

EU-CITZEN:
ACADEMIC NETWORK ON EUROPEAN CITIZENSHIP RIGHTS

Political Participation of the Roma in the European Union

Pilot study for TYPE A REPORT

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KEY FINDINGS

- The political participation of the Roma community is not a topic that has been discussed sufficiently at EU and national levels, as **policies related to this community largely focus on housing, education and socio-economic measures**. From the analysis of the e-questionnaire results, 45% of the respondents were aware that some measures have been taken in their country to promote the political participation of Roma. This percentage drops to 10% when it comes to Roma who are mobile EU citizens.
- The main challenges experienced by EU Roma Citizens regarding political participation in the EU are closely embedded into a more general context of '**anti-Gypsyism'** which shows **institutional gaps and structural barriers towards active EU citizenship** in a majority of the countries under investigation. **Institutionalised racism, discrimination, hate speech and anti-Gypsyism** is more generally a *root cause* for the lack of trust in the political sphere from Roma communities. Unless there is a clear **political priority** given at EU and national levels to tackle anti-Gypsyism, the institutional, legal and practical challenges that the community faces for exercising their political rights will not be fully and efficiently addressed.
- The **socio-economic marginalisation** of Roma communities across Europe constitutes one of the most important factors hindering Roma communities' political participation. These include lack of access to resources, poor housing conditions, high rate of school dropouts and segregations, etc**. Institutionalised forms of discrimination in the educational field** constitute important barriers for active EU citizenship, with clear cases of disproportionate (hidden or evident forms of) segregation and high drop rates caused by tuition fees and high costs for families. Existing knowledge also shows persisting cases of **hate speech and crimes where investigations remain ineffective**.
- There is a **persisting low level of political representation** of Roma communities in political affairs in the EU. This is particularly so when looking at the number of elected Roma representatives in the countries under examination in this Pilot Study. However, this observation should be mitigated when analysing **levels of participation**, which differs from one Member State to another. Selected Central and Eastern European countries (CEECs) like Bulgaria, Romania and Hungary show much higher level of Roma **political turnout** than countries like France or Spain. In these two Member States, and in other Western and Southern MS, the political participation of the Roma minority is not in the political agenda at national or regional level.
- **CEECs are more advanced than Western countries in promoting Roma political rights.** Western countries tend to focus Roma public policies on improving housing conditions and access to education and health. There is no specific example of a policy initiative aiming at fostering EU Roma Citizens political participation in Spain and France. Hungary, Bulgaria and Romania have implemented different types of policy measures to foster Roma turnout and increase the number of Roma representatives, yet their effective implementation still shows serious challenges on the ground.
- A risk inherent to these policy measures is an **erroneous homogenization of Roma communities' identities**. Any requirements aimed at implementing 'special measures' for Roma communities political participation should be **proportionate, in full compliance with privacy and data protection and be based on voluntary self-identification standards.**
- Other types of **administrative and bureaucratic barriers** to registration, obtaining identification documents and the rights to vote and be elected still exist and are particularly difficult to tackle for Roma communities. This is so even in countries with a high number of nomadic citizens, and prove

to be even higher in respect of **mobile EU citizens** who are experiencing even more segregation, exclusionary practices and alienation from the political spheres in the receiving countries.

- Special attention in participation should be put into non-electoral forms of participation, such as freedom **of association and participation in NGOs and civil society organisations** representing Roma communities, in particular those focused on human rights and advocacy activities. These organisations play a key role in advocacy and litigation for human rights and minorities rights.

1 Introduction

1.1 BACKGROUND

The Roma community is **Europe's largest ethnic minority**, with an estimated 10-12 million Roma living in Europe, of which around 6 million in the European Union.[1] In many EU Member States, the Roma community constitutes a sizable proportion of their total population,[2] as estimates of the Council of Europe demonstrate.[3] For the purpose of this pilot study, the term **Roma** is defined in accordance with the European Commission's definition as an umbrella term which includes groups of people who have more or less similar cultural characteristics, such as Sinti, Travellers, Kalé, Gens du voyage, Tziganes, etc., whether sedentary or not.[4] Whilst using this common term, the study acknowledges the diversity of the community, even within one Member State.

The value of European citizenship and the EU Charter of Fundamental Rights for Roma communities in the EU is that it injects **equality before the law and non-discrimination** at the centre of attention when assessing their accessibility to public, social, political and economic life. The EU Fundamental Rights Agency (**FRA**) noted, based on the EU-MIDIS II survey findings and its own Roma Pilot Survey in 2011 that at least 80% of the Roma surveyed were at **risk of poverty or social exclusion**.[5] The Agency identified four main causes of the lack of inclusion of Roma in Europe: poverty and unemployment, poor living conditions, anti-Gypsyism and low education.[6] Although many reports and articles discuss these issues, the literature is rather limited in the area of **political participation of Roma**; most studies and research material focus on socio-economic conditions and discrimination matters (such as racism and hate speech), as have the programmes and initiatives deployed since the 1990s related to the Roma (Kóczé, 2013).[7]

Political participation and the right to participate in the political life of a country is a very important component of active citizenship. Particularly for **minority communities**, such as the Roma, ensuring effective access to participation in political and public life is essential in order to ensure the enjoyment of minority rights and prevention of discrimination, as well as to ensure effective policies developed to

[1] FRA, "Roma", Website of the European Union Agency for Fundamental Rights, http://fra.europa.eu/en/theme/roma.
[2] OSF (2013), "Why Roma Political Participation Matters", *Open Society Foundations Explainer*, OSF, September, https://www.opensocietyfoundations.org/explainers/why-roma-political-participation-matters.
[3] According to the estimates of the Council of Europe, the Roma population represents more than 1% of the total population in Romania (8.63%), Bulgaria (9.94%), Hungary (7.49%), Spain (1.63%), Slovakia (9.02%), Czech Republic (1.90%), and Greece (1.55%), see CoE (2012), "Estimates on Roma Population in European countries", Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues, Council of Europe, July, http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680088ea9.
[4] See European Commission (2011), "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, COM(2011) 173 final, Brussels, 5.4.2011, ft. 1.
[5] Cf. FRA (2012), "The situation of Roma in 11 EU Member States - Survey results at a glance", European Union Agency for Fundamental Rights, May, pp. 24-25; FRA (2016), "Second European Union Minorities and Discrimination Survey: Roma – Selected findings", European Union Agency for Fundamental Rights, November, p. 9.
[6] FRA (2018), "What are the barriers to Roma inclusion?", Infographic based on FRA's report – *A persistent concern: anti-Gypsyism as a barrier to Roma inclusion*, April, http://fra.europa.eu/en/publications-and-resources/infographics/what-are-barriers-roma-inclusion.
[7] The lack of focus on the political participation of the Roma is corroborated by results from a survey conducted for this study, where the majority of respondents to the survey (80%) declared that political participation of the Roma does not present itself as a topic on the political agenda of their countries.

strengthen the position and non-discrimination of minorities.[8] Roma minorities, contrary to common misbelief, are not apolitical and do participate in national elections; in certain countries, the Roma even demonstrate similar levels of interest in the political sphere as non-Roma citizens. There is a clear will from the Roma community to participate more in the political sphere and take a more active role in decision-making at national and European levels.[9] The political participation has risen in the past years in both **formal political fora and civil society participation**, including protests and demonstrations.[10] As shown in a large-scale survey ran by FRA in 2011, more than 70% of Roma respondents from Bulgaria, Greece, Slovakia and Hungary, and over 80% in Romania stated that they voted in previous elections. However, the data for western MS shown much lower levels of participations, with for instance only 9% having voted the latest French national election (FRA, 2011).

"Roma political participation is still low in the EU: with an estimated Roma population of 6 million, one would expect 2% of political representatives to be from the Roma community. However, this number has not yet been achieved {…}"

Ivan Ivanov, ERIO Executive Director, 10 June 2016 at a conference on "Strengthening Roma's political participation".

Notwithstanding the increased participation, existing research has shown the continued **underrepresentation and exclusion** of the Roma in political and public life of EU Roma Citizens in the Union.[11] Rostas remarks for instance that, despite the noticeable improvement of Roma political participation in OSCE participating States, "the progress achieved does not allow Roma and Sinti to exert a level of political influence that is proportional to their estimated numbers".[12] Similarly, Bieber states that effective participation of the Roma in political decision-making is essential, as otherwise "other minority rights and the prevention of discrimination of minorities cannot be effectively ensured".[13]

Any assessment of the main issues and barriers affecting political participation of the Roma in the European Union is closely tied to, and needs to be read in light of, structural, historically-embedded and systemic forms of racism, discrimination and exclusion towards Roma squarely on state institutions and actors, which has been often referred to as 'anti-Gypsyism'.[14] The European Commission against Racism and Intolerance (**ECRI**) of the Council of Europe defines anti-Gypsyism as a "*specific form of racism, an*

[8] See F. Bieber (2008), "Introduction", in: FES, *Political Parties and Minority Participation*, Skopje: Friedrich Ebert Stiftung – Office Macedonia, p. 5.
[9] See K. Koutouki and D. Farget (2012), "Contemporary Regulation of Public Policy Participation of the Saami and Roma: A Truncated Process", *International Journal on Minority and Group Rights*, Vol. 19, No. 4, p. 434.
[10] See P. Vermeersch (2017), "Romani Mobilization and Participation: Obstacles and Opportunities", in: J. Bhabha, A. Mirga and M. Matache (eds.), *Realizing Roma Righs*, Philadelphia, PA: University of Pennsylvania Press, pp. 200-201.
[11] See OSF (2013), op. cit.; I. Rostas (2014), "Roma and Sinti political participation: Opportunities and risks of local-level engagement", Background Paper for OSCE/ODIHR Expert Meeting in Warsaw on 28 November 2014, in: ODIHR (2016), Summary Report of the Expert Meeting in Warsaw on 28 November 2014, Warsaw, OSCE, January, p. 22.
[12] Rostas (2014), op. cit., p. 22.
[13] Bieber (2008), op. cit., p. 6.
[14] S. Carrera, I. Rostas & L. Vosyliute (2017), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", *CEPS Research Report* No. 2017/08, CEPS, Brussels, May, pp. 11-13.

ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination".[15] The concept shows how state institutions and actors often play a direct or indirect role in co-producing and reproducing discrimination towards Roma and entrenching anti-Gypsy attitudes and stereotyping in the framing of laws and policies, including those covering political participation, as well as in their practical implementation and outputs.[16] Moreover, previous research has shown that the main issues and institutional barriers affecting political participation of Roma communities may vary when looking at **national Roma minorities** in comparison to nationals of EU Member States who exercise their freedom to move to another Member State, i.e. **mobile EU Roma Citizens**.[17]

1.2 METHODOLOGY AND STRUCTURE OF THE REPORT

In this complex framework, this Pilot Study (for the EU-CITZEN Type A report) aims at examining the state-of-the art on **the exercise of electoral and wider political rights by EU citizens belonging to a minority group** in the EU, specifically focusing on **the Roma community**. It further examines the **main challenges** and legal/practical **barriers** for the political participation of the community, focusing on selected Member States: **Bulgaria, Romania, Hungary, Spain and France**. This selection is not exhaustive and is based on the relevance of these Member States in terms of the number of Roma citizens living in these MS, the plurality within these communities, as well as on their relevant national context in light of the sources examined through desk research.

The **methodology** is based on **desk research** and a detailed examination of primary and secondary sources. It also incorporates **new empirical qualitative data** from the results of an e-questionnaire circulated from August to October 2018 to Roma experts across Europe from different sectors of activity, including NGOs, civil society organisations, academia, national electoral bodies or public administration and international organisations. The questions asked to the experts are outlined in Annex I, and Annex II offers a synthesis table of the type of expert who answered the questionnaire and their Member State of reference. The analysis of the **21 responses** further builds on the academic knowledge gathered from desk research, particularly in relation to the main challenges and the Member State case studies. The Pilot Study also counts on information gathered through the analysis of the **28 Member States fiches on electoral law and practices**.[18] The input provided by these fiches are particularly relevant for Section 5 of this Pilot Study on Member State case studies.

Following the **introductory section**, Section 2 sets out the **concept and forms of electoral and non-electoral forms of political participation** of the Roma. Section 3 identifies the main international, regional and European **legal frameworks** on non-discrimination and political participation of Roma minorities. Section 4 examines the **main challenges** to political participation experienced by the Roma and Section 5 focuses on the gender aspect of Roma political participation. Section 6 examines the main

[15] ECRI (2011), ECRI General Policy Recommendation No. 13 on Combating ant-Gypsyism and discrimination against Roma, CRI(2011)37, p. 3.
[16] S. Carrera, I. Rostas & L. Vosyliute (2017), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", *CEPS Research Report* No. 2017/08, CEPS, Brussels, May, pp. 11-13.
[17] Ibid. See also S. Carrera, E. Guild, L. Vosyliute and P. Bard (2017), "Towards a Comprehensive EU Protection System for Minorities", Study for the European Parliament's LIBE Committee, Brussels, European Union, August, p. 85.
[18] These Member States fiches are contained in a separate Appendix to the Type A report.

issues and developments on political participation of the Roma in **five selected EU Member States**. Lastly, Section 7 sets out a number of concluding remarks.

The case studies on Bulgaria, Romania and Hungary have been prepared with the collaboration of Judit Tóth and András Kováts from ICCR Budapest, partner in EU-CITZEN. The research team would like to thank Savelina Danova Russinova, Research and Policy Coordinator at ERRC for her contribution to the Pilot Study and to Ismael Cortés, UNESCO Chair of Philosophy for Peace at the Interuniversity Institute for Social Development for his insight on the Spanish case study.

2 Electoral and non-electoral forms of participation

Political participation can take many forms. It can be categorised as formal/informal or electoral/non-electoral and exercised in different levels of engagement (from passivity to activism). As Box 1 below shows, the academic literature on topic is profuse and tends to discuss *general manifestations* of political participation.

BOX 1

Electoral and non-electoral forms of political participation in general[19]

In addition to electoral participation, many other activities provide citizens with opportunities to participate in the political sphere. These other activities can be considered under the heading of 'non-electoral forms of political participation'.[20] Van Deth differentiates between more than 70 forms of non-electoral political participation.[21] Four main types of non-electoral participation have been identified by Andreosso-O'Callaghan and Royall, namely:

i) Contact activities: contacting politicians, government officials, the media, a lawyer or judicial body;
ii) Group activities: voluntary work in a political party or other organisation, donating money to a political organisation; trade union activities;[22]
iii) Consumer activities: signing a petition or boycotting products; and
iv) Protest activities: displaying a badge, participating in a lawful public demonstration or illegal activities.[23]

In light of declining election turnout, the repertoire of non-electoral political activities has expanded across the EU.[24] According to Dalton, non-electoral methods of political action 'expand the potential influence of the citizenry'[25] and give citizens 'more control over the focus and locus of political action, which should presumably increase their influence in the political process'.[26]

For the case of Roma (and minorities more generally) this section is inspired by Koutouri & Farget's (2012) categorisation of political participation, as understood in the following forms:

[19] This section is based on the section on "Electoral and Non-Electoral Forms of Political Participation" in the Pilot Study for the EU-CITZEN Type A report on *Political Participation of Persons with Disabilities* drafted by Dr Andrea Broderick (Maastricht University) for the EU-CITZEN Network (*draft April 2018*).
[20] M. Fink, 'Types of Political Participation: A Multidimensional Analysis' (2012) 20(1) *European Journal of Political Research* 93-102.
[21] M. Steinbrecher, CIVICACTIVE Project Report on Non-Electoral Participation, at p.1, available at www.ucd.ie/civicact/nonelectoralparticipation.doc, citing J.W., Van Deth, 'Vergleichende politische Partizipationsforschung', in D. Berg-Schlosser & F. Müller-Rommel, (eds.), *Vergleichende Politikwissenschaft* (Leske & Budrich, 4th edition) 167-187, p. 175.
[22] See further: M. Martinello (2005) Political Participation, Mobilisation and Representation of Immigrants and their Offspring in Europe. Willy Brandt Series of Working Papers in International Migration and Ethnic relations, 1/05. Malmo University, pp. 2-3, who includes: trade unions, pressure groups and community groups 'organised along ethnic, racial, national, cultural or religions lines, and participation in community groups with wider goals (either local, national or global)'.
[23] B. Andreosso-O'Callaghan and F. Royall (eds), Economic and Political Change in Asia and Europe: Social Movement Analyses (Springer 2013), p. 185.
[24] P. Norris, *Democratic Phoenix: Reinventing Political Activism* (Cambridge University Press 2002).
[25] R. Dalton, 'Citizenship Norms and the Expansion of Political Participation' (2008) *Political Studies* 56, 76–98, p. 93.
[26] Ibid.

1) ***Electoral*** **forms of participation**

- **Participation** in local, regional, national and European elections (run for elections and vote): overall very low turnout and Roma representatives who are more seen as exceptions rather than common practice;
- **Creation** of and participation in ethnic-based political parties (run for elections and vote): as discussed in the Member States case-studies, not all political systems allow for ethnic-based political parties;
- **Representation** in government bodies focused on minority rights: as discussed in the Member State case-studies. This option has been taken by several CEECs as a way of securing Roma representation in political decision-making for policies impacting the community.

2) ***Non-electoral*** **forms of participation**

- Taking part, creating and join **civil societies and NGOs**, either mainstream or representing the minority: there has been a substantial growth in the number of organisations representing or supporting the Roma community in Europe, especially focusing on socio-economic developments;
- Taking part, creating, join **international organisations/forums**, either mainstream or representing the minority;[27]
- **Activism** in a structured or non-structured entity;

[27] Such as the International forums such as the UN Permanent Forum for Indigenous Issues (UNPFII), the European Roma and Travellers Forum (ERTF), the Saami Council or the International Romani Union (IRU). The first large-scale meeting of European Roma was held in Orpington, Greater London on 8th of April 1971. Roma advocates from Czechoslovakia, Hungary, Yugoslavia, Finland, Norway, Great Britain, Ireland, France, Germany and Spain gathered to proclaim the self-determination of their community and identifying a an anthem and the overall use of the word Roma over Gypsy and other derivate to qualify the community. It was the first of ten World Romani Congresses. See http://iromaniunion.org/index.php/en/about-us/congresses.html

3 The International and European framework on non-discrimination regarding political participation of EU Roma Citizens

3.1 Legal Frameworks on Non-Discrimination and Minority Rights: The Case of Roma

Different provisions of international human rights law bind signing States to apply provisions **on equality and non-discrimination**. These include international, regional and EU standards. International human rights law recognises two types of rights with respect to the protection of minorities: universal protection against discrimination and specific minority rights.[28] These include the International Convention on the Elimination of All Forms of Racial Discrimination (**ICERD**), the International Covenant on Economic, Social and Cultural Rights (**ICESCR**), the International Covenant on Civil and Political Rights (**ICCPR**), the European Convention on Human Rights (**ECHR**) and the European Social Charter (**ESC**), complemented by a large panel of recommendations and resolutions from the **Council of Europe**.[29]

Specifically on minorities and minority rights, one can refer to Article 27 of the ICCPR, the UN Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities (**UN Minorities Declaration**),[30] the Council of Europe's Framework Convention for the Protection of National Minorities (**FCNM)**,[31] and the **Conference on Security and Cooperation in Europe's Copenhagen Document** (1990).[32]

In the European Union, minorities' rights are also considered as a fundamental value of the European Union, as enshrined in Article 2 of the **Treaty on European Union** (TEU). Combating discrimination and social exclusion is also one of the main goals of the EU, as set out in Article 3 of the TEU. The **Treaty on the Functioning of the EU** (TFEU) provides that, in defining and implementing its policies and activities, the Union shall aim to combat discrimination based on racial or ethnic origin (Article 10). It shall also take into account requirements linked to the promotion of a high level of employment, the guarantee of adequate social protection, the fight against social exclusion and a high level of education, training and protection of human health (Article 9). Article 21 of the **EU Charter of Fundamental Rights** prohibits discrimination based on any ground, such as sex, race, colour, ethnic or social origin, genetic features, language, or membership of a national minority.

