

“I never considered myself discriminated as a roma in Romania. It is only up to you to surpass your circumstances.”

I am half hungarian and half gypsy, born and raised in Romania. This mix of cultures was never a problem for me. I am ardelean (which is a citizen of the region Transylvania in Romania). This is my identity, I am romanian because of my citizenship and education and I am hungarian/gypsy due to my genes. My country



is Romania, I was born and raised here, I love it and I would never move anywhere else. I consider myself a true patriot, sometimes even a bit nationalistic.

Even if I come from this mixed background I never considered myself discriminated in Romania. It is only up to you to surpass your circumstances. I have two bachelor degrees, one in Psychology and the other in Acting. I have an NGO “Romo Sapiens” which is focused on education, more specifically on promoting non formal education through theatre.

Only after the revolution in 1989 did I start reading and doing research on my Roma roots, learned the romani language and so I got more involved with this issue. I consider it to be a complex and varied culture, unique in the word.

I got the chance to travel a lot due to my job as an actor and one of my major achievements was to direct and play in “A stormy night” in romani language with romani actors, this play being one of the most famous Romanian

plays.

One of my dissatisfactions is the fact that up to this moment not that many NGOs managed by roma people have actually managed to obtain funding from the European Union to solve some of the problems within the roma community.

My mission in life can be defined through this sentence: 'God please offer me the right of not arriving to complacency'."

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Webpage title: "I never considered myself discriminated as a roma in Romania. It is only up to you to surpass your circumstances."

Link: <http://iamamigrant.org/stories/romania/rudy>

Retrieved on: 10/01/2017

"I want to go to school and get an education. I want to have a better life."

My name is Guta and I am a gypsy from Tonciu. Tonciu is a village in Mures County in Romania.



We are many romani here, it is a village only with Roma people.

I don't have a job as most people who live here do so basically I live out of what the state is giving me which is not that much, I need more money.

I barely went to school so I can't really read or write.

I would like now to go to school and get an education. I have heard about this program 'Second Chance', where you can get a degree even at a later stage in your life, I want that for myself.

I really don't understand what discrimination means but when I go to town in Targu Mures and I have to solve a problem there with Romanians I always solve it, so they help me.

If I go to the doctor they help me, if I go to City Hall or anywhere else they help me.

I am proud to be a gypsy as all other gypsies. We are proud people. I am Hungarian but I speak Romanian as well because I live in Romania.

I want more for my people from the Romanian government. I want to have a better life."

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Webpage title: "I want to go to school and get an education. I want to have a

better life.”.

Link: <http://iamamigrant.org/stories/romania/guta>

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One of my life missions is to help integrate the Roma community through education.

I live in Batos (Mures County in Transylvania), where I was chosen as a representative of the community in the Local Council and I am also the President of the Roma Democratic Party in the county. I also work as a Romani language teacher in the school of Apalina, a village with Roma inhabitants only; and I am a certified translator for Romanian, Hungarian and Romani languages.



Romani is an indo-European language similar to Sanskrit and the language was recognised by the Indian State. We have a language, an anthem, a flag and now we are also recognised by the Indian Government because Roma people are descendent from India.

Even though my mother was an illiterate she always promoted the importance of education so that you can surpass your condition. I invested constantly in my education this is why I graduated at 51 years old from the University of Bucharest, the Language Faculty (Romani), studying with the biggest expert of Romani language in Romania, professor Gheorge Sariu.

I am a Roma and I am proud to be. I never felt discriminated in Romania and I never wanted to migrate to a different country.

I think what is missing in the Roma community is proper education and the lack of models. What you see is what you follow, so if children see their parents benefiting from the Romanian welfare and refusing to work then why should they go to school?

I also think that the Romanian legislation is inappropriate for Roma people. As an example if you get pregnant at 14 years old which is extremely common in the Roma community, you receive prenatal help, money which actually go to the parents of the new mother because she is a minor. How is this measure helping? This is not preventing them from getting pregnant at early ages but in a way it is actually stimulating the natality among them because the state is giving them money.

The projects for the Roma people are not managed by Roma people because different NGOs which have obtained EU funding do not understand the problems within the Roma community and are not using the funding properly.

I have written two books presenting the Roma culture, its roots, historical evolution and many other interesting facts. I wanted to shed some light regarding the Roma community. The books are entitled *"The Untouchable from yesterday, the Roma people from Today"* and *"Oarba de Mures, bloody land"*.

I think that the only way in which you can improve the situation of the Roma community is through education so one of my life missions is to help integrate the Roma community through education."

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Webpage title: "One of my life missions is to help integrate the Roma community through education".

