani applicants by private individuals. The Court concluded that although the investigation was structured and substantive in quantitative terms, the Slovak authorities had not done all that could have been reasonably expected of them in order to investigate the allegedly racist incident and to identify and prosecute those responsible for the attack.

In reaching its decision, the Court considered "the sensitive nature of the situation related to Roma in Slovakia" and the "particular importance for an investigation into an attack with racial overtones to be pursued with vigour and impartiality, having regard to the need to reassert continuously society's condemnation of racism and to maintain the confidence of minorities in the ability of the authorities to protect them from the threat of racist violence". The Slovak authorities had failed to conduct such an investigation and therefore the Court found a violation of the procedural aspect of Article 3 of the Convention.

However, despite taking into consideration the broader situation of Roma in Slovakia, the possible racist overtones and the heightened importance of the duty of unmasking and investigating alleged racist violence and protecting minorities from such violence – as stated by the Court in its judgment of this case – the Court refused to examine the case separately under Article 14 of the Convention (non-discrimination). This is in spite of the Court's jurisprudence, which stresses the fact that treating racially motivated violence and brutality committed by state or non-state actors in the same manner as non-racially motivated violence and brutality would mean turning a blind eye to the specific nature of racist acts that are particularly destructive of fundamental rights, and so a failure to make such a distinction may constitute an unjustified treatment and a violation under the

non-discrimination provision of the Convention.<sup>10</sup> Therefore it is difficult to comprehend the reasons for the Court's reluctance to analyse the case under Article 14.

For the violation of their rights the Court awarded those two applicants who were physically injured 10,000 Euros each and each of the seven other applicants 5,000 Euros as non-pecuniary damages.

**HUNGARY: *BORBÁLA KISS V. HUNGARY* – JUNE 2012**

Similarly to the Koky case, the case of Ms Kiss should also be interpreted against the backdrop of systematic police brutality and discrimination suffered by Roma in Hungary. In this case the victim, a Romani woman, suffered degrading treatment by the police when they intervened at a family party in a village in north-east Hungary in 2010. The authorities forcefully broke up the party, using truncheons and pepper spray. When Ms Kiss intervened in a heated argument between the police and a man at the party, the police sprayed pepper spray in her eyes, dragged her towards the police car and banged her against it. During the incident, Ms Kiss' pullover was torn and her breasts were exposed.

Despite the criminal report that was filed by Ms Kiss,<sup>11</sup> the investigation into her allegations of ill-treatment was closed without result. No perpetrators were identified and no criminal offence was established. In the meantime, a criminal procedure was launched against Ms Kiss and others for alleged obstruction of justice. The procedure involved the same prosecutor who had closed the investigation in Ms Kiss' case. Failing to provide remedy to the victim in the domestic procedures on behalf of the victim, the ERRC and the Hungarian Civil Liberties Union jointly filed a submission to the ECtHR in September 2011 to seek redress.

The applicant claimed that the excessive use of force by the police and the failure to conduct an effective investigation into the case constituted a violation of both substantive and procedural limbs of Article 3 under the Convention and that the degrading treatment and the lack of appropriate investigation were the result of racial discrimination against the victim. The applicant also alleged

that there was no effective remedy provided for her. In this respect the applicant had to demonstrate the ineffectiveness of the substitute private prosecution mechanism in her case, a remedy that offered no reasonable prospect of success for the violation of her rights under Article 3 of the Convention. In order to demonstrate the ineffectiveness, besides the procedural difficulties in its pursuance, the applicant provided statistical evidence on the low success rate of substitute private prosecution in similar cases.

In its submission, as to the admissibility of the application, the Government argued that the applicant had not exhausted all available domestic remedies, as the applicant had not requested an investigation judge to reopen the investigation. Alternatively, the Government argued that the substitute private prosecution could also have been an effective remedy for the applicant.

As to the merits, the Hungarian Government accepted the facts established by the applicant and the Court, but argued that the intervention was necessary and proportionate, due to the applicant's resistance. Therefore, the Hungarian Government argued, the applicant's claim was manifestly ill-founded. The Government also argued that the investigation into the allegations was actually carried out and was properly thorough and effective, and that the fact that the evidence was not sufficient to establish the criminal responsibility of the perpetrators simply does not amount to a violation of the procedural limb of Article 3. The Government did not elaborate further on the necessity and proportionality of the police intervention. Neither did it provide any explanation as to the alleged flaws of the investigation. Absurdly, the Government argued that the circumstances of the case were thoroughly investigated in the parallel procedure that was launched against the applicant and her associates for obstruction of justice, although that case was not yet closed at the time of this procedure before the Court.