Secondary EU law also provides protection against racial or ethnic discrimination and binds Member States to effectively combat these phenomena, namely in: **Council Directive 2000/43/EC** of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic

[28] For an overview on the topic, refer to Annex 1 of Carrera, S., Guild, E., Vosyliute, L. and Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", *Study for the European Parliament's LIBE Committee*, Brussels, European Union, August, pp.120-140.
[29] See T. Ahmed (2011), *The Impact of EU Law on Minority Rights*, Modern Studies in European Law Vol. 23, Oxford: Hart Publishing, pp. 15-20.
[30] See http://www.ohchr.org/EN/ProfessionalInterest/Pages/Minorities.aspx.
[31] https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf.
[32] https://www.osce.org/odihr/elections/14304?download=true.

origin[33] and **Council Framework Decision 2008/913/JHA** of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law.[34]

The preamble of the 2013 **Council Recommendation on effective Roma integration measures in the Member States**[35] refers to this legal framework. Discrimination against and exclusion of Roma is clearly a priority within this Recommendation, which refers to obligation of the European Union and the Member States, to ensure the fundamental rights of Roma and tackle their recurrent violations and the anti-Gypsyism rhetoric.

Different **initiatives and programmes** have been put in place at EU level in the past decade. Although they do not specifically focus on electoral rights and political participation – as observed earlier, they tend to tackle educational, inclusion, anti-Gypsyism and other socio-economic aspects – the topic of participation and representation is often mentioned as an area for development for Member States.[36]

Since 2011, Member States have adopted **national strategies** to foster Roma integrations, though programmes running until 2020, mandated by the EU Framework for National Roma Integration Strategies (**NRIS**), focusing on education, employment, healthcare and housing. The national strategies were assessed by the European Commission in 2012 and their implementation in 2013, 2014 and 2015.

The EU also provides funding for national inclusion programmes with the European Structural and Investment Funds (**ESIF**), the European Social Fund (**ESF**), the European Regional Development Fund (**ERDF**) and the European Agricultural Fund for Rural Development (**EAFRD**). The European Commission also created the **National Roma Contact Points' network** and the **annual European Platform for Roma Inclusion**[37], which aims at bringing together the EU institutions, Member States and civil society organisations.

3.2 Legal Frameworks on Roma Political Participation

The legal framework in the EU governing political participation, specifically the right to vote and to stand as a candidate, can be found in the TFEU and the EU Charter of Fundamental Rights (EU CFR). **Article 39 EU CFR** guarantees every EU citizen the right to vote and to stand as a candidate at European Parliamentary elections, while **Article 40 EU CFR** guarantees the same voting rights at the municipal elections. Electoral rights of EU citizens are further enshrined in the TFEU. **Article 20(2)(b) TFEU** guarantees European citizens

> "the right to vote and to stand as candidates in elections to the European Parliament and in municipal elections in their Member State of residence, under the same conditions as nationals of that State".

[33] Council (2000), Council Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, *OJ* L. 180, 19.7.2000, pp. 22-26.
[34] Council (2008), Council Framework Decision 2008/913/JHA of 28 November 2008 on combating certain forms and expressions of racism and xenophobia by means of criminal law, *OJ* L. 328, 6.12.2000, pp. 55-58.
[35] Council (2013), Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, *OJ* C 378, 24.12.2013, pp. 1-7.
[36] See for instance: COM(2011) 173, COM(2015) 299, COM(2016) 424, COM(2017) 458, COM(2018) 44.
[37] See: https://ec.europa.eu/info/strategy/justice-and-fundamental-rights/discrimination/roma-and-eu/european-platform-roma-inclusion_en (accessed 18/04/2018).

This right to vote is further reflected in **Article 22(1) TFEU** (in municipal elections) and **Article 22(2) TFEU** (in European Parliamentary elections). Secondary legislation has also been adopted in the EU in respect of the specificities of the right of EU citizens to vote in their MS of residence at municipal elections (**Council Directive 94/80/EC**),[38] and at European Parliamentary elections (**Council Directive 93/109/EC**).[39]

The relevant legal frameworks for the right to political participation (and specifically electoral rights) of minorities, including the Roma, however, is much less anchored in 'hard law' instruments. The above-mentioned Council of Europe's **FCNM** refers in respect of persons belonging to a national minority to:

(a) the right to freedom of peaceful assembly, freedom of association, and freedom of expression (Article 7 FCNM); and
(b) the duty of State Parties "to create the conditions necessary for the effective participation of persons belonging to a national minority in […] public affairs, in particular those affecting them" (Article 15 FCNM).

Reference to the political participation of minorities are more readily found in policy documents and 'soft law' instruments, both internationally and at the EU level. The **UN Minorities Declaration**, for example, refers the right of persons belonging to minorities to "participate *effectively* in […] public life" (Article 2(2) UN Minorities Declaration) and to "participate *effectively* in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live" (Article 2(3) UN Minorities Declaration). The **OSCE Copenhagen Declaration** makes reference to "the right of persons belonging to national minorities to effective participation in public affairs, including participation in the affairs relating to the protection and promotion of the identity of such minorities" (paragraph 35).

The OSCE High Commissioner on National Minorities (HCNM) adopted the Lund Recommendations on the Effective Participation of National Minorities in Public Life (**Lund Recommendations**) in 1999, recommending, among others, for States to "ensure that opportunities exist for minorities to have an effective voice at the level of the central government" and to "guarantee the right of persons belonging to national minorities to take part in the conduct of public affairs, including through the *rights to vote and stand for office* without discrimination" (emphasis added).[40]

Specific reference participation of the Roma in public and political life can be found in various policy documents. For example, the **OSCE Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area**, referring specifically to the rights of Roma and Sinti "to vote, stand for election, participate in public affairs and form political parties without discrimination".[41] The European

[38] Council (1994), Council Directive 94/80/EC of 19 December 1994 laying down detailed arrangements for the exercise of the right to vote and to stand as a candidate in municipal elections by citizens of the Union residing in a Member State of which they are not nationals, *OJ* L 368, 31.12.1994, pp. 38-47.
[39] Council (1993), Council Directive 93/109/EC of 6 December 1993 laying down detailed arrangements for the exercise of the right to vote and stand as a candidate in elections to the European Parliament for citizens of the Union residing in a Member State of which they are not nationals, *OJ* L. 329, 30.12.1993, pp. 34-38.
[40] OSCE (1999), The Lund Recommendations on the Effective Participation of National Minorities in Public Life, OSCE High Commissioner on National Minorities, September, para. 6 and 7.
[41] OSCE (2003), Decision No. 566 – Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, PC.DEC/566, Vienna, 27 November, under "Part VI. Enhancing participation in public and political life", pp. 11-12.

Commission against Racism and Intolerance recommends in **ECRI Policy Recommendation No. 3** for States "to develop institutional arrangements *to promote an active role and participation of Roma/Gypsy communities in the decision-making process*, through national, regional and local consultative mechanisms, with priority placed on the idea of partnership on an equal footing" (emphasis added).[42] In the EU, **Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States (2013/C 378/01)**[43] recommends that Member States:

> *"Support the active citizenship of Roma by promoting their social, economic, political and cultural participation in society, including at the local level, since the active involvement and participation of Roma themselves, including through their representatives and organisations, is crucial for the improvement of their living conditions, as well as for the advancement of their social inclusion".*[44]

[42] ECRI (1998), ECRI General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies, CRI(98)29, European Commission against Racism and Intolerance, 6 March, p. 8.
[43] Council (2013), "Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, 2013/C 378/01", *OJ* C 378, 24.12.2013, p. 1-7.
[44] Council (2013), "Council Recommendation on effective Roma integration measures in the Member States", op. cit., para. 2.8.

4 Overview of main challenges to political participation: legal, administrative and accessibility barriers

In the past, many Roma were considered as illiterate and therefore deemed as unable to vote and exercise their civic rights as legally incapacitated. The following table summarises the main challenges posed to political participation of the Roma community these days, building from the existing literature on the topic and the main report's conclusions and recommendations. They mainly focus on ***legal and administrative, practical and institutional challenges***, both formal and informal, but also on structural pitfalls, linked to anti-Gypsyism, which may take formal or informal and less tangible, but still have profound repercussions on the political power and EU citizenship rights of the Roma communities in the Union. These challenges have been drawn from general desk research exercise and from the **Member State analysis**. References to the five MS case study is included in each category as example and further detailed in section 6.

Table 1: Mapping of the main challenges to political participation

Legal and administrative	• Political system and mechanisms that make difficult for Roma to compete in the political arena (e.g. mainstream parties placing Roma candidates very low in the ballot lists, electoral thresholds, divisions of the consistencies, etc.); • Low level of implementation of existing regulations and programmes,; • Roma candidates mostly present in local elections and scarce representation at national and European levels; • Quotas for Roma representation, which guarantees a minimum representation but also implies a maximum representation.
	These challenges are present in all five MS studies, but particularly in Bulgaria, Romania and Hungary, where instruments are in place to foster the political participation of the Roma, whilst also bringing negative and backlashing effects with them.
Accessibility	• Different models of registration in the electoral lists; • Lack of documentation for registration in the electoral lists; • Geographical restrictions of the electoral system in many MS and difficulty in registering in a circumscription for travellers communities; • Lack of infrastructure; • Lack of information, especially in local and rural communities.
	Whilst the lack information on electoral participation is a common issue in all MS, the accessibility challenges are particularly relevant for the Roma community of Western and Southern European countries, which are less sedentary than their Central and Eastern European counterparts. Indeed, the French, Irish and English travellers are particularly penalised by the registration processes and lack the relevant documentation. *Additionally, the Roma community composed of mobile EU citizens further experience this issue as they often travel without their country of origin's documentation.*

Institutional	• Anti-Gypsyism; • Lack of political will, anti-political sentiment and mistrust in mainstream political parties; • Educational segregation and discriminatory educational policies; • Manipulation and hate speech by mainstream political parties; • Blame culture; • Lack of financial support from the Roma to Roma-based political parties; • Voter intimidation or vote buying.
	Institutional and structural challenges such as anti-Gypsyism, hate speech and blame culture is a common factor in all five MS studied. In Central and Eastern European countries, where the Roma are slowly entering the political sphere both in passive and active participation, the community is confronted to corruption, vote buying and intimidation.