Link: <http://iamamigrant.org/stories/romania/cinca>

Retrieved on: 10/01/2017

Never give up. If you are defeated you rise up and this is how you become a champion. That's what I teach my Roma students."

"I am a citizen of Sarmasu, a village located in Mures County, in Romania. I have been living in Sarmasu for the last 30 years but I was born and raised in Lechinta, a village in Bistrita county.



I am a geography teacher, married with two children and I teach here at the school in Sarmasu. I care a lot about the local Roma community and I was involved in local politics, in the Local Council but I did not really like it so I am no longer politically active.

I like teaching, in my opinion one of the best ways you can stimulate children is through sports. I personally played soccer at a professional level in the second Romanian division when I was younger. I know how much you can learn and develop through sports; we had organized a national soccer championship at our school for Roma children and our team won. The Roma children really enjoyed this competition.

I am proud of my Roma roots and I never felt discriminated against here in Romania. I got the opportunity to play soccer at a professional level and now I get the chance to teach and impact the lives of so many Roma children.

I never wanted to migrate to a different country for a better life, Romania is home for me, my mother language is Romanian and I also speak Romani.

My mission in life at this stage from a professional perspective is to achieve better results for my Roma community. I want more children to obtain an education here in the village and attend High School and University; to help decrease the percentage of dropouts among Romani children; and to motivate them and help them grow.

In addition my suggestions for the municipality are the following (if funding would be available): *“School after School”* (A supervisor would take care of the Roma children after school and help them with their assignments); *“Second Chance”* (This would be a program meant to help the alumni finish their education, you can take intensive classes and do two years in one); *“School for Parents”* (Bringing parents to school to guide them on the importance of obtaining an education, so that they encourage their children to stay in school and obtain an education.)

As a former athlete one of my life mottos is: *“Never give up. If you are defeated you rise up and this is how you become a champion.”*

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Webpage title: “Never give up. If you are defeated you rise up and this is how you become a champion. That’s what I teach my Roma students.”.”

Link: <http://iamamigrant.org/stories/romania/lacatus>

Retrieved on: 10/01/2017

IWB present at the World Refugee Day

Last month, members of IWB were able to attend several events the World

Refugee Day, held every year on June 20. In Barcelona, the Catalan Commission for Refugee Aid (Comissió Catalana d'Ajuda al Refugiats/CCAR) and the Asil Cat network organized diverse activities to raise awareness of the need to protect and respect human rights, especially of the increasing number of refugees around the world. A cultural event, held on June 19, counted on the participation of several refugee testimonies and the reading of a manifest, signed by numerous non-governmental organizations, as ACATHI, ACCEM, CAPI-BPI, CC00 Barcelonès, Centre EXIL, CCAR, the Catalan Commission of the UNHCR, Fundació ACSAR, Fundació Casa del Tibet, the Bar Association of Barcelona, the Human Rights Institute of Catalonia and PEN Català.



The manifest reinforced the idea that no one should be suffering from discrimination based on race, religion, nationality, political opinion, sex, gender identity, sexual orientation or social origin and that urgent actions should be taken to resolve the tragic situation of the more than 50 million of displaced people worldwide (UNHCR). The manifest made reference to the refugee quotas proposed by the European Union for its member States and the

worrying lack of commitment of the latter to take responsibilities, criticizing the Europe's indifference and "fortification" through new walls that only increase the risk of losing their lives when refugees try to reach European ground. The Mediterranean Sea already counts with a shamefully high number of lost lives that shouldn't be allowed to grow. The international community also cannot stay silent in front of the inhumane treatment received by those trying to cross the borders, especially regarding the situation at the fence in Ceuta or Melilla.



But in spite of the increasing numbers, during 2014, only 5.947 people applied for asylum in Spain, 786 in Catalonia. Out of these, 2.029, almost a 40%, were denied it. Catalonia, supported by the International Protection Plan in Catalonia (PPIC), approved by beginning of 2014, is working hard to improve the situation and grant aid to those in need, although, as often mentioned by Catalan authorities, the refugees and asylum matters are *unfortunately* not a competency of the Government of Catalonia (Generalitat de Catalunya), but of the Spanish government.

Lesbian, Gay, Bisexual, and Transgender (LGBT) rights in Turkey

This paper will examine and address a fundamental human rights issue: the discrimination and violence lesbian, gay, bisexual and transsexuals (LGBT) citizens face in Turkey. The central aim of this paper is to respond to two basic questions:

Why does the LGBT community face discrimination in Turkish society?

How can we decrease discrimination and harassment towards LGBT people in Turkey?