In reply to the Government's observations, the applicant submitted that the Government's interpretation of the provision of criminal law was a misconception of law and that therefore the request to reopen the investigation could not be in any way an effective remedy for her complaint. In addition, the applicant invoked the Court's jurisprudence in *Gubacsi v. Hungary*,<sup>12</sup> where the Court stated that once

10 ECtHR, *Nachova and Others v. Bulgaria* no. 43577/98 and 43579/98; *Sečić v. Croatia* no. 40116/02; *Cobzaru v. Romania* no. 48254/99, *Beganović v. Croatia* no. 46423/06.

11 In the domestic proceedings the applicant was represented by the Hungarian Civil Liberties Union (HCLU, [www.tasz.hu](http://www.tasz.hu)).

12 ECtHR, *Gubacsi v. Hungary* no. 44686/07, 28 June 2011.

the applicant has filed a criminal complaint he is no longer required to file another, nominative one. In any case, the applicant had no information as to the identities of the alleged perpetrators, and therefore she had no opportunity to file a nominative complaint. As to the merits, the applicant maintained her previous claim that the Government had not shown any specific behaviour of the applicant leading to the police intervention and thus the burden of proof was shifted to the Government to explain how she suffered the injuries at the hands of the police. However, the investigation conducted by the Hungarian authorities did not conclude that this was the case, and neither did it lead to the identification and punishment of the perpetrators.

### The judgment<sup>13</sup> – decision on admissibility and merits

Surprisingly, the Court brought its judgment in a particularly timely manner, within less than a year. In its judgment the Court decided on the admissibility and the merits of the case. As to the admissibility, the Court recalled that the obligation to exhaust domestic remedies requires that the applicant make normal use of remedies that are effective, sufficient and accessible. In view of this principle, along the lines of the applicant's argumentation, the Court found that the applicant had submitted a criminal complaint and had therefore brought the case to the attention of the authorities and could not be expected to submit another "virtually identical but nominative one directed against particular officers enabling substitute private prosecution". Moreover, in the view of the Court the Government had not submitted any evidence as to the effectiveness of any other remedy; therefore the Court declared the case admissible.

In its judgement, the Court noted that "the humiliating conduct of the police operation and the injuries suffered by the applicant were sufficiently serious to amount to degrading treatment within the scope of Article 3"<sup>14</sup> and that the Government did not provide any "convincing and credible arguments" that would have clarified any particular conduct

of the applicant that would have justified the degree of police force used during the operation.<sup>15</sup>

Before going into the analysis of the adequacy of the investigation, the Court noted that no internal investigation or disciplinary procedure appeared to have been carried out within the police force concerning the appropriateness of the police action. The Court also found that in the course of the investigation neither the applicant and her associates nor the suspected police officers were heard in person in the proceedings. The Court noted that although some minutes of the testimonies were obtained for the purpose of this investigation, the testimonies were originally collected in the parallel proceedings launched against the applicant and her associates and did not concern the proportionality of the use of force by the police. The investigation was finally terminated without any resolution, based on the "irreconcilable testimonies", and no individual criminal responsibility was established. This investigation did not satisfy the Court's criteria of adequacy.

Neither could the Court accept the Government's argument of considering the parallel investigation launched against the applicant as a substitute one for investigating the applicant's allegation of ill-treatment. Consequently, the Court concluded that no adequate investigation had been carried out into the applicant's allegation of her ill-treatment, and therefore established the procedural violation of Article 3 as well. The Court awarded 5,000 Euros for individual remedy for the applicant.