These barriers come in addition and in relation to wider **socio-economic challenges and exclusion** which impact negatively the opportunities for political participation of Roma. This finding has also been highlighted in the results of the e-questionnaire, as respondents identified socio-economic and living conditions as the first challenge of both passive (candidacy) and active (voting) political participation of the Roma community. Results from the e-survey conducted for this study show that the **main challenges for active political participation** of the Roma are as follows:

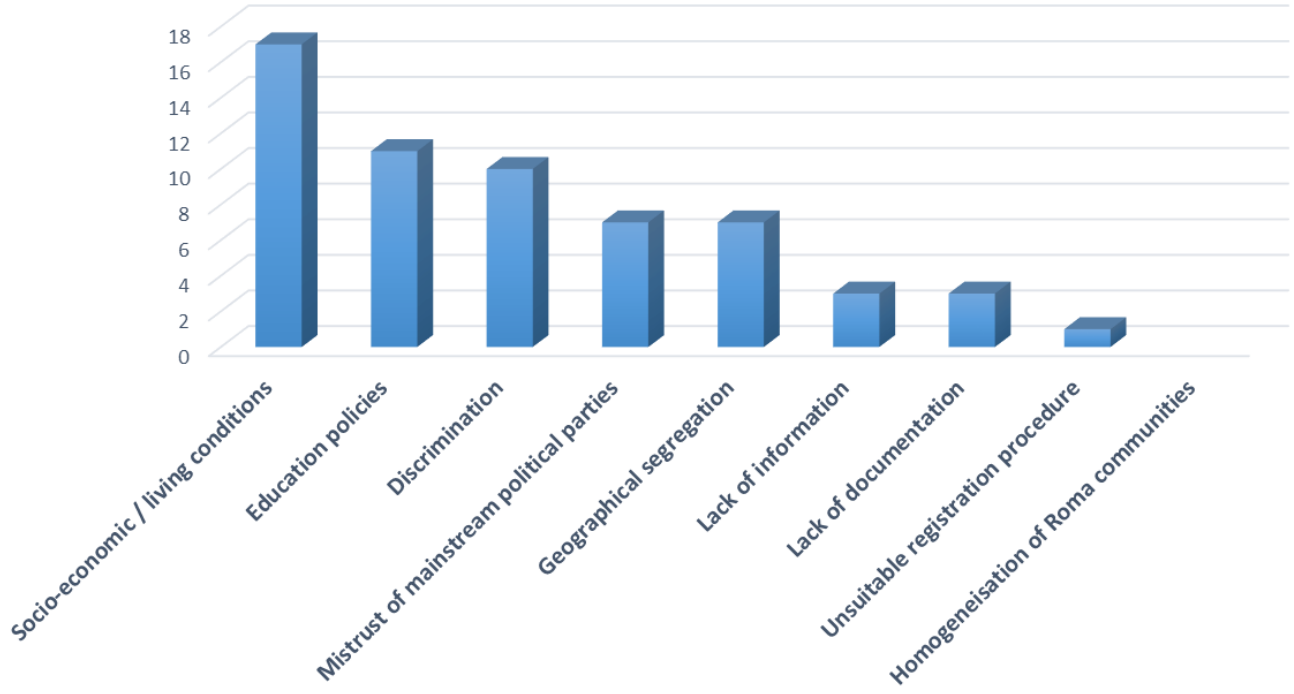


Figure 1: Main challenges for active (voting) political participation of the Roma community

Source: EU-CITZENS e-questionnaire on political participation of Roma communities, 2018.

The survey respondents have also pointed to poor education policies and overall discrimination as other important challenges hindering the communities' political participation.

A number of *concrete factors* have been identified in the literature as specifically frustrating the exercise of electoral rights by the Roma. Many Roma are not always able to complete the **voter registration procedure** required to exercise the right to vote, primarily as a result of the **lack of identification documents**.[45] This lack of identification documents may result from, among others, administrative practices and challenges which lead to **the lack of secured personal and residency status** among the Roma or the denial of citizenship or a residence permit to them.[46] Furthermore, Roma are sometimes registered at **polling stations located at large distances** from their regular place of residence.[47] In terms of documentation, this issue has a wider resonance with a general problem of lack of birth registration, as parents may not have the identification documents themselves which are required for birth registration.

Another important factor is the **effect of discrimination, racism, and anti-Gypsyism** on the political participation of the Roma. Vermeersch notes that 'mainstream' politicians are often instrumental in presenting the problems faced by the Roma as essential in the 'Romani culture' itself and thus incompatible with 'European culture'.[48] This form of **framing the Roma as 'foreigners' constitutes a clear manifestation of anti-Gypsyism**.[49] Their framing as a societal 'problem' may be extremely consequential when transposed into the political discourse. As Vermeersch notes, the "assumption that Roma are not full-fledged members of the European cultural community" makes it easier for political to marginalise and disregard the issues affecting the Roma.[50] **The political rhetoric against the Roma results in the hampering of Romani participation and mobilisation**.[51] Additionally, there is also very little to no interest from governments to foster the participation of a group whose vote is unpredictable, is not directly linked to a political tendency and therefore not 'loyal to the establishment'.

In some Member States, **mainstream political parties** have progressively offered a chance to Roma candidates to run for a seat in (local, regional and national) parliaments. This approach fully includes Roma in mainstream politics, providing them with the opportunity to act on transversal political topics, as opposed to focusing on the communities' representation in programmes, such as Roma advisory boards, or special representation for Roma issues. Including members of the Roma community in mainstream/transversal politics broadens the scope of action of Roma representatives, giving them a voice in the general or mainstream political life of the country. However, **some electoral rules can directly or indirectly undermine this representation**, as seen for gender representation by, for example, instances of political parties placing Roma candidates at the bottom of the candidate lists. This undermines their chances of being elected and obtaining a seat for the constituency.

[45] See CoE (2012), *Human Rights of Roma and Travellers in Europe*, Strasbourg: Council of Europe Publishing, p. 208-211; C. Mihalache (2003), "Obstacles to the Participation of Roma in Elections in Romania", *Roma Rights Quarterly* 2004, No. 4, pp. 35-36; S. Krause, "Mapping the Electoral Participation of Roma in South-Eastern Europe", Expert Paper for the ODIHR – European Commission joint project "Roma use your ballot wisely!", p. 13-15

[46] CpE (2012), op. cit., p. 209.

[47] Krause, "Mapping the Electoral Participation of Roma in South-Eastern Europe", op. cit., p. 16

[48] See P. Vermeersch (2000), "Romani political participation and racism: reflections on recent developments in Hungary and Slovakia", *Roma Rights Quarterly* 2000, No. 4.

[49] See S. Carrera, I. Rostas & L. Vosyliute (2017), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", *CEPS Research Report* No. 2017/08, CEPS, Brussels, May, pp. 11-13.

[50] Vermeersch (2000), op. cit.

[51] Vermeersch (2017), op. cit., pp. 209-210.

Roma-based political parties have been created in Central and Eastern European countries. These political parties often act at the local level, which in turn reduces the possibility of having a strong Roma voice at national levels (Baclija & Hacek, 2012). Roma-based political parties throughout the EU have yet to succeed in uniting their community and to play an important role in the political spheres. This observation is partly due to **their lack of resources** (with funding sources focusing more on socio-economic issues), **community disillusionment towards the parties' results, the lack of parties' internal democracy and different cases of corruption**.[52]

Different types of measures have been developed by EU Member States and other European countries since the 1990s to foster Roma political participation and representation. These have included guaranteed seats in the national parliament (Romania), self-government of all minorities in a "one size fits all" approach (Hungary), cultural autonomy (Hungary and Estonia), proportional representation in electoral systems (Macedonia and Serbia), special advisors on Romani affairs (Finland, the Czech Republic, Romania, Slovakia and Croatia) and the absence of electoral thresholds for minorities (Finland and Poland). **These options mostly depend on national political cultures**, with some tending to nationalise the participation of citizens, while others allow for ethnicity-based political representation.

Within these initiatives, Sobotka (2002) has identified **two models of inclusion**. Slovakia, the Czech Republic and Poland have adopted the **policy formation model**, which implies the participation of Roma via a minority advisory body that advises national authorities when legislation is being drafted that may impact the Roma community or other ethnic minorities. Hungary, on the other hand, employs the **political representation model,** which offers a voice to the Roma through special representatives in political entities (via quotas or reserved seats). Slovenia has implemented both models in the early 2000s, and research tends to show that the political representation model provides better results than the policy formation model, as the latter is seen as more conflictual within the community (Baclija & Hacek, 2012).

As for the participation in **civil society** through NGOs, associations and other informal structures, these initiatives mainly act at local level and are sometimes not composed by a majority of Roma. Although they provide a good forum for debate and exchange of information, these non-electoral forms of participation **sometimes lack the resources necessary to bring about a clear change and to improve the voice of Roma communities**. Additionally, the literature acknowledges the lack of accountability and effective implementation of programmes by some NGOs (Kóczé), noting that there may be a gap between the funds allocated to some of these organisation and the Roma beneficiaries.

[52] I. Rostas (2012), "Roma Participation: From Manipulation to Citizen Control", *Romary Rights Journal* 2012, No. 1, p. 5.