That being said, even though LGBT people are becoming stronger and more visible in Turkey, they are still facing violence, attacks, abuse and discrimination on a daily basis. Honor crimes against LGBT are believed to be a way of keeping the 'honor' of the family intact. Kaos GL, a Turkish LGBT rights organization, tracked 16 "hate crime" murders of gay men and transsexual people in Turkey in 2010 alone.

[\(www.lgbtnewsturkey.com/2013/09/11/2012-report-of-human-rights-violations-based-on-sexual-orientation-and-gender-identity/\)](http://www.lgbtnewsturkey.com/2013/09/11/2012-report-of-human-rights-violations-based-on-sexual-orientation-and-gender-identity/)

Homofin, is a herbal treatment, which claims to influence hormones. The manufacturer states: 'It is now up to you to be or not to be a homosexual'. Homofin's site even encourages mothers, who suspect their sons are gay, to buy these capsules and secretly dissolve the drug in their food. The government has yet to take any legal action to get this unethical, unscientific drug off the market. (<http://www.mambaonline.com/2014/01/03/gay-cure-pills-condemned/>)

In addition, police officers regularly arrest LGBT people on the accusation of prostitution. Sexual orientation or gender identity is often used as a basis for criminal penalties, in particular executions, arrests or detention. Critics say these actions are a way of putting pressure on the LGBT community. Most LGBT people that have experienced such incidents do not

report this misconduct; they know that those responsible will never be punished.

To this day, there are many obstacles LGBT activists face on social networking sites and the internet in general. One example is that websites of LGBT associations are regularly hacked by religious groups.

While the government plays dumb, the fundamental rights of LGBT people are being violated, especially their right to private life. Homosexuals are increasingly targeted, also in hate speeches made by government officials. In 2010, Selma Aliye Kavaf, the Minister for Women and Family, classified homosexuality as a biological disorder and a disease which needed to be cured. Further, in response to the question 'when Turkey is going to have openly gay ministers' the mayor of Ankara, Ibrahim Melih Gokcek stated ' if god willing (insallah) in our country there are no gay and will never be' when he was asked 'when Turkey is going to have openly gay ministers'. Even more so, the fact that Prime minister Erdogan has never mentioned homosexuality or LGBT people during his service is a clear sign that the government should be blamed for the violence and harassment against LGBT people; by being passive, the government clearly shows their toleration of homophobic and transphobic attitudes.

Moving forward, The Universal Declaration which was adopted by the UN General Assembly on December 10th 1948 passed with a vote of 48 in favor (Turkey being one of them), zero against and eight abstentions. Article 1 of the Universal Declaration states that 'all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood'. However, the rights of LGBT people are ignored and not mentioned in the Turkish constitution's prohibition of discrimination or the social and civil rights.

(<http://www.un.org/en/documents/udhr/>)

Meanwhile, LGBT groups are pushing their agenda forward in order to include protection against gender/sexual orientation discrimination in the Turkish Constitution and have some support from outside the LGBT community. The LGBT

activists campaign for equality before law.

On the 30th of June 2013, the gay pride parade attracted almost 100.000 people. This was seen as a positive development by LGBT activists.

(http://www.nytimes.com/2013/07/01/world/europe/protests-squelched-gay-rights-march-brings-many-in-turkey-back-to-the-streets.html?_r=2&)

On the other hand, Gezi resistance which started on 27th May 2013, was an anti-government struggle against injustice and cruel and inhuman intervention of the Turkish police. The protesters demanded freedom of the press and freedom of expression, the removal of all barriers between the citizens and their right to education and health service, as well as protesting against discrimination based on sexual orientation and gender identity.. During the Gezi struggle, LGBT people got a chance to show that they are normal and harmless human beings, and do not warrant that people are afraid of them. Gezi remains an event that has sent a clear message to everyone : ‘the struggle of the people in Gezi Park was a battle for democracy and rights for all’.(<http://roarmag.org/2014/01/gezi-ottoman-turkish-nationalism/>)

A momentous decision was taken when People’s Democratic Party (HDP) freshly nominated five LGBT activists. Furthermore, the Republican People’s Party member and also LGBT activist Öykü Evren Sözen has announced her candidacy once again from Bursa Osmangazi district city. Another big step was made when Can Cavusoglu, an openly gay independent candidate, publicly announced that he is running to become a mayor in Giresun’s district of Bulancak in the March 2014 local election. He declares himself gay, activist, writer, thinker, painter humanist and women’s rights activist.