However, similarly to the above-mentioned case of *Koký and Others v. Slovakia*, disappointingly the Court rejected the claim of discrimination under Article 14 of the Convention, finding that there was no evidence of discriminatory conduct by the police. Unlike the situation in the *Koký and Others v. Slovakia* case and in the *Fedorchenko and Lozenko v. Ukraine* case, in its judgment of this case the Court did not take any note of the systematic ill-treatment by police of Romani individuals as reported by several human rights organisations and monitoring bodies, including the Council of Europe's European Commission against Racism and Intolerance (ECRI),<sup>16</sup>

13 ECtHR, *Borbála Kiss v. Hungary*, no. 59214/11, 26 June 2012.

14 Paragraph 35.

15 Paragraphs 36-37.

16 ECRI Report on Hungary (fourth monitoring cycle), page 47, published 24 February 2009, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Hungary/HUN-CbC-IV-2009-003-ENG.pdf>.

the UN Human Rights Committee<sup>17</sup> and the UN Committee against Torture,<sup>18</sup> all expressing their concerns at reports of ill-treatment of and discrimination against the Roma by law enforcement officials, especially the police. Whereas for example in the Koky case, when confronted with general reports of discrimination, the Court specifically considered “the sensitive nature of the situation related to Roma in Slovakia at the relevant time”, it did not do so in the Kiss case. As a consequence, it is not clear what importance the Court accords to these general reports on discrimination. However, considering the systematic nature of the racist violence that Roma suffer at the hands of both state and non-state actors in Europe, the Court should exercise a higher level of scrutiny when confronted with reports by human rights organisations and monitoring bodies, especially if such cases are reported by the Council of Europe or UN bodies.

All this notwithstanding, the judgment sends an important message to Hungarian state authorities, namely that

no excessive use of force by law enforcement is to be tolerated in a democratic society, and that all allegations of ill-treatment must be adequately investigated.

It is to be noted that although the individual remedy has been applied, there has been no impact of the Court’s decision in terms of domestic jurisprudence and practice. The parallel procedure that was launched by the police against the applicants, clearly as a retaliatory action, continued, and although the judge reviewed the decision by the Strasbourg Court, he attached no importance or relevance to it in the case, even though the Court had clearly noted that the Government had not clarified what particular conduct on the applicant’s side had warranted the use of force by the law enforcement authorities.<sup>19</sup> Regardless of the Strasbourg judgment, in the domestic proceedings launched against the applicant, she was found guilty of obstructing justice and given a suspended sentence. This shows that it is a long way from judgments to justice, and that the implementation of judgments cannot stop at providing financial remedies to victims of ill-treatment.

17 Concluding Observations of the Human Rights Committee Hungary, paragraph 18, 100th session, Geneva, 11-29 October 2010. available at: <http://www2.ohchr.org/english/bodies/hrc/hrcs100.htm>.

18 Conclusions and Recommendations of the Committee against Torture, Hungary, paragraphs 14, 16 and 19, 37<sup>th</sup> session, 6-24 November 2006, available at: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G07/403/45/PDF/G0740345.pdf?OpenElement>.

19 Conclusions and Recommendations of the Committee against Torture, Hungary, paragraph 36.

## Book Reviews

### Richard Filčák – *Living Beyond the Pale*, CEU Press, Budapest, 2012

Environmental justice (or rather injustice?) - that is the concept which is subject to scrutiny by Richard Filčák, in his book *Living Beyond the Pale*. Filčák scrutinises this term within the context of Roma communities living in Eastern Slovakia, making his book of interest to Roma rights activists and researchers

What exactly is environmental justice? The author notes that there are many ways to define environmental justice, but he sees it as a type of social distributive justice among human beings, which is limited by ecological boundaries. He defines it as “fair treatment and recognition of all stakeholders in the processes related to distribution of environmental benefits and harm, while the distribution itself is done in a way that no social or ethnic group bears an unequal share of environmental harm or is blocked from accessing environmental benefits.”

Environmental justice is still a relatively new field of research. Its roots can be found in the United States and the United Kingdom, dating back to the 1980s. In Central and Eastern Europe, research in this field has been virtually non-existent. For that reason Filčák sees his own work as that of a pioneer in terms of mapping the situation in the region. As he explains, the book is based on both research carried out for his PhD thesis, and also on further research which he undertook after completing his doctoral studies.

‘*Living Beyond the Pale*’ analyses the practical implications of environmental justice within the territory of Eastern Slovakia. In his research the author, who is from Slovakia, successfully uses both theoretical knowledge about local living conditions and practical experience gained from personal visits and observations. His work thus provides a combination of theoretical and practical approaches in relation to the subject matter.