5 Gender perspectives

Lack of political voice and double discrimination

The situation of Romani women is especially difficult. According to a 2011 FRA survey[53], the marginalisation of Roma women is much more important than for Roma men. Access to health is particularly scare and some Romani women have been victim of forced sterilization in recent years in some EU countries (European Parliament, 2013). Their subordinate role in their communities as the family care responsible person adds **another barrier** for political participation and representation of Romani women. The school dropout is much higher for girls than boys, with is a factor that participates in secluding the women from the public sphere; the main reasons for school dropout for girls are often related to family life: helping raising the younger siblings, marriage and giving birth (Bitu, 2005, p.1). **Compared to the already difficult situation of women in the majority society in terms of political representation, Roma women still have a much weaker position in the political sphere.**

Although the situation of Romani women is mentioned in most of the **NRISs**, the EU still fails in fully addressing the problem when the solution for an effective policy on gender empowerment is the **active participation of the target audience** (European Parliament, 2013). The European Parliament report (2013) on empowerment of Romani women pledges for the introduction of **quotas for women's political participation in all government levels**. The political participation is weaker than the men and the political representation largely under the men threshold. In terms of **non-electoral forms of participation**, Romani women also lack representation within Roma associations and representatives body. The World Roma Organisation for examples, only counts for one woman, Grabriela Selam Pato, within its administrative members.[54]

International initiatives

Different initiatives have been created at international and European levels to promote the rights of Romani Women, which form a complex constellation of groups with difference in opinions[55] and sometimes little collaboration between them (Izsák, 2009). The first semi-formal gathering of Romani women was held in Seville in 1994 during a Roma Congress. A **Manifest** was adopted, highlighting **the internal and external challenges for women emancipation** in the community and in their Member States:

> *"Give a chance to Romani women to be fully responsible for their cultural roles and traditional values also when this constitute obstacles in women's emancipation".*

The **Roma Women Initiative**, active from 1999 to 2005, was founded with the Open Society Institute's Network Women's Program (NWP) and aimed at developing a network of Roma women with the goal to improve their human rights conditions, especially in Central and Eastern European counties. The **Joint**

[53] Available at: http://fra.europa.eu/en/publications-and-resources/data-and-maps/survey-data-explorer-results-2011-roma-survey (accessed 22/04/2018)
[54] http://www.worldromaorganization.org/
[55] See the different opinions published in the framework of an ERRC roundtable on "Romani women in Romani and Majority societies", available at: http://www.errc.org/cikk.php?cikk=626 (accessed 27/04/2018).

Romani Women Initiative followed, from 2006 to 2007. The **Roma Participation Programme** (1998 to 2007) foresaw measures related to women capacity building in NGOs and institutions (especially the European Commission). The **International Romani Women Network** was created in 2003 and is still active, despite its recent lack of activity and some internal problems. Part of the European Women Lobby, It also focuses on Central and Eastern European countries. Lastly, the Federation of Kalé, Manoush, Romani and Sinté Women is an association based in France, composed of members from Western and Southern European countries (Bitu, 2011).[56]

The 6th **International Roma Women Conference** of 2017 organised by the Council of Europe[57] took the issue of political participation of Romani Women on board and proposed several recommendations for improving the situation, as intermediate outcomes:

- Political parties will allocate one eligible place for Roma / Traveller women in a number of districts for local and national elections 2018-2019;
- One seat allocated per country to Roma /Traveller women in EU elections for 2019;
- Roma / Traveller women becoming members of political parties;
- Roma / Traveller women becoming beneficiaries of training;
- Roma /Traveller women working in partnership with NGOs and support institutions for elaborating their political platforms and organising campaigns.

The Office for Democratic Institutions and Human Rights (ODIHR, 2014) expert event tabled on promoting Romani women political empowerment taking the stand that **women are agents of change in their communities.**

Roma women were also outspoken participants in **the European Commission's 2017 colloquium on fundamental rights**, which tackled the question of gender equality, and particularly that of the participation of women in politics.[58]

Activism and feminism

The literature has highlighted the importance for developing initiatives aiming at fostering the political participation of Romani people focusing especially on the situation of Romani women in order to promote a **fair and equal representation of the entire community**. Similarly, the national and EU initiatives on promoting political participation and representation of women would also need to take into account a broader audience and acknowledge the specific barriers of Roma communities and anti-Gypsyism. **There is clear lack of acknowledgement of Romani Women claims in the mainstream feminism and gender equality movements** (Mihalache, 2003a).

Taking part in **activism** is particularly difficult for Roma women as they face a strong patriarchal barrier and, due to the early childhood and family care obligations, have to jungle between taking part in a movement and attend the needs of their families. Even if there is a growing number of gender-based Romani NGOs, their effect on improving Roma women participation in public life is fairly limited (Mihalache, 2003a).

[56] For a complete overview of the progress made by these different initiatives, see Mihalache, 2003a and Jovanovic, Kóczé, and Balogh, 2015.
[57] See: https://www.coe.int/en/web/portal/roma-women#{%2230507831%22:[0]} (accessed 23/04/2018).
[58] See: http://ec.europa.eu/newsroom/just/item-detail.cfm?item_id=115277

A salient topic within the scarce literature (Mihalache, 2003a) on Romani women is **the multiple discrimination**, from outside and inside the communities (Bitu, 2005; Izsák, 2009). The **lack of education** and the very early focus on family affairs rather than public life also makes the participation of Romani women even more difficult, as they are segregated from the mainstream society in much earlier stages than their male counterparts. Bitu (Bitu, 2011) summarised the main challenges faced by contemporary Romani feminism: a) finding a space to express feminism in an environment marked by racism against Roma, b) ethnic identity versus gender identity, c) construction of Romani people from a feminist perspective, and d) hierarchy of the human rights issues.

Romani sociologist Sara López further shows this gap between mainstream and Roma feminism by stating that whilst mainstream feminism is fighting for equal pay, **Romani feminism are striving for access to employment and decent housing conditions**.[59] For Carmen Fernández, vice-president of the Association Feminist Romani for Diversity (Gitanas Feministas por la Diversidad), Romani women "we *have to be empowered {as women} without giving up our identity*".[60] She also points out to the clear mistrust and lack of relation they feel towards Universalist feminists (mainstream feminism), who also extol white supremacy approach and which organisations tend to understand Romani feminism as incompatible, as an oxymora.[61] The movement ideologically feels much closer to **intersectional feminist movements**, where the gender equality stands also meet an anti-racism rhetoric.

[59] See: https://www.eldiario.es/sociedad/Gitanas-feministas-discriminacion-liberarme-libera_0_708679847.html
[60] See: https://www.elespanol.com/sociedad/20171115/262224967_0.html
[61] See: https://www.gitanasfeministas.org/intervenciones/se-puede-ser-paya-y-feminista/

6 Selected Member States

The following sections comprise a short country by county analysis of the situation in selected Member States.

6.1 BULGARIA

The Constitution of Bulgaria (1991)[62] provides for equality before the law for all, and provides for the prohibition of discrimination.[63] Moreover, universal, equal and direct suffrage by secret ballot is provided for at all elections and referenda in the Constitution.[64] **Every Bulgarian citizen above the age of 18** have the right to freely elect state and local authorities and to vote in referenda, with the exception of those placed under judicial interdiction or serving a prison sentence.[65] The election for members of the European Parliament and the participation of citizens of the European Union in elections for local bodies is defined in a separate law.[66] The Constitution of Bulgaria prescribes for the organisation and procedure for the holding of elections and referendums to be established by law.[67] In 2014, the voter turnout of the EU Parliamentary elections was only 36.1%,[68] substantially lower than in national parliamentary and presidential elections (over 50%),[69] which have been compulsory since 2016.

There are only **fragmented statistical data available on the Roma** and their presence in various aspects of public life. The 2001 census recorded 370,908 Roma (4.6% of the total population),[70] and the census in 2011 refers to 325,000 Roma (4.8% of the decreased total population).[71] However, non-governmental experts estimate that there are some 700 to 800 thousand Romani in Bulgaria (around 9.9% of the total population), as mentioned by the Council of Europe.[72]

This large discrepancy between this latter figure and the census results is due to many Roma identifying themselves as Bulgarians, Turks and to a lesser extent as Romanians. The Roma community is deeply segmented and divided by religion, clan affiliation, language and traditional occupation.[73] About half of the Roma are Muslim, while others are Christian Orthodox, and some are Protestant.

[62] http://www.parliament.bg/en/const.
[63] Art. 6 Constitution of Bulgaria.
[64] Art. 10 Constitution of Bulgaria.
[65] Art. 42(1) Constitution of Bulgaria.
[66] Art. [Separate laws]
[67] Art. 42(2) Constitution of Bulgaria. This provision has been implemented with the (latest) Bulgarian Electoral Code (see http://www.venice.coe.int/webforms/documents/?pdf=CDL-REF(2017)024-e).
[68] BNT News (2014), "Central Election Commission announced the final results of Bulgaria's 2014 European Parliament elections", *Bulgarian National Television News*, 29 May, https://www.bnt.bg/en/a/central-election-commission-announced-the-final-results-of-bulgaria-s-2014-european-parliament-elections. According to the EP the voter turnout in Bulgaria for the 2014 EP Elections was around 35.84%, see http://www.europarl.europa.eu/elections2014-results/en/turnout.html.
[69] See for the 2017 Bulgarian Parliamentary elections e.g. M. Theresheva (2017), "Borissov's GERB Wins Bulgaria's Snap Parliamentary Election", *Balkan Insight*, 26 May, http://www.balkaninsight.com/en/article/borissov-s-gerb-wins-bulgaria-s-snap-parliamentary-election-03-26-2017; BNT News (2017), "Final election results: 5 parties enter Bulgaria's 44th Parliament", *Bulgarian National Television News*, 27 March, https://www.bnt.bg/en/a/final-election-results-5-parties-enter-bulgaria-s-44th-parliament.
[70] NSI (2001), "Census 2001 – Final Results: Population by districts and ethnic groups as of 1.03.2001", Website of the Bulgarian National Statistical Institute, http://www.nsi.bg/Census_e/Census_e.htm.
[71] NSI (2011), "2001 Population Census – Main results", Bulgarian National Statistical Institute, http://www.nsi.bg/census2011/PDOCS2/Census2011final_en.pdf.
[72] CoE (2012), "Estimates on Roma Population in European countries", op. cit.
[73] A. Tomaselli & P. Granholm (2011), "The Frustration of the Right to Political Participation of Minorities: Practical Limitations in the Case of the Nordic Sámi and the Roma", *European Yearbook of Minority Issues* Vol. 8, p. 150.