(<http://www.hurriyetdailynews.com/hdp-pledges-diversity-with-its-party-assembly.aspx?pageID=238&nid=57005>)

Being Gay, bisexual or transsexual is seen as an “illness” by religious groups. Hate crime is a daily reality throughout Turkey. Islam being the dominant religion in Turkey is one of the reasons why there are anti-gay actions. Religious clerics state that homosexuality is a test. If you are not able to stand the temptation, you will go to hell. If you resist, you will be

pardoned and go to heaven. In Turkey, there are many religious people who believe that Islam's position regarding LGBT people would be to apply the death penalty (<http://www.gmanetwork.com/news/story/321419/pinoyabroad/worldfeatures/gay-muslims-in-turkey-torn-between-religion-and-sexuality>)

To conclude, the government in Turkey has to introduce a new constitution containing greater human rights protection. An anti-discrimination law to protect LGBT is a necessity. In this way, the discrimination in society will not only decrease but will also reduce the long-established judicial practice of giving penalty reductions based on unjust provocation in hate-motivated killing of LGBT people. Currently, the perpetrators continue to be rewarded by the judiciary. LGBT people will continue to be targets if the LGBT are not seen to be equal before the law. The demands of LGBT people for equality and protection under the law, full justice and freedom for LGBT people should be accomplished. This year was utterly a difficult one, marked by several hardships the LGBT had to endure, such as killing attempts, ill treatment, rape and cyber attacks. Thus, I reckon a proper end of my article would be a very inspiring line from Nazim Hikmet's invitation poem: "To live like a tree single and at liberty and brotherly like the trees of a forest."

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Expulsion of gypsies

1. The status of Romanian gypsies according to EU Law

After analysing Romania's Accession Treaty to the European Union and all the restrictions concerning the free movement of Romanian workers, I will now discuss the controversial issue of Romanian gypsies. I will analyse the status of Romanian gypsies according to EU law. One might argue that the negative image of Romanians in the Member States and the reason why they at times are discriminated is partly due to the Romanian gypsies. One of the reasons why some EU countries closed their job market to Romanian workers

until 2014 might be linked to the fact that among the Romanians benefiting from all the freedoms in the EU treaty, there are the Romanian gypsies. I will first briefly present some facts about the Roma community, before analysing the issue further.

The Roma are one of the oldest surviving minorities in Europe. Linguists demonstrated the fact that the Roma descend from North Indian castes which left to migrate across Europe between the years 500 and AD 1000. The name Gypsy is a name derived from the term –Egyptian. When Gypsies began to arrive in England from Egypt they were identified as being different by the color of their skin and dress so they were attributed to the Egyptian origin. After their settlement in Europe their number started to increase and recent estimates place the Romany population of Europe at around ten million people.

It is hard to speak about the Roma community without talking about racism. The degree of discrimination and hostility they face from the rest of the society is a well known fact. This could be considered the biggest factor in their identification, that of a transnational minority. The degree of discrimination that they are confronted with does not exist only in a region of Europe, but across Europe: *“The problem of anti-Roma prejudice and discrimination while more acutely felt in Central and Eastern Europe is by no means confined to this region. Indeed, recent inflammatory reports in the British press demonstrate the deep seated hostility towards Gypsies, particularly to those continue to adopt a nomadic way of life in the face of great adversity”*

The Persecution of Roma across Europe is well documented. Alongside Jews, gays and the disabled, they were targeted by the Nazis for extermination. But while European views on Judaism, homosexuality and disability have come on in leaps and bounds in the past six decades, the attitude towards the Roma still drips with prejudice

Josephine Verspaget, a Rapporteur for the Council of Europe, highlighted the position of disadvantage common to most Roma: *“The position of many groups of Gypsies can be compared to the situation in the third world: little*

education; bad housing; bad hygienic situation; high birth rate; high infant mortality; no knowledge or means to improve the situation; low life expectancy. If nothing is done, the situation for most gypsies will only worsen in the next generation". (O'Nions, Helen, Minority rights, Protection in International Law, ed Ashgate, 2008.)

Analysing criminality in the Roma community is a very sensitive topic. As previously mentioned, gypsies represent the most discriminated minority group in Europe. One of the explanations given for this hatred towards them is the „*criminal mind*” they have. People have the impression that gypsies cannot adapt properly in a society this being the reason why they will always try to abuse the system.

Yet, how can people talk about gypsy criminality when there are no numbers, no statistics made about that? As previously mentioned it is hard to track them, because most of them will not admit their culture, they will not reveal it because they are afraid of discrimination. In Europe there is no body of control, that has numbers regarding gypsies that are beggars, or those who have been imprisoned, so it is actually very hard to say how many of them are actual thieves and how many of them are just victims of an unfair system.

A model that can be set as an example is the American model in my opinion, meaning the BJS (Bureau of Justice Statistics) which is an interesting system, because it collects, analyses, reports statistical data on activities in the nation`s criminal justice system.

