Roma in the Western Balkans

By Ivan Ivanov, ERIO’s Executive Director

It is difficult to calculate the exact population of Roma living in the Western Balkans due to a reticence amongst them to self-identify (out of fear of discrimination), and barriers to their accessing of services. What is clear is that the situation of Roma in this region is worse than in other parts of Europe. A combination of poor economic development and a lack of fundamental social reform since the Yugoslav War have left life for the most marginalized in this region extremely difficult today.

A potential catalyst for progress here would be the accession of these countries in to the European Union. The Enlargement Strategy of the European Commission recognizes the “precarious situation of Roma in the Western Balkans and Turkey”. As a condition of entry into the EU, states must adjust their laws to harmonize them with existing European legislation. This would, for example, force an obligation to comply with the Race Discrimination Directive. Such a political transformation would provide the impetus for the societal change needed to improve the situation of the Roma, helping to tackle the high rates of illiteracy, unemployment and poor living conditions in the community.

In the past two years a parallel opportunity to bring about change for the Roma has found its way on to EU agenda; this is the European Framework for National Roma Integration Strategies.

Indeed, during the development phase of this Framework, ERIO strongly lobbied that it should apply not only to EU member states but also to the candidate and potential candidate countries to the EU.

In its Communication on the EU Framework for the National Roma Integration Strategies on the 5th April 2011, the European Commission, referring to the enlargement countries, stated that: “The Commission is committed to helping, at regional and national level, the efforts of these countries to improve the social and economic inclusion of Roma through:

- Improving the delivery of support under the Instrument on Pre-Accession Assistance towards a strategic and results oriented national and multi-beneficiary programming with a focus on a sector-wide approach for social development.

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The average estimates suggest that there are around one million Roma living in the Western Balkans (WB) most of who live in Serbia (approx. 600,000) and in the Former Yugoslav Republic of Macedonia (FYROM – approx. 197,750).\(^1\) Despite the Roma being the largest minority group in the region, they are rarely considered as on an equal footing as other groups, and little efforts are made to improve their socio-economic conditions. Time has come for WB governments to take concrete measures to address these problems, as well as for the EU and its member states to take their responsibilities seriously and effectively pressure the WB authorities to implement Roma inclusion action plans. The Roma have suffered from discrimination and marginalisation for too long and it is not conceivable to pursue the enlargement to the WB without effectively addressing the issue.

\(^1\) http://www.coe.int/t/dg3/romatravellers/Source/documents/stats.xls

The Situation of Roma in the Western Balkans

By Claudio Cafieri

The average estimates suggest that there are around one million Roma living in the Western Balkans (WB) most of who live in Serbia (approx. 600,000) and in the Former Yugoslav Republic of Macedonia (FYROM – approx. 197,750).\(^1\) Despite the Roma being the largest minority group in the region, they are rarely considered as on an equal footing as other groups, and little efforts are made to improve their socio-economic conditions. Time has come for WB governments to take concrete measures to address these problems, as well as for the EU and its member states to take their responsibilities seriously and effectively pressure the WB authorities to implement Roma inclusion action plans. The Roma have suffered from discrimination and marginalisation for too long and it is not conceivable to pursue the enlargement to the WB without effectively addressing the issue.

Roma in the WB have been historically subjected to discrimination and exclusion. During World War II, between 500,000 and 1,500,000 Roma were killed by the Nazis, based on alleged race inferiority. During the wars in former Yugoslavia in the 1990’s, Roma communities were
again extremely vulnerable to harassment and intimidation, and were repeatedly victims of gross human rights abuses. The Roma who fled from their homes due to persecution were rarely treated like other ethnic groups’ refugees and internally displaced people (IDP). In the post-war reconstruction years, Roma rights remains largely ignored resulting in a complete lack of representation and participation in post-war political processes.

Since the early 1990’s, the gap between Roma and non-Roma has dramatically widened and, as several UN reports demonstrate, the deterioration of the situation of Roma today is translated in a consistent over-representation of Roma amongst those deprived of acceptable socio-economic living conditions. In Kosovo for example, 36.7% of Roma live in extreme poverty, three times the number of Albanians and almost ten times the number of Serbs living in similar conditions.\(^2\) In terms of access to safe and decent housing, in Albania around 72% of Roma still have no shower and 84% have no toilets in dwelling.\(^3\) In Croatia, youth unemployment rate amongst Roma is around 73% against 33% of non-Roma. Illiteracy rate amongst non-Roma between 15 and 24 years old in the region is almost inexistent. However among Roma, the illiteracy rate is around 35% in Albania and Kosovo - and in Croatia, Macedonia and Serbia, it is around 10%.\(^4\)

The discrimination faced by the Roma affects many areas of life and is widespread across the region. There is also evident discrimination in terms of political representation; there are only a few representatives of Roma in high office positions in countries with a higher percentage of Roma. In some cases, such as in Bosnia and Herzegovina (BiH), Roma are not constitutionally recognised as a minority impeding them to run for political positions as Roma representatives. Until recently, the Roma have been constitutionally defined as ‘others’, rather than a constituent minority group.