The Roma continued to suffer **widespread exclusion and poverty**. Authorities routinely discouraged Roma from exercising their rightful claims to land as the state has dissolved agricultural collectives. A large proportion of the population remained mired in poverty, with little access to social benefits, healthcare or quality education.[74]

Roma children were overwhelmingly sent to schools in areas of concentrated Roma settlement, amounting in practice to their **segregation**. Moreover, predominantly Roma schools were usually inferior to non-Roma schools, and lacked adequate resources. On the basis of prejudice, many Roma children were sent to 'special' schools for the mentally disabled. Illiteracy rates for Roma were on the rise.[75]

Moreover, the Roma are routinely confronted **police abuse and harassment**; complaints of ill treatment by police or others are often not investigated. Nationally, unemployment among Roma is estimated at 65 per cent. ECRI stated in its June 2003 third report on Bulgaria that Romani encounter "serious difficulties in many spheres of life", mainly in accession to public services.[76]

Main issues in electoral and non-electoral forms of participation

Beyond the universal provisions, some restrictions on political rights and representation can be understood from the **concept of "nation state"** in Bulgaria (Art. 11(4), 12(2), 36(2) and 44(2) Constitution of Bulgaria):

(a) political parties *shall not be founded on ethnic, racial, or religious grounds*, nor shall it be permitted to found a party which seeks to assume state power by violent means;
(b) *civil organisations*, including trade unions, *shall not pursue any political objectives*, nor shall they engage in any political activity which is in the domain of the political parties;
(c) citizens whose native tongues are not Bulgarian have the right to study and use their own languages as well as the obligation to study Bulgarian;
(d) organisations whose activities are directed against the country's sovereignty and territorial integrity or the unity of the nation, or that encourage racial, national, ethnic, or religious hatred, or violate the rights and freedoms of the citizens, as well as organizations that establish secret or militarized structures or try to achieve their objectives through violent means, are prohibited.

The constitutional divide between the 'nation state' and ethnic and racial influences is further developed and concretised in the Bulgarian Penal Code, as e.g. Article 162 of the Bulgarian Penal Code declares punishable any acts linked with preaching or instigating racial or national hatred, or racial discrimination. The concept of "national" or "ethnic minority" is therefore difficult to reconcile with the system of one-nation and a unitary state in Bulgaria.[77]

It is this concept of one-nation and unitary state which **limits the collective political rights** for the different religious and ethnic communities: their members can only enjoy linguistic and cultural rights, while their participation in public policy is primary provided for by the non-ethnically/racially driven

[74] ECRI (2004), Third Report on Bulgaria, adopted on 27 June 2003, CRI(2004)2, 27 January, https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-III-2004-2-ENG.pdf.
[75] Ibid.
[76] Ibid.
[77] M. Hajdinjak (2008), "Thou Shall Not Take the Names Ethnic or Minority And I Will Bless Thee: Political Participation of Minorities in Bulgaria", in: FES, *Political Parties and Minority Participation*, Skopje: Friedrich Ebert Stiftung – Office Macedonia, p. 87.

political parties.[78] According to Karasimeonov, this constitutional provision has a protective function and aims to protect the unity of the Bulgarian nation, the state, including the concrete exercise of political pluralism and state power, against any extreme consequences which could follow from the development of the process of ethnic, racial or religious opposition.

The right to association is guaranteed for the Roma; however, this right of the Roma remains **without engagement in political activities**. Consequently, the Roma, as with other members in religious and ethnic groups, only enjoy individual human rights.[79]

Several Romani political organisations have been established, most notably the Roma Democratic Union and the United Roma Organization. The Roma Democratic Union's attempt to register as a political party in 1990 failed in light of the constitutional ban on ethnic or religious parties. Since then, *de facto* Romani parties have participated in Bulgarian politics, albeit without the Roma label.[80]

Main legal, administrative and accessibility barriers of political participation

A number of measures have been taken in Bulgaria in favour of the Roma community. In 1999, the Bulgarian government came to an agreement with Roma representatives on **a Framework Programme for Equal Integration of Roma**, and some changes followed. In 2002, the government introduced measures aimed at ending the practice of sending Roma children to schools for the mentally impaired on the basis of ethnicity. Roma NGOs were further able to take advantage of an anti-discrimination law passed in 2003 that allowed civil society organisations to file public interest lawsuits.[81] Romani language teaching has been scarcely available; in 2003, two universities introduced training programmes for Romani-language teachers.

In 2003 and 2004, the government adopted more specific action plans and programmes, but **financial resources for the implementation of these remained scarce**. In 2006, the government adopted regulations aimed at reducing segregation of the Roma in schools. In 2007, the government adopted further measures aimed at improving Roma rights. A health initiative in 2005 recognized the special needs of marginalized minority groups, and outlined a strategy to address the situation.

In 2003, the government signed up to participate in **the Decade of Roma Inclusion**, sponsored by the World Bank, Open Society Institute, and the Hungarian government (in the areas of housing, employment, healthcare, and addressing issues of ethnic and gender discrimination). A new Framework Programme for the Integration of Roma (2010-2020) was approved by the Council of Ministers in May 2010.

Whilst the Roma in particular remain vastly underrepresented at the national level, their **representation at municipal level** has increased markedly in recent years. The rights of the Romani people are also represented by political parties and cultural organizations, most notably the Civil Union “Roma”. The small Roma intelligentsia, which included musicians, scholars, professionals in various fields, and

[78] M. Spirova (2004), “Electoral Rules and the Political Representation of Ethnic Minorities: Evidence from Bulgaria and Romania”, *CEU Center for Policy Studies Report*, pp. 16-17.
[79] Hajdinjak (2008), op. cit., p. 88.
[80] Spirova (2004), op. cit., p. 18.
[81] The Protection against Discrimination Act (PADA), S.G. 86/2003 entered into force on January 1, 2004. For more information on this law, refer to Mihaylova, D. (2005), “Legal Practice under the Bulgarian Protection against Discrimination Act”, EERC, *Roma Rights Journal*, published on 11 March 2005

political activists, tried to influence their fellow Romani to attain higher levels of education, development of settlements and employment-related skills.

The presence of professional Romani politicians has been exceptional, as the POLITEIA survey proves. Since the 1990s, two Romani had a symbolic presence in the Parliament during each term, and 21 Romani political organisations were established in the period 1997-2003 (Spirova 2004), including *Free Bulgaria, Party for Social and Democratic Change* (PSDC). Three Romani-based parties participated in general elections in 2005 (Evroroma – Movement for an Equal Public Model and the Civil Union "Roma" – as part of the coalition with the Union of Democratic Forces/Socialist Party – and the Movement for Rights and Freedom representing Muslim Romani). The local elections in late 1999 were the first occasion at which Romani parties competed. *Free Bulgaria* managed to obtain three Romani politicians elected as mayors, as well as over 60 Romani as local councillors (Spirova 2004).

The success obtained by the Roma participation in the local elections resulted in substantial optimism about the parliamentary elections to follow in 2001, with some indications that a Roma party would be able to reach the 4%-threshold and obtain seats in parliament. A unified Romani political party could not be established, however, despite the efforts of NGOs and international organisations (such as the OSCE). Spirova attributes this failure in the emergence of a unified Roma party at the national level to "the heterogeneity of the Roma population and infighting among the leaders" (Spirova 2004).

Notwithstanding the lack of a unified Roma party, the **gradual mobilisation of the Roma community** resulted in a substantial degree of Roma participation in the Bulgarian elections, with some estimates of around 65%. The unlikeliness of even a unified Romani party attaining the 4%-threshold (given that the Roma community in Bulgaria is estimated to be around 4-5% of the Bulgarian population) means that forming coalitions with one of the bigger parties and securing a few seats is a much better strategy from the point of view of the leaders of Roma parties (Spirova 2004). Furthermore, there were more Roma candidates on the lists of the mainstream parties than ever before. This should provide them with the necessary political experience and should promise a better outcome at subsequent elections.

The UN Human Rights Council urged Bulgaria to take more effective measures at promoting anti-discrimination, social inclusion and equality of the Roma, including in those countries under the framework of the European Union. Specifically on the political participation of the Roma in Bulgaria, the Report of the independent expert on minority issues highlighted, [82] for instance, that "the Roma remain extremely poorly represented in national Government, and inadequately represented within municipal authorities", **leading to the Roma lacking "a level of political participation that would enable them to influence national and local policy and decision-making on issues that affect Roma communities**".[83]

The independent expert recalls that Roma representatives emphasised the disparity between **the "myth" that vast resources are directed towards Roma programmes** and the reality noted by journalists and Roma rights activists, indicating that the Bulgarian Government spent only approximately €0.47 per Roma per month during the first five years of the Roma Decade.[84] The independent expert also noted the clear resistance from the Bulgarian government to the use of **ethnicity-based disaggregated data** and the notion of using special measures to address long-standing

[82] See A/HRC/19/56/Add.2, http://www.un.org/en/ga/search/view_doc.asp?symbol=A/HRC/19/56/Add.2.
[83] A/HRC/19/56/Add.2, para. 16.
[84] A/HRC/19/56/Add.2, para. 23.

inequalities faced by disadvantaged communities,[85] as well as the level of racial prejudice against Roma, including among government officials.[86]

In its 2014 report on Bulgaria,[87] the European Commission against Racism and Intolerance (ECRI) also stressed the necessity to improve the social and legal protection of the Roma. ECRI provides a number of recommendations towards the **improvement of the position of the Roma in Bulgaria**, including

- the need for the authorities to allocate *adequate funding* to the National Roma Integration Strategy for it to be effective;[88] and
- the need for the insertion of a provision in the Criminal Code expressly stating that racist motivation for any ordinary offence constitutes an aggravating circumstance, as well as a provision into the Anti-discrimination Act expressly prohibiting members of the Commission for Protection against Discrimination from receiving instructions.[89]

ECRI stated in 2017 that prior recommendations has been only partially implemented; for instance, awareness-raising campaign against hate speech has been absent.[90]

[85] A/HRC/19/56/Add.2, para. 75.
[86] A/HRC/19/56/Add.2, para. 76.
[87] CRI(2014)36, https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-CbC-V-2014-036-ENG.pdf.
[88] CRI(2014)36, para. 79.
[89] CRI(2014)36, para. 15 & 29.
[90] CRI(2017)22, point. 1, https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Bulgaria/BGR-IFU-V-2017-022-ENG.pdf.