The Bureau of Justice Statistics maintains data on the race and ethnicity of the victims of crime obtained through a national household survey; the race of offenders as reported by victims; and the race of inmates in local jails, state prisons, and federal prisons and Courts. Data are also collected on the race of law enforcement officers through a survey of police agencies. This body of information can be used in policymaking to ensure fairness in justice administration and to develop programs that address the issues, problems or services peculiar to specific groups. (<http://www.bjs.gov/index.cfm?ty=tp&tid=3>)

2. The expulsion of gypsies from European countries

As I previously mentioned another focus in my paper is the status of gypsies as EU citizens, their rights and obligations in the European Union. I will try to answer several questions, such as: Are they still the most discriminated group of Europe? How can their situation improve? I will try to answer these questions by presenting some case law, analysing their experiences in France, Italy and the United Kingdom.

2.1. Facts concerning the expulsion of Gypsies from France, Italy and the United Kingdom

In this subchapter I will present the facts that revolve around the expulsion of Gypsies from countries such as France, Italy and the United Kingdom.

In the situation of France, this case got the international media's attention. Using the police, the French government in 2011 broke up the gypsy camps around the country, including areas in Lille, Lyon, Paris, Marseilles and others. As a consequence over 200 gypsies have been deported to Romania in a move, motivated by the Government by health, sanitation and security. The people from the Roma community that actually accepted the repatriation received 300 euros per adult and 150 per child, this also being a controversial measure because a lot of people believed that they would use the money to return to France.

(<http://rt.com/news/france-gypsies-camps-dismantle-406/>)

In the case of Italy, in main cities such as Milan, Rome and Naples the Italian authorities have dismantled Roma camps. As an example, in Milan where local authorities have been evacuating Gypsies from a couple of years, because of upcoming elections, their focus has been now redirected towards the exclusion of Gypsies from their community, which represents a popular action through the community.

(<http://www.csmonitor.com/World/Europe/2010/1013/In-Italy-local-politics-appears-to-drive-latest-round-of-Roma-Gypsy-expulsions>)

In the case of UK, the government has also been criticised for expelling

hundreds of gypsies ahead of the opening of the London 2012 Olympics. The National Gypsy Council says yet again they are discriminated, as they were in France under ex-president, Nicolas Sarkozy. The gypsies, mostly from Romania, used to live in East London, near the site of the Games. Right before the opening of London Games, local police invited Romanian police to deport them back to their home country. The main Gypsy population is formed of immigrants who come mostly from Eastern European countries like Romania, usually illegally. Most of the time they are seen begging on the streets of British cities, reason for which a number of British see them as thieves and beggars who represent a threat to social order.

(<http://english.cntv.cn/program/newshour/20120812/103259.shtml>)

2.2. The reasons invoked by the parties for the expulsion of the Roma community

In this subchapter I will present the arguments invoked by the parties to the conflict about the expulsion of gypsies. Regarding the evacuation of gypsies the opinions are of course divided in two, one group that is pro this measure and considers it necessary, whilst there is the other group that considers that this measure is illegal. After presenting the opinions expressed by France, Italy and the United Kingdom I will also express my opinion on the topic.

For France this is not the first time something like this is happening because the first action of this kind started in the period while Nicolas Sarkozy was president, in 2010, when gypsies from 88 camps were expelled in a matter of weeks. At that time Sarkozy's politics were highly criticised and seen as an effort on his behalf to bring in far-right voters in his bid for tough re-election campaign.

One of the most important figures responsible for this measure is Manuel Valls, France's Interior Minister. He declared that these evacuations were necessary due to the possibility of health risks and not only that but also due to the fact that the neighbours of the camps were often complaining about

noise, an antisocial behaviour and serious crimes that were coming out from the settlements. Manuel Valls also assured that everything would be done for vulnerable people, mostly for children and pregnant women in order for them to be re-housed as soon as possible underlining the fact that this is a *“decent and humane”* policy of removing people from deplorable conditions. (<http://www.bbc.co.uk/news/world-europe-11020429>)

The French government also declared that they only have to give residency permits if they want to settle long-term and work because of the transitory measures in the EU accession agreement, citizens from these countries are not actually allowed to work legally in France until December 31, 2013. “The repatriations do not take the form, in any way, of forced, collective expulsions,” said Interior Minister Valls. The government also added that according to EU law gypsies need to have the means to support themselves if they intend to stay for more than three months. The government said travelers camps were sources of *„illegal trafficking”* and *„exploitation of children for begging, of prostitution and crime”*.