Although in 2009, the European Court of Human Rights ruled that Bosnia's constitution violated the rights of Roma minorities, the Parliament only began to address this issue late in 2011.\(^5\)

\(^3\) UNDP, At Risk: The Social Vulnerability of Roma in Albania, Tirana 2006  
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Unless these cases of political exclusion are properly addressed, the Roma will unlikely have the necessary means to empower themselves through political participation.

The EU has at its disposal the tools to sanction those countries that do not comply with Roma and are also repeatedly victims of forced evictions. Early in 2012 a campaign was held by Human Rights activists and Amnesty International to stop the forced evictions of 33 Roma families who were living in Block 72 in Belgrade, Serbia. Most of whom were IDP having fled Kosovo, and the others; residents of Belgrade.6 Unfortunately, the eviction went ahead and the families were relocated to metal containers.7 Human Right Watch also reports of a case where Roma were re-evicted by authorities from accommodation provided by local NGOs to parks.8

The efforts of WB governments’ to promote Roma inclusion have been ineffective despite having EU membership on their agenda and recognising its strict conditionality. However, the EU and its member states have their responsibilities too.

The EU has at its disposal the tools to sanction those countries that do not comply with conditionality; yet, they are rarely used. The EU must recognise the failures of the past, and as the 2004 / 2007 enlargement has demonstrated, EU membership alone does not guarantee improved living conditions for anyone – especially the Roma.

In order to achieve tangible results, coherence and consistency are fundamental at the EU level and amongst EU member states. The member states must demonstrate themselves strong commitments to and respect for human rights, and the protection of minorities in their own countries. Unfortunately; eviction, lack of representation, discrimination in access to quality education and housing, access to healthcare, widespread violence against the Roma and their settlements, and anti-Roma political rhetoric occur on a regular basis within the EU member states themselves.

Despite recognition at the EU level of Roma, positive discrimination, and the adoption of a European strategy for Roma inclusion, there is little improvement. The future of the WB lay in the EU, but in order to make enlargement beneficial for everyone, the Roma issue should be effectively tackled prior to accession. The EU must be able to sanction those countries whether already member states or candidates countries. The EU, which boasts its role as promoter of human rights, cannot afford any more flexibility on the values and norms on which the Union itself is founded.

8 http://www.hrw.org/world-report-2012/serbia
The Western Balkan Enlargement

The recent decision to enlarge to Croatia in July 2013 marks an important step towards the integration of the Western Balkans (WB) into the European Union (EU). It indicates that despite the 1990’s dramatic events and the difficult stabilization process, peace and prosperity in the region is possible and that the EU can positively contribute to it. Most importantly however, the EU has sent a strong political signal to the WB countries that enlargement will eventually occur once the conditions are met.

While the decision to enlarge to Croatia could indeed ‘provide new momentum for reform in all enlargement countries’ doubts persist on the EU’s ability (or willingness) to pressure the WB countries to tackle Roma discrimination. More than a decade after the launch of the SAP - the EU’s enlargement policy framework intended to bring the WB closer to the Union by supporting their long term economic, social, and political reforms - the WB have made tangible progress in several areas and the region has achieved a relative degree of stability. Nevertheless, internal political dynamics and political tensions have affected WB countries’ ability to implement some fundamental reforms. In fact, the conditions set by the EU for a successful enlargement are far from being met.

A precondition to become a member of the EU is to share its norms and values as laid by Article 6(1) and 49 of the Treaty of the Union (i.e. the principles of liberty and democracy, the respect for human rights and fundamental freedoms, and the rule of law).

Since 1993 any aspiring country is also required to fulfill the Copenhagen Criteria, and must achieve stable institutions that guarantee democracy, the rule of law, human rights and respect for and protection of minorities; a functioning market economy, as well as the ability to cope with the pressure of competition and the market forces at work inside the Union; the ability to assume the obligations of membership, in particular adherence to the objectives of political, economic and monetary union.

Good governance, the rule of law, administrative capacity, unemployment, economic reform and social inclusion remain major challenges in most WB countries. In terms of Roma inclusion, WB governments have failed to effectively translate their commitments into effective policies. Roma remain widely discriminated in access to social protection, health, education, employment and housing across the region.