6.2 ROMANIA

The Constitution of Romania (1991),[91] together with its amendment, starts from the perspective of Romania as a unitary and indivisible nation state.[92] This unity of the Romanian people provides a common and indivisible homeland for all citizens without discrimination.[93] Although the establishment of ethnic-driven political party is not foreseen, the state recognises the individual right of persons belonging to national minorities to the preservation and expression of their ethnic, linguistic and religious identity, though protective measures taken by the Romanian Government must conform to the principle of equality and non-discrimination in relation to other Romanian citizens.[94] The Constitution **guarantees the right of all Romanian citizens to vote and to be elected** at local, national and European level,[95] and the right of association,[96] while members of national minorities are granted the right to learn their mother tongue and to be educated in this language.[97]

The size of the Romani community in Romania according to the 2002 census was 535,140 Roma (**2.5% of the total population**), while the 2011 census recorded 680,000 Roma. Other estimates, however, such as estimates from the European Commission, the UNHCR and the Council of Europe, place the number of Roma between 1,800,000 and 2,500,000.[98] The Roma community is segmented and divided by religion, clan affiliation, language and traditional occupation. There are only **generalised data on turnout**. In 2014 the voter turnout in the European Parliamentary election (32.4%)[99] was lower than in the general elections in 2016 (37.8%)[100] and in the presidential election in 2014 (64.2%).[101]

Main issues in electoral and non-electoral forms of participation

After 1990, many **Roma political organisations** have been established (such as Democratic and Free Union of Roma of Romania, the Fiddlers' and Woodcarvers' Party, the Christian Democratic Party of Roma and the Tinsmith Roma Progressive Party).[102] According to Minority Rights Group International, **the numerous divisions within the Roma community was a key challenge in formulating a clear programme of action** and mobilising the substantial Roma population in Romania towards effective political and social action to improve the exclusion, segregated position and poverty of Roma.[103] Furthermore, the Roma have remained **underrepresented at national and local levels**.[104] In terms of employees within the local and public administration minority under-representation is still a problem for Roma, who have no representation in the county and local councils either, and their presence in

[91] http://www.cdep.ro/pls/dic/site.page?id=371.
[92] Art. 1 Constitution of Romania.
[93] Art. 4 Constitution of Romania.
[94] Art. 6 Constitution of Romania.
[95] See Art. 36-38 Constitution of Romania.
[96] Art. 40 Constitution of Romania.
[97] Art. 32 Constitution of Romania.
[98] See e.g. http://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=0900001680088ea9; http://europa.eu/rapid/press-release_MEMO-14-249_en.htm.
[99] http://www.europarl.europa.eu/elections2014-results/en/turnout.html.
[100] Data on voter turnout for the 2016 Romanian Parliamentary elections can be found in the Voter Turnout Database of IDEA (https://www.idea.int/).
[101] http://blogs.lse.ac.uk/lsee/2014/11/19/2014-presidential-romanian-elections-where-do-we-go-from-here/, referring to http://www.bec2014.ro/wp-content/uploads/2014/11/ComunicatOra10_20.tif.
[102] See http://minorityrights.org/minorities/roma-14/.
[103] http://minorityrights.org/minorities/roma-14/.
[104] http://minorityrights.org/minorities/roma-14/.

staff is particularly scarce, in spite of the recommendations of the Government's Strategy for the Improvement of the Situation of the Roma, adopted as Order of the Government no. 430/2001.[105] A study made in two cities with mixed population (Salat & Veres, 2002) concluded that, as far as the relationship of Roma and the local – either Romanian or Hungarian – majority is concerned, the most important objective is to gradually eliminate those social differences that reproduce and reinforce the hidden or evident forms of segregation (Salat & Veres 2002).

In 2001, the Government adopted a **Strategy for the Improvement of the Situation of the Roma Population**,[106] which set out a ten-year plan to tackle the problem of Roma marginalisation. The plan was supported by the EU, UN, and World Bank.[107] The **Decade of Roma Inclusion**, initiated by the World Bank, the Open Society Institute and the Hungarian government, was signed up to by the Romanian government in 2003. In the period 2005-2015, the Decade of Roma Inclusion determined four priority areas: education, employment, health and housing, and two cross-cutting areas, gender and non-discrimination.[108] However, the **social inclusion of the Roma remains a problem**. According to Minority Rights Group International, the overall living conditions of the Roma are still inadequate, unemployment of the Roma remains high, police abuse against Roma is a persistent problem, many Romani children still face *de facto* segregation at school, and forced evictions continue.[109]

Main legal, administrative and accessibility challenges of political participation

The European Commission against Racism and Intolerance (ECRI) reported on the situation of minorities in Romania in 2014.[110] ECRI identified a number of issues and proposed a number of recommendations in order to improve the situation of minorities in Romania, including the Roma. Some of these recommendations include:

(a) Ensuring the independence of the National Council for Combating Discrimination (NCCD) from any political influence, and to continue to ensure that one of the appointed members is of Roma ethnic origin;[111]
(b) Providing for effective, proportionate and dissuasive sanctions to be imposed in practice by the National Council for Combating Discrimination;[112]
(c) Amending Decision No.141/2004 in order to enable all national/ethnic minority organisations to receive funds from the Department for Inter-ethnic Relations;[113]
(d) Though the Romanian government adopted the Strategy on the Inclusion of Romanian Citizens Belonging to the Roma Minority for the period 2012-2020 in 2011, a number of ECRI's interlocutors

[105] http://www.dri.gov.ro/hg-nr-4302001-privind-aprobarea-strategiei-guvernului-romaniei-de-imbunatatire-a-situatiei-romilor/
[106] http://unpan1.un.org/intradoc/groups/public/documents/UNTC/UNPAN016040.pdf.
[107] http://minorityrights.org/minorities/roma-14/.
[108] For more information on Anti-Gypsyism, refer to the country note on Romania in S. Carrera, I. Rostas & L. Vosyliute (2017), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", CEPS Research Report No. 2017/08, CEPS, Brussels, May, pp. 76-77 and Annex 1 of Carrera, S., Guild, E., Vosyliute, L. and Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", *Study for the European Parliament's LIBE Committee*, Brussels, European Union, August, pp.120-140.
[109] http://minorityrights.org/minorities/roma-14/.
[110] CRI(2014)19, https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Romania/ROM-CbC-IV-2014-019-ENG.pdf.
[111] CRI(2014)19, para. 56.
[112] CRI(2014)19, para. 60.
[113] CRI(2014)19, para. 80.

have noted the significant hurdles to its implementation, including the lack of funding, inefficient coordination between the relevant ministries, and problems of accountability.[114]

An important issue which affects the Romani community in Romania specifically is the **lack of identification documents by certain groups of Roma**.[115] According to ECRI, this lack of identity documents precludes the Roma from "*participating in elections*, receiving social benefits, accessing health insurance, as well as primary and secondary health care, securing property and participating in the labour market" (emphasis added).[116] The Romanian Government explained that providing identity documents to the Roma was being implemented by Ministry of the Interior according to the Strategy (Decision No.1221/2011). Nonetheless, the Romanian Government noted a number of challenges, including data protection concerns, the difficulty in obtaining information of the number of Roma without identity document, and the potential underestimate of statistical data on the number of citizens of Roma origin.[117]

An expert highlighted more **structural challenges** evidenced through the circle of discrimination from a very young age through the education system, which is then reflected in the fewer job market opportunities offered to the Roma community. The high **unemployment rate** from rural and poor Roma communities result in high abstention levels in elections and high proportions of extreme-right or left-wing voting[118]. Anti-gypsyism is also shown by the oppression of the police and administrative forces against the community, which demonstrations and public speeches are often labelled as unorganised protests and dismantled by law enforcement.[119] **Health** has also been identified as one of the main challenges to political participation as it affects the short-term capacity to engage in politics: "*inequality in health might thus create inequality in representation in ways that are correlated with health outcomes that have policy implications*".[120] There is a **lack of long-term and holistic approach to tackle the socioeconomic problems** of the Roma community in Romania. The public policies are disparate and incoherent. Education, health, housing, employment and civil liberties should be approached as an **integrated strategy**[121].