France has insisted that the actions *„ fully conform with European rules and do not in any way affect the freedom of movement for EU citizens, as defined by treaties”*.

Foreign ministry spokesman Bernard Valero told AFP that an EU directive „ expressly allows for restrictions on the right to move freely for reasons of public order, public security and public health”.

These have been the arguments brought by the people in charge of this measure. Now I will present some of the most important arguments brought against this action. The Romanian president declared about this action: *„We understand the position of the French government. At the same time, we support unconditionally the right of every Romanian citizen to travel without restrictions within the EU”*.

(<http://rt.com/news/france-gypsies-camps-dismantle-406/>)

The Roma groups accused Sarkozy of *„ethnic cleaning”*, underlining the fact that gypsies come either from Romania or Bulgaria, countries that are both in

the EU since 2007, thus they were benefiting from the free movement principle.

The operation has also been condemned by human rights groups, who say it is deliberately stigmatising a generally law-abiding section of society to win support among right-wing voters.

When this action was taken by the police forces members of the UN's Committee on the Elimination of Racial Discrimination criticised the tone of political discourse in France on race issues, saying racism and xenophobia were undergoing a „ *significant resurgence*” in this country. Mr Sarkozy's political opponents have accused him of using the Roma issue to shift public attention away from the corruption in France to the Roma issue.

The row erupted after EU Justice Commissioner Viviane Reding branded the French policy a „*disgrace*” and called for legal action. She said she was „ *appalled*” by the expulsion of thousands of Roma, adding: *'This is a situation I had thought Europe would not have to witness again after the Second World War'*.

(<http://www.theguardian.com/world/2010/sep/07/barroso-french-anti-gypsy-campaign>) Viviane Reding later said she regretted interpretations of her statement. Reding promised to haul France before the European Court and force it to change its policy. Still France has not only continued the deportation of the Roma, but also extended it. Admittedly its Interior Ministry has stopped circulating documents that mention the Roma by name, now he is using the phrase „ *not exercising treaty rights*” should be deported. The phrase *“not exercising treaty rights”* means *“those who are not in work, or looking for work”*.

After analysing this situation the European Union also took measures to remediate the problem. In a resolution that was passed by 337 votes to 245, the Members of the European Parliament (MEPs) told Paris to „ *immediately suspend all expulsions of Roma*”, saying they „ *amounted to discrimination*”. Although their demands are not legally binding, the MEPs said that *“mass expulsions are prohibited ”* under E.U. law, „*since they amount to*

discrimination on the basis of race and ethnicity".

(<http://www.theguardian.com/world/2010/sep/09/french-anti-gypsy-european-parliament>)

German MEP Martin Schulz, head of the Parliament's powerful socialist group, lamented, *"The country that gave us liberté, égalité and fraternité has taken a different, regrettable path today"* and President José Manuel Barroso's described this measure as: *"reawaken the ghosts of Europe's past"*.

(<http://www.theguardian.com/world/2010/sep/13/sarkozy-roma-expulsion-human-rights>)

The Commission had questioned whether France was actually meeting the E.U.'s legal requirements with its deportations whether case-by-case assessments of the deportees were being made and decided that measures singling out a specific ethnic group are illegal.

There is a little that European institutions can do against such a determined government because the EU has no authority to actually interfere with the internal affairs of national governments, so far as they do not breach community rights. This is the reason for which EU actions are many times very soft. Because of the situation of the Roma community the measure that Europe took was to create an awareness campaign. This program that received millions of euros in order to help gypsies overcome the problems that they are confronted with, such as discrimination, poverty, bad housing and poor health.

But campaigns against the Roma have spread across Europe. The latest French offensive recalls Italy's *"security package"* from 2008, which actually led to the dismantling of Roma camps and the deportation of migrants who could not prove that they actually had regular employment. In the past two years countries such as Italy and Great Britain, have also taken actions against the Roma or stated an intention to do that.

As previously mentioned Italy had the same politics as France concerning the Gypsies living in their country. Italy Roberto Malini, a representative from Everyone, an nongovernmental organization that defends minorities declares:

"The strategy is clear and simple: Rather than forcing someone on the airplane, authorities keep demolishing gypsy camps so that eventually Roma people have no place to go and leave the country" (<http://www.csmonitor.com/World/Europe/2010/1013/In-Italy-local-politics-appears-to-drive-latest-round-of-Roma-Gypsy-expulsions>) Besides Milan, camps have also been evacuated in cities such as Rome, Naples, Venice. Maurizio Paganini, leader of the Opera Nomadi gypsy organization declared on this matter: *"In a sense, Italy has anticipated the French trend in cracking down on Roma"*.