The book is divided into three parts and nine chapters. The first part introduces the notion of environmental justice, i.e.

its content, roots, development, etc. It also gives an insight into the history and living conditions of the Roma minority in Slovakia. The author emphasises their long-standing social exclusion, realistically describes everyday life in segregated settlements and neighbourhoods, and explains the deeply-rooted stereotypes of the majority population against Roma. The second part focuses on practical observations and two case studies carried out in the Romani settlements (which Filčák calls *shantytowns*) of: Pátoracké, Zabíjanec, Svinia, Hermanovce and Jarovnice. There is also a regional overview based on visits to 30 randomly selected settlements. The author examines specific environmental conditions in the aforementioned settlements and sees many environmental hazards threatening local Romani communities. In the third and final part of the book, the author sums up the main findings of his field research. He also offers his own view on possible scenarios of development.

The territorial scope of the book is restricted to a few randomly-selected villages in Eastern Slovakia. Why there? The eastern part of Slovakia has the highest concentration of marginalised or entirely segregated Romani communities and it includes the most underdeveloped regions within the territory of Slovakia in which there is no lack of environmental hazards threatening local inhabitants. However, not all of the communities face the same dangers.

The author claims that clear discrimination exists in Slovakia in terms of access to environmental benefits (e.g. access to drinking water, waste removal) and exposure to negative environmental impact (e.g. hazardous waste, chemicals, vulnerability to floods). Filčák states that environmental justice is very closely connected with social justice. He examines various social factors and processes that lead to and/or stem from either environmental justice or injustice, including employment, poverty, level of education, adequacy of housing and segregation in housing and education.

The author argues that rather than speaking about environmental justice, the best term to describe the situation of Roma in Slovakia is environmental *injustice*. He stresses that the majority of Roma live in marginalised communities (his

work is focused on them) either on the outskirts of town and villages, or beyond, where they are exposed to several environmental risks. However, hand in hand with this descriptive statement, he also states that: “*environmental injustice is not an outcome of the ‘historical determination’ of the Roma population to live in environmentally problematic places.*”

Filčák supports his claims of discrimination of Roma in relation to the right to a favourable environment as guaranteed by the Constitution of the Slovak Republic with two case studies. In his book he stresses that the settlements for case-studies were pre-selected because they reflect the situation in the region very well. The division and contrast of worlds (majority population vis-à-vis Roma) described in the book are obvious.

The first case study analyses the situation in the village of Rudňany, which includes two Romani settlements: Pätöracké and Zabíjanec. The environmental conditions in Rudňany are among the worst in Slovakia due to the past activities of metal-mining and ore-processing industries. Although the mines were closed at the beginning of the 1990s, no preventive measures were taken to protect those living in the close vicinity. Currently, the area is full of waste-dumps, toxic emissions and abandoned factory premises. Several tests carried out on the soil revealed high concentrations of mercury.

The second case-study describes environmental problems in three ‘*shantytowns*’ on the Svinka River: Jarovnice, Hermanovce and Svinia. Although the pollution coming from industrial activities is not as high as in Rudňany, there is another environmental hazard typical for this particular region: exposure to frequent floods. Furthermore, houses and shacks in the three settlements are built either on wetlands on the riverbank, or further away on soil which is also not suitable for construction due to the significant presence of underground water. Filčák highlights that, paradoxically, access to clean drinking water in the settlements is significantly limited.

‘*Living Beyond the Pale*’ has the potential to become an important source of information for those working in or interested in Roma rights, not only because it introduces the concept of environmental justice within the Central and Eastern European region. More importantly, its case studies clearly show the reality: marginalised Romani communities, when compared to the majority population, are exposed to a much wider range of environmental hazards and have

limited access to environmental benefits. However, their poverty, social exclusion and lack of political power prevent them from improving their situation. Life beyond the pale is beyond all doubt very far from being environmentally just.

*This book was reviewed by Michal Zálešák*

**Roma in Europe: Migration, Education, Representation, Anca Pusca (Editor). International Debate Education Association, New York 2012. Available from CEU Press**

*Roma in Europe: Migration, Education, Representation* addresses the issue of how Roma are represented and perceived in Europe. The collection of papers from various authors focuses on the role of representation and, therefore, perception as driving tools for shaping and implementing discriminatory policies on major topics such as education or housing.

Through a variety of different views, this volume shows how the media representation of Roma influences both policy makers and the general public, generating a flawed anthropological approach towards Roma all over Europe. Such a flawed approach, it is clearly argued throughout the book, is encouraged by some of the most powerful stakeholders – such as prime ministers or high level politicians – and used to set the stage for their own interests and, ultimately, to justify discrimination. Clear examples addressed in the book include Sarkozy’s wave of expulsions from France and Berlusconi’s Italian State of Emergency.