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2 Aspiring countries must also adopt the Acquis Communautaires and in the case of WB enlargement, WB countries must fully collaborate with the International Criminal Tribunal for the former Yugoslavia (ICTY) and commit to regional cooperation.
The Commission, which monitors compliance to the conditions, deplores the ‘ethnically motivated attacks or threats over the past years’ against Roma in Serbia, and ill-treatment of Roma by the police, persistent racial and gender discrimination against Roma women, and Roma IDP and refugees’ difficulties to register as residents preventing them from having access to social, housing and health benefits in the FYROM. Despite its successful accession process, even Croatia does not fully protect the minority rights. Several organizations reported case of segregation at school.

In the light of these findings, WB governments are strongly encouraged to improve and implement inclusive and sustainable policies aimed at Roma integration. The Commission for example pressures the Serbian government to release the necessary funds for the implementation of a national Roma strategy. In other countries such as Bosnia and Herzegovina (BiH) and Albania, governments are invited to effectively implement anti-discrimination policies. Focus is placed particularly in the areas of education, employment, housing and health.

This casts doubt on the WB countries’ readiness to proceed with the accession negotiations. But this lack of concrete changes casts also doubts on the effectiveness of the overall enlargement policy, and also on whether the EU membership perspective is still a sufficient incentive for the WB governments to implement the necessary reforms. It appears that the concept of strict conditionality and the monitoring and sanctioning tools at EU disposal have lost their raison d’être.

However, this inconsistency between the EU’s requirements and poor progresses in the WB countries in terms of implementation of Roma strategies is rather unsurprising as discrimination against Roma occurs also in the

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EU member states. In addition, EU governments themselves adopt questionable policies against Roma blatantly breaching EU’s fundamental principles such as the respect for human rights, the protection of minority rights or even the freedom movement in Europe.

The case of the forced repatriation campaign in France against Roma in 2010, or the German deportation programme of Kosovo Roma from Germany back to Kosovo are representative of this situation. Such breaches occur regularly in Italy, Bulgaria, and Czech Republic, to cite only few examples. While anti-Roma sentiment and ethnically motivated attacks against Roma are increasing, national governments do no provide the victims with effective administrative and judicial tools that ensure investigations and prosecutions against these acts of violence.\(^7\)

It is hardly conceivable to enforce policies and strategies in the WB countries that even EU member states reluctantly adhere to. The EU has the duty to effectively monitor the implementation of the various plans aimed at Roma inclusion in the WB. This should be complemented by member states’ concrete measures to address the Roma problems in their own countries. Without credibility in the eyes of the aspiring countries, changes will never occur. It is yet to be seen however, whether addressing the discrimination faced by the Roma is really a priority for the WB countries, the EU, and its member states.

\(^7\) http://www.errc.org/article/factsheet-roma-rights-in-jeopardy/3828

**ERIO Advocacy Training for Roma from the Western Balkans**

On 24 December ERIO held a Roma advocacy training course at their offices in Brussels. Young Roma from the EU candidate states of Western Balkans were invited to participate and learn the skills required to fight for Roma interests.

The general aim of the training was to increase the capacity of young Roma to advocate and stand for their rights, as well as to participate beneficially in the integration processes in their home societies.

Ivan Ivanov, Director of ERIO, presented some aspects and key definitions of the Race Equality Directive (2000/43/EC), which should be taken into consideration during policy making at national level.

A specific objective was to raise awareness about EU level policy making and to make the participants familiar with the European Framework for National Integration Strategies adopted by the EC in 2011. The chapters referring to the Western Balkans as well as the recommendations in the assessment adopted by the EC in 2012 addressing the problems in that region were particularly stressed.

A practical exercise with two working groups was held. Participants were asked to develop recommendations in the specific policy fields of education and employment. A Second practical exercise was then held to develop recommendations in crosscutting areas such as discrimination and poverty.
Protecting Roma Against Discrimination: 
The Role of Equality Bodies

On 30 October, ERIO organised a workshop “Protecting Roma Against Discrimination: The Role of Equality Bodies” with the aim of bringing together and providing a platform for an informal dialogue between European Equality Bodies. Speakers included: Lina Papamichalopoulou and Álvaro Oliveira (European Commission), Tamás Kádár and Cosmin Popa (EQUINET), Jan Jařab (OHCHR), Bernard Rorke (OSF) and Julie Pascoët (ENAR).

ERIO’s Executive Director pointing out that dialogues are normally held with government officials, hence necessitating a change in focus and a need for building of relations also with Equality Bodies. One of the common themes identified by most Equality Bodies was the lack of trust that most Roma have not only in Equality Bodies, but in most institutions - as well as the lack of awareness that most Roma have in regards to their entitlements and their rights.

Another point raised was the inability or unwillingness of most Roma to proceed with and deal with the bureaucracy that is often necessary when making claims or complaints. These were a few challenges identified, with further discussions regarding the strategies and methods of working of the different Equality Bodies.