Riccardo De Corato declared to Asca News Agency that: *"We have kicked out 150 squatters in 24 hours and have evacuated 355 people since 2007"*. The campaign under way here is a part of what observers are calling the most intense wave of anti-immigration sentiment to wash over Western Europe in years. (<http://news.yahoo.com/italy-local-politics-appears-drive-latest-round-roma.html>)

The United Kingdom has taken the same measure as France and Italy, to expel gypsies from the country.

3. Is the expulsion of gypsies in breach of the EU legislation?

First of all, looking at the example of France in my opinion the action taken by France cannot be justified by public order and safety. The gypsies were indeed living in bad conditions, no hygiene, outrageous behaviour and having often a criminal behaviour. But in order to invoke the principle enriched in the Residence Directive, the principle of public order and safety some conditions have to be met, otherwise the principle is not applicable. If those conditions are met expulsion can only be made following the European legislation.

According to the Residence Directive "Member States may restrict the freedom of movement and residence of Union citizens and their family members, irrespective of nationality, on grounds of public policy, public security or

public health. These grounds shall not be invoked to serve economic ends". As a consequence, Member States can restrict the free movement of residence of Union citizens on the grounds above, if this does not follow an economic end. So far the measure taken by France is legal.

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004L0038:20040430:EN:PDF>)

A relevant phrase from the Residence Directive mentions also the following: *"Measures taken on grounds of public policy or public security shall comply with the principle of proportionality and shall be based exclusively on the personal conduct of the individual concerned.*

(<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CONSLEG:2004L0038:20040430:EN:PDF>)

Previous criminal convictions shall not in themselves constitute grounds for taking such measures". This article demonstrates the fact that France has committed an abuse. First of all if the measure is taken it must respect the proportionality principle. In my opinion the measure taken by the French Government did not respect the proportionality principle. Second of all, the Directive mentions in the article the fact that evacuation is possible in some conditions, only if it is based on *"personal conduct"*. In this case there is no personal conduct, but a general conduct, because the same measure of expulsion was taken for all the Gypsies living in those camps, so it was a general conduct. Not only this, but the measure is in breach of EU law, because the Residence Directive specifically forbids collective expulsions and this is exactly what happened in this case. So I consider that the action taken by the French government is in breach of EU law. There were without any doubt huge problems with the Roma community living there and the French position is understandable until a certain moment, but even so, the decision is still in contradiction with the EU legislation. The French Government should have proceeded in a different way in my opinion. If they wanted to protect the public order in the country, they should have investigated each and every person living in those camps.

The gypsies living there benefit from European protection, depending on their

status. Some of them were living there for less than 3 months, which means that, as EU citizens they benefit from the free movement of people principle. Any EU citizen can travel around and stay in a country for 3 months without having to justify his stay. This is the first category of gypsies that were staying in those camps. The second category of gypsies was represented by workers. Among those people there were surely also gypsies that were workers in France. Those people are entitled to the protection offered by European Union to workers. The third category is probably represented by the jobseekers. If you qualify as a jobseeker, then you are entitled to the same rights as workers.

The last category was formed by gypsies, who were either beggars or thieves, this is the category which worried the French Government and the group that actually caused the French Government to expel them.

The measure to expel the gypsies from the country does not only represent a breach of EU legislation but also a breach of human rights, because the Government targeted from the first moment a specific group, which is anyway the most discriminated group in Europe. This action thus represents a racist action meant to get rid of the Roma community from the country.

In my opinion, this was a political action which does not resolve immigration problems. Proper knowledge of the existing problem is indeed needed before action is taken and impulsive action such the expulsion might be an easy way to get votes, but not to resolve problems in the long run

Second of all, moving on to the Italian case, I consider the legal situation as being identical to the French one, the only difference between the two countries is the quantity of Roma that they expelled from their country. Because it was at a national level in France there were more gypsies evacuated than in Italy, but the action was the same, racist towards a specific group, measure than is not covered by the public order and public safety principle.

Third of all, analysing the situation in the United Kingdom, I consider the action taken by the UK to be in breach of EU law, because the free movement

principle can be restricted only in specific cases, if the action is justified by public order, public safety and health. If none of these exemptions exist then the free movement of principle must be respected, because it represents one of the foundations of the European Union. The action taken against gypsies in UK was taken only to hide the real situation in front of all the personalities and tourists that were coming to London to see the Olympics. The English authorities did not want to paint a grim picture and show that there are also people that are in leaving in this way in those conditions in their country.

Concluding on this issue, I do consider that a state has the positive obligation to look after its citizens but also to try to integrate immigrants into its country. In a case like this, were they might represent a menace to public safety and public order the government`s action can be justified, if taken at the right time and if not targeting a specific ethnic group, but targeting dangerous people, that represent a menace to their society.

After presenting the politics of these countries towards gypsies in the following part of the paper I will briefly also present my conclusions and the migration problem for Romanians.

4. Conclusion

Regarding the expulsion of gypsies from France, Italy, UK, I argued that this did not only breached EU law but also Human Rights. Expulsion can be accepted under the Residence Directive, if protecting public order but that was not demonstrated by the governments of any of these countries. In addition, mass expulsions are specifically prohibited and this is exactly what happened to the Romanian gypsies living in the countries mentioned above. But a big problem still remains: gypsies, still represent the most discriminated group of Europe. How can this problem be solved?

The issue of gypsies might explain why Romania was refused accession the Schengen space and the restrictions on the free movement of Romanian workers. These people are normally identified according to the way they are dressed,

they are mostly seen by other Europeans as beggars, thieves, etc. These are the reasons for which they were expelled from the countries mentioned above. In my opinion this behaviour should change. The mentality could change through further discussion between the countries hosting large minorities of Roma people; need for research; more discussion among Romani leaders about the way in which they could interfere integrate/protect Roma people rights ; more objective media coverage because they are often depicted badly in the media, which is not revealing all the time both sides of the story and last but not least, some sort of police training and partnership with the Roma.

It is essential to gather more information about the patterns of migration of Romanians and gypsies because this it is one of the reasons why Romania was denied the access to the Schengen space and why some countries imposed severe restrictions in their countries concerning their job market.

Today the European Commission, E.U. member countries and the Roma themselves all agree that Spain has become the model for integrating Gypsies. Now the governments of Bulgaria, Slovakia, Hungary, the Czech Republic and even Romania where many Roma come from are looking to Spain for ideas to apply themselves.

Of the 10-12 million Roma living in Europe, Spain has the second biggest community, estimated at 970,000, or about 2% of the total population. And the country spends almost €36 million annually bringing them into the fold. In Spain, only 5% of gypsies live in makeshift camps and about half of Roma have their own houses. Just about all Gypsies in Spain have access to health care and while no recent figures exist, at least 75% are believed to have some sort of steady income.

(<http://www.nytimes.com/2010/12/06/world/europe/06gypsy.html?pagewanted=all&r=0>)

The spokesperson of the Amnesty International in Denmark, Ole Hoff-Lund, said in the newspaper Yesterday's Information that: *"Roma have no peace anywhere in Europe. They are in the most vulnerable population group, which is persecuted and discriminated against in the EU. They have no access to jobs,*

housing, education or health. This type of discrimination, Roma now encounter also encounter in Denmark and even from the highest place. Even Minister of Justice has pitched in".

(<http://content.time.com/time/world/article/0,8599,2019316,00.html>)

Another debate that occurred was related to the costs of this migration waves. Still the Romanians and Bulgarians that wanted to leave the country and work somewhere else did that already. More than 1 million Romanians currently work in Italy, whereas in Spain there are 900 000. These countries have been chosen by Romanians because of the linguistic similarities.

(<http://www.nytimes.com/2010/12/06/world/europe/06gypsy.html?pagewanted=all&r=0>)

The free movement of labour is a fundamental right which is enjoyed by all EU citizens. It represents a core principle that is the cornerstone of a prosperous, peaceful and integrated Europe. As a consequence developing a nationalistic attitude towards the labour market across the continent is a dangerous attitude. Eroding the foundation for the concept of labour mobility within Europe would set the EU further back in actually meeting the need to grow and ensure the economy on the long run and also it's prosperity.

Besides the substantial economic benefit, free movement also paves the road towards a common European identity. Ultimately, just trading goods across borders and integrating any fiscal policies will not be able to complete the required foundation for closer political union.

European citizenship can be understood as a fundamental right given to European citizens to move, work and build their lives in other Member States which also includes establishing families and nurturing friendships, which fosters a true sense of common European citizenship. In the situation where Europeans start closing down their borders to their fellow Europeans today there will remain not that much of "European" to defend.

Even with the current situation Europeans have historically exercised their right to move and reside freely across the EU less than predicted because of all the linguistic and cultural barriers that kept many Europeans tied to

their own markets. As a consequence, many governments are fighting with high rates of unemployment and angry electorates, which are scared about migration on their country. This reaction of people is not actually supported by facts because empirical evidence shows that this fear, of foreign workers might crowd out the domestic ones is incorrect. It rarely happens that migrant workers displace the domestic labour force. Instead they do contribute substantially to national economies, through the labour they supply, through the taxes that they pay and also through the services that they consume.

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