Transversal discrimination influences the political career of Roma politicians as they are usually not able to build a career within a mainstream party. It leads to Roma politicians, or potential political actors from the community, to only be involved within **ethnicized political parties**. There is also a massive **manipulation of Roma votes**, by mainstream and Roma representatives as well.[122] Roma are usually **pressured to vote** for one party or another during the election campaign due to false promises to improve their daily life. "Even though they do not trust politicians, the Roma voters make a rational choice to obtain as little as food for their vote. They know nothing else will come anyway out of their participation in the polls".[123] This issue is linked to the lack of the **substantive information** about the

[114] CRI(2014)19, para. 107-111.
[115] See CRI(2002)5, para. 41, https://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Romania/ROM-CbC-II-2002-005-EN.pdf.
[116] CRI(2014)19, para. 138.
[117] See CRI(2014)19, p. 77.
[118] E-questionnaire respondent 3.
[119] E-questionnaire respondent 2.
[120] E-questionnaire respondent 3.
[121] E-questionnaire respondent 3.
[122] E-questionnaire respondent 6.
[123] E-questionnaire respondent 6.

elections and the candidates. This uninformed community is therefore more prone to **political manipulation**, **corruption** and to **mistrust** politics.[124]

Lastly, **mobile EU citizens** of Roma ethnicity are highly discriminated in Western European countries. They are often not recorded as EU citizens but rather as migrants, practices that lead to non-registration to the local authorities and lack of social security. Thus they are constantly and recurrently excluded from political participation in the country where they live and where they have settled down for many years. No measures improved the situation of EU mobile citizens of Roma ethnicity political participation in Western European countries and the situation is worse than 10 years ago (respondent 6).

Mechanisms put in place to support Roma political participation

On the electoral participation and political representation of minorities in Romania (including of the Roma), ECRI noted that the **5% threshold set for the eligibility of candidates in local elections has a negative impact on the representation of *inter alia* the Roma**.[125] Despite ECRI recommendations to revisit this 5% threshold for minority groups,[126] the Romanian government has yet to do so. The response of the Romanian authorities was that this rule has not hindered organisations of national/ethnic minorities from participating in local elections. However, **in its 2014 report, ECRI re-confirmed the hindering effect of this threshold for minority representation**.[127]

Romanian electoral law does provide for a **"special mechanism" in order to support minorities' representation**, while maintaining the electoral threshold for all parties without discrimination.[128] According to Article 96(4) of Act No. 67/2004, the mechanism, which is activated if none of the minority organisations (other than Hungarian minority organisation) are able to obtain at least one seat, would allocate one "mandate of counsellor […] to the organisation which met the electoral threshold and has obtained the highest number of votes validly expressed of all those organisations".[129] A respondent to the e-questionnaire qualified these measures as tokenistic.[130]

Most recently, the Venice Commission and the OSCE/ODIHR issued a joint opinion on Romania's Draft Law No. 140/2017 amending the Government Ordinance 26/2000, setting up restriction for NGOs in accession to public utility status.[131] They expressed significant concerns in respect of **the clarity and precision of the draft legislation, in order to avoid arbitrary decisions** in the implementation.[132] Furthermore, they noted that the draft legislation clearly excludes organisations engaging in human rights or corruption issues from the benefit of public utility status.[133] Moreover, restrictions imposed on public utility associations and foundations from carrying out any kind of political activity are formulated too broadly in the law, in the opinion of the Venice Commission and the OSCE/ODIHR, and should

[124] E-questionnaire respondents 3 and 17.
[125] See CRI(2002)5, para. 16; CRI(2006)3, para. 40.
[126] CRI(2002)5, para. 16; CRI(2006)3, para. 40-41.
[127] CRI(2014)19, para. 26.
[128] See CRI(2014)19, p. 67.
[129] See CRI(2014)19, p. 67.
[130] E-questionnaire respondent 17.
[131] CDL-AD(2018)004, http://www.venice.coe.int/webforms/documents/?pdf=CDL-AD(2018)004-e.
[132] CDL-AD(2018)004, para. 11.
[133] CDL-AD(2018)004, para. 46.

instead be restricted solely to clear cases of support in favour or against a particular candidate/party in the form of e.g. explicit fundraising.[134]

A respondent to the e-questionnaire considered that Roma political participation is being hijacked as different non-Romani political parties have tried to attract Roma votes (for instance one of the socialist parties in the south of the country and a Hungarian party in Transylvania). This phenomenon is considered as **dispersing the Roma votes**, backlashing the potential influence of Romani parties and therefore hindering the Roma elite's chances of representation.[135] However, other respondents warned against centring Roma representation in only Romani parties as it would foster the **culture of segregation**.[136]

Romania thus recognises ethnic and national minorities and the law insures 'by default' a seat in the Parliament for every national minority representative. However, due to structural socioeconomic barriers and other administrative challenges, NGOs and organisations present on the ground remain the **backbone** of the support to the Roma communities.

[134] CDL-AD(2018)004, para. 52-56.
[135] E-questionnaire respondent 17.
[136] E-questionnaire respondent 13.

6.3 HUNGARY

Main issues in electoral and non-electoral forms of participation

In Hungary, the right to vote also covers **persons belonging to the Roma community** (for European Parliamentary Elections, Municipal and Mayor's Elections, and national assembly elections) if **they are Hungarian citizens, European citizens residing in Hungary, or third country nationals with long-term migrant status or recognized refugees**.

According to Hungary's electoral laws, persons of Romani origin may **request their inclusion in an electoral register/voting list for minorities**. Following their inclusion in a minority voting list, they are entitled to elect their own **minority representative in the National Assembly elections**. This applies to the 13 recognised national-ethnic minority communities in Hungary (consisting of Hungarian citizens). In order to obtain a mandate, **a lower threshold** has been determined for minority representatives in comparison to non-minority representatives (preferential mandates). However, **in the general elections in 2014, no minority candidate managed to attain even this lower threshold**.[137] Similarly, the 13 special bodies have very limited capacity and impact on national politics. is very limited - due to reasons listed in previous answers and also to the answers listed here: there are no incentives to enhance real and informed representation at the right institutions (respondent 16).[138]

Furthermore, the Roma, as a recognised national-ethnic minority, are entitled to create their **own local government and to elect the members thereof**.[139] The right to vote for elections to the Roma minority self-government belongs to the Roma who have the Hungarian citizenship. These minority self-governments can be established at local, metropolitan and national level for four years. They protect the cultural autonomy of the minority, as well as the interests and rights associated with it. From 2011 onwards, elections for (Roma) minority self-government is possible if at least 25 residents in the given settlement at the time of the census have declared their Roma minority membership, and that they have requested to be included into the minority self-government electoral register. The **passive right to vote for the local self-government elections** is conditional on evidence of **belonging to the minority** (language knowledge, engagement, public activity).

The restricted conditions of elections are reflected in the statistics: in 2**010, the Roma minority election was successful in 1.248 settlements**, with the highest number of votes cast in Roma minority elections being 105.734 votes for Lungo Drom, while the Hungarian National Gypsy Forum received 35.079 votes. In 2014, only 1197 settlements had a successful Roma minority self-government election, where Lungo Drom won 58% of the vote. A total of 41 Roma organizations could be voted for in 2014. Finally, 1175 Roma minority self-governments were created.

A Deputy Ombudsman monitors the protection and enforcement of the rights of national minorities in Hungary and takes the necessary measures under the special law. Prior to the proposal of his deputy, the President of the Republic requests the opinion of the national minority self-governments, and the proposed person is heard by the Minorities Committee of the Parliament (including the minority

[137] Minority candidates with the highest number of votes will be the spokespersons (proponents), and they are entitled to participate in parliamentary discussion in committees, although without the right to vote.
[138] E-questionnaire respondent 16.
[139] See Act CLXXXIX of 2011, http://njt.hu/cgi_bin/njt_doc.cgi?docid=139876.329300.

spokespersons). This gives the opportunity to strengthen and participate in the Roma interest representation.

Participation in referenda, the right to petition, the right of association and assembly, especially the formation and operation of Roma NGOs, and the right of initiative of EU citizens are other forms of minority participation in Hungary. **Ethnic political parties (i.e. Roma parties) have yet to be successfully established in Hungary.** Several attempts have been made since 1990, though after the parties have registered, they have not received substantial votes in the elections and have ceased to exist.

Main legal, administrative and accessibility barriers of political participation

School segregation of Roma children has been slowly increasing for decades, despite a number of domestic and international lawsuits, human rights' reports and complaints. This entails that more generations of the Roma grow up without having access to real knowledge, competences and high-quality education in Hungary. This results in the abilities that are essential for social inclusion and active citizenship permanently lacking in most members of the Roma community.

For example, the Opportunity for Disadvantaged Children Foundation (CFCF) has litigated for ten years and have tried to persuade the (currently) responsible Ministry to implement **school desegregation**. In the so-called Roma class, the quality of education is much worse than at an integrated school. Consequently, the Roma children who are growing up from their non-Romani children will no longer be able to follow the patterns accepted and appreciated by the majority society. The litigation procedure was very long, with a total of 28 primary schools in the lawsuit.

On April 11, 2018, the Capital Court ruled that it **unlawfully segregated Roma students**, and 13 of primary schools from them are still unchanged to date. Therefore, in these 13 schools, the Court has forbidden it to launch a new first class and forcing a local desegregation plan to be drawn up by an expert. The Ministry of Human Resources must also pay a fine of 50 million HUF.

Parties are entitled to appeal the judgment of the Capital Court within thirty days. However, given that there is an infringement procedure against Hungary's failure to comply with EU law, it would be surprising if they were to argue with the Court's decision. (Dóra Ónody-Molnár, 168 óra – 2018, March 1, HÍR Tv April 11, 2018). However, the Secretary of State for Social Inclusion, in response to the European Commission's infringement procedure for failure to fulfil its obligations in education segregation said that "the government is unmistakably in front of this event since there are many measures in this area" (MTI, 31 May 2016).

Due to the increasing social inequalities, the **socio-demographic indicators of the Roma are deteriorating** (high rates of early school leaving, low education, learning of obsolete professions, rural, segregated environment, unemployment, housing poverty, high mortality rates) and the great social prejudices[140] increase their disadvantages. Therefore, the **Roma do not have equal access to public services and fundamental rights**.

[140] For more information, refer to Annex 1 of S. Carrera, E. Guild, L. Vosyliute and P. Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", *Study for the European Parliament's LIBE Committee*, Brussels, European Union, August, pp.120-140.

Hate speech and hate crime procedures, investigations are ineffective, research on racist motivation often fails, and criminal statistics are fragmented.[141] There is a minimal amount of discrimination cases against Roma before the Equal Treatment Authority and Independent Law Enforcement Body: there is