On the other hand, the issue of representation and perception affects how some supposedly “positive” actors, such as NGOs and EU institutions, perceive Roma, and, even more worryingly, frame and set boundaries on how Roma define themselves as a group and connect with the majority of society. In the second chapter, such “identity struggle” is explored regarding Roma living in Parisian suburban slums and the influence on them of top-down policies and frameworks.

As implied by the title, the book is divided into three thematic sections each one presenting important and often widely-known case studies.

The first section explores the issue of Roma migration and presence in France and Italy, and how these countries decide

to depict and deal with Roma. The section addresses the increasing level of securitisation and politicisation of immigration policies and deals with the question of whether Roma migrants are specially targeted or if their ill treatment is part of a wider trend that involves all migrant groups. The five chapters in the first section try to locate the “Roma issue” in a bigger picture, which shows how a common European trend has been rising for the last decade, reaching its peak with the series of expulsions in France and the Italian “Nomad State of Emergency” and its – now institutionalised – physical segregation in camps. Other cases studied in these papers consider the rising xenophobia towards Romani migrants in Italy and France, as well as the long pattern of racism in Italy and, in this context, the use of gender violence to spur hatred and eventually provide a useful set of justifications for the introduction of discriminatory policies. A common thread linking the authors of this section is that they challenge and argue about the features of supposed European identity, and show very openly that this identity has been moving from a comprehensive and inclusive approach to a closed and excluding stance that pushes more than one voice to speak about “Fortress Europe”.

Put in such a European frame, Roma *mis*representation and *mis*perception become a powerful example of how such a misguided approach affects the lives of many people that, in many cases, are not even allowed the chance to assess and define their own culture and role in society.

In the second part of the book, the most important cases of Roma school segregation are presented. Two articles focus mainly on *D.H. and Others v the Czech Republic*. As we learn, in most cases of school segregation and Roma children, representation in special schools is disproportionately high. School segregation is present in most countries to some degree. The cases presented in this book can be used as an example and empower agents to act against this practice. While it is widely known that school segregation exists, actors may not know what can be done against it. These articles show some possibilities, such as how research can help to prove segregation; how

important it is for successful litigation to have information from the community; and how to work hand in hand with local and grassroots NGOs. The book presents a strong message: Never give up!

It is also shown how school segregation can be inaccurately presented by the government and the State as a positive action, which will help a minority group to integrate. The description of the litigation process in the D.H. case gives a clear picture of how difficult it is to prove there is direct or indirect discrimination regarding the placement of Romani children in special education classes. Language barriers are also examined. The language issue is not only a question of speaking a different language but also the level of knowledge. This is because gaps in knowledge of specific school language and vocabulary may also be connected with poverty, and not being familiar with or having school objects and school supplies at home.

The articles on representation stress the importance of those who are in power using their opportunities to fight against segregation, rather than blaming some groups for costing too much, or representing them as dirty and poor, not working, or studying, as the book explains in the section on the representation of the Roma. This section examines representations of Roma in the UK, Czech Republic, Slovakia, and Lithuania. This part of the book has also a strong message on the importance of thinking about what we say, and where and how we say it. Representation of the Roma all across Europe in the media, and in history is negative.

The article on Travellers and Roma in the UK, which examines the rights to housing, right to education, and the national strategies, looks at where discrimination came from and how prejudice was born in the views of non-Roma and non-Travellers. As long as the media only ever represents these groups in a negative light, and the majority perceive this group of people as troublemakers, lazy, costing too much etc, the situation will never change.

*This book was reviewed by Anikó Orsós and Marcello Cassanelli*

## EUROPEAN ROMA RIGHTS CENTRE

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma. The approach of the ERRC involves strategic litigation, international advocacy, research and policy development and training of Romani activists. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

The ERRC has been the recipient of numerous awards for its efforts to advance human rights respect of Roma: The 2012 Stockholm Human Rights Award, awarded jointly to the ERRC and Thomas Hammarberg; in 2010, the Silver Rose Award of SOLIDAR; in 2009, the Justice Prize of the Peter and Patricia Gruber Foundation; in 2007, the Max van der Stoep Award given by the High Commissioner on National Minorities and the Dutch Foreign Ministry; and in 2001, the Geuzenpenning Award (the Geuzen medal of honour) by Her Royal Highness Princess Margriet of the Netherlands;

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