

Discrimination of the Roma in European Union Countries

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ABSTRACT: Discrimination is a widespread phenomenon throughout the world, representing a constant concern for various authorities in the field in order to combat it, especially starting with the 20th century, particularly after WWII. Sanctioning of discrimination is an effort of state authorities with attributions in the field, but also of non-governmental organizations actively involved in combating discrimination of any kind. Most often, discrimination remains unsanctioned for reasons related to the group or the person subject to discrimination. Ignorance of the law, lack of access to information, the bureaucratic procedure in the courts, lack of knowledge upon competent authorities whom the persons or groups targeted by discrimination should address, but also the ignorance of the forms of discrimination leading to the assimilation of acts of discrimination as a normality of society are some of the most common reasons why the phenomenon of discrimination is widespread, difficult to identify, prove and sanction.

KEYWORDS: discrimination, minorities, the Roma, the European Union

Introduction

The protection of national minorities represents an area of interest in international human rights law, immediately following the First World War, when the special treaties including the term *for minorities* shaped a system for the protection of the rights of persons belonging to national, religious and linguistic minorities within the League of Nations. This system of protection of national minorities was not an imperative one, which is why the protection of minorities established through this system failed. The imperative character of a protection system for national minorities was defined after WWII, following the crimes against humanity, the Holocaust and the atrocities committed in the war, ethnicity being one of the most important causes of the listed events (Corlățean 2015, 9-10).

Discrimination is one of the objectives assumed at the level of the European Union. Discrimination on the grounds of race or ethnic origin is prohibited by art. 21 of the Charter of Fundamental Rights of the European Union (2012). Racial discrimination is prohibited in employment, education, social protection, including social security and health care, as well as goods and services, including housing, according to the Racial Equality Directive 2000/43/CE.

Discrimination is a phenomenon closely related to equality, the phenomenon emerging when individuals are no longer treated equally. The European Union Treaty, as amended by the Treaty of Lisbon, provides in art. 2 the values on which the European Union is founded, equality being one of them (Dumitrașcu 2021, 104-105).

Discrimination is also prohibited by art. 14 of the European Convention on Human Rights which states: the exercise of the rights and freedoms recognized by this Convention must be ensured without any distinction based, in particular, on sex, race, color, language, religion, political opinions or any other opinions, national origin or social, belonging to a national minority, wealth, birth or any other situation (https://www.echr.coe.int/documents/convention_ron.pdf accessed July 28, 2022). The prohibition of discrimination appears in the Universal Declaration of Human Rights as well, art. 7 recognizes that all people have the right to equal protection against any discrimination that would violate this Declaration and against any challenge to such discrimination (https://www.ohchr.org/sites/default/files/UDHR/Documents/UDHR_Translations/rum.pdf).

The largest ethnic community in Europe is represented by the Roma. In 2016, the European Court of Auditors conducted an audit at that time and concluded that the Roma represent the largest ethnic community in the European Union with an estimated population of 6.2 million people, which is mostly marginalized (European Court of Auditors, Special Report No. 14, EU policy initiatives and financial support for Roma integration: significant progress over the past decade, but further efforts on the ground are needed, see https://www.eca.europa.eu/Lists/ECADocuments/SR16_14/SR_ROMA_RO.pdf).

The extent of the phenomenon regarding the discrimination of Roma at European level

The case of marginalized Roma was a concern of the European Commission, especially after 2008, when different bodies were created at the European level, enabled to monitor and reduce the phenomenon of ethnic discrimination. The Commission set up the European Platform for Roma Inclusion (EPRI), an inter-service task force on Roma issues, a network of national Roma contact points and a working group on indicators related to Roma integration, which is coordinated by the European Union Agency for Fundamental Rights.

In what regards the widespread of the phenomenon of discrimination, the Agency for Fundamental Rights of the European Union conducted a series of surveys whose results were published in 2018 regarding minorities and discrimination in 9 states of the European Union, respectively Bulgaria, the Czech Republic, Greece, Spain, Croatia, Hungary, Portugal, Romania and Slovakia. Based on these surveys, we can measure the extent of the phenomenon of discrimination against the Roma, and even more, we can even identify factors favoring discrimination against Roma in European Union countries.

The surveys revealed a significant discrepancy between the general perception of the population upon discrimination of the Roma, and the Roma's own perception of the ethnic discrimination they are subjected to, in the sense that, although the general population considers discrimination of the Roma a large-scale phenomenon, the Roma themselves do not feel discriminated to the same extent. In countries such as Romania, Bulgaria, Spain or Portugal, the Roma consider themselves to be less discriminated against than the perception of the general population. In countries such as the Czech Republic, where although a percentage of only 51% of the general population believes that the Roma are subject to ethnic discrimination, 85% of them consider themselves discriminated in the respective country.

	The extent of ethnic discrimination perceived by the general population in nine EU Member States (Special Eurobarometer 437), per countries (%) ^a	Roma who believe that discrimination based on ethnic origin is very widespread or quite widespread in their country, in member states (%) ^b
Bulgaria	47%	30%
Czech Republic	52%	85%
Greece	70%	65%
Spain	63%	47%
Croatia	50%	56%
Hungary	65%	53%
Portugal	64%	51%
Romania	51%	38%
Slovakia	46%	44%

a - Second survey on minorities and discrimination in the European Union, Roma - selected results, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 44.

b – Second survey on minorities and discrimination in the European Union, Roma - selected results, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 43.

Factors favoring the phenomenon of discrimination against Roma based on ethnicity

As factors favoring the amplification of the phenomenon of discrimination against the Roma, the EU Agency for Fundamental Rights identifies poverty and marginalized living conditions, the limitation of the Roma in terms of access to the labor market, a low rate of participation in the educational process for Roma children, coverage health needs and unmet health care needs, access to safe housing with basic infrastructure.

Three of the countries surveyed have an at-risk-of-poverty rate for the Roma population of over 90%, namely Spain (98%), Greece (96%) and Croatia (93%), while the Czech Republic has the lowest level of poverty risk (58%).

As for the ability to manage daily expenses, the increasing trend of the percentages continues and is correlated with the poverty risk rate, in the sense that countries recording a high percentage of the poverty risk rate, register high percentages as regards the difficulty of managing daily expenses as well, the only exceptions being Romania, which, although it registers a poverty risk rate of 70%, only a percentage of 34% of the Roma interviewed declared that they manage daily expenses with great difficulty, also the case of Croatia, a country where, although the poverty risk rate is high (93%), only 52% of the number of Roma interviewed declared that they have a great difficulty in sustaining daily expenses.

Spain provides an interesting analysis, presenting the lowest percentage of Roma living in households where at least one family member went once to bed hungry in the last month (17%), while Spain dominates all surveys on the aspects related to the risk of poverty of the Roma.

	Poverty risk rates (below 60% of equivalent average income after taxation) of the Roma (%) ^a	Considerable difficulty in “dealing with everyday expenses”, for the Roma, per EU member states (%) ^b	Roma living in households where at least one family member went to bed hungry once in the last month, per EU member states (%) ^c
Bulgaria	87%	48%	27%
Czech Republic	58%	31%	20%
Greece	96%	74%	48%
Spain	98%	64%	17%
Croatia	93%	52%	38%
Hungary	75%	48%	20%
Portugal	-*	74%	-*
Romania	70%	34%	32%
Slovakia	87%	45%	31%

* - Not applicable. The value for Portugal cannot be published due to the large number of missing values (> 25%)

a - Second European Union Minorities and Discrimination Survey Roma – Selected findings, 2018, p. 16.

b - Second European Union Minorities and Discrimination Survey Roma – Selected findings, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 18.

c - Second European Union Minorities and Discrimination Survey Roma – Selected

findings, European Union Agency for Fundamental Rights, Publications Office of the European Union, Luxembourg, 2018, p. 19.

A gap can be observed between the level of schooling of the Roma and the poverty identified at the level of the European Union countries. The survey of children between those aged 4 and compulsory schooling age (country-specific), included in preschool education, per EU member states reveals that the rule according to which access to education should represent a decisive factor in combating poverty and discrimination against people of Roma ethnicity is not a general one. Thus, while Spain ranks first in terms of discrimination and poverty of the Roma, the same country ensures a 95% schooling rate for children between the ages of 4 and compulsory schooling age (country-specific), who are included in pre-school education. However, the rule is confirmed in the case of Greece, which provides a percentage of only 28% of schooling for children aged between 4 and compulsory schooling, being in last place among the countries of the European Union, which correlates with the degree of poverty of the Roma and with that of discrimination confirmed by the Agency for Fundamental Rights of the European Union (Second European Union Minorities and Discrimination Survey Roma 2018).

Reporting discrimination incidents

Reporting incidents of discrimination has a low prevalence in European Union countries. Surveys show that the percentage of Roma who reported or filed a complaint about the last incident of discrimination based on Roma origin is closely related to the percentage of the general population's perception upon Roma discrimination. Thus, countries such as Greece and Spain recording the highest rates of discrimination perceived by the general population are also the countries in which the lowest percentages of reporting incidents of discrimination were recorded, 7% in the case of Greece, respectively 5% in the case of Spain. It is also noted that although 65% of the Roma interviewed in Greece stated that they felt discriminated against, only 7% reported an incident of discrimination to an authority. The countries reporting the highest number of incidents of discrimination are Croatia and Slovakia, raising at 18% of Roma respondents (Second European Union Minorities and Discrimination Survey Roma 2018).

The lack of reporting of incidents of discrimination among Roma people is mainly due to the lack of awareness of the existence of support organizations, bodies to promote equality, laws and campaigns about discrimination. Only 36% of the Roma interviewed declared that they are aware of the existence of a law that prohibits discrimination based on skin color, ethnic origin or religion interviewed (Second European Union Minorities and Discrimination Survey Roma 2018).

Conclusions

Discrimination against the Roma ethnic group is a permanent concern for the key European institutions, since the Roma population represents the most important minority of the European Union. The extent of the phenomenon is difficult to stop as long as the Roma themselves do not have the ability to appreciate the cases where they are subjects to a form of discrimination, do not have the initiative to report such events and are not aware of the existence of specific legislation. However, in recent years, a significant number of non-governmental organizations have been created that campaign for the rights of this minority and that notify the competent bodies at the level of each European Union country when they identify discrimination among the Roma. These non-governmental bodies represented a joint effort of European Union policies to which all member states adhered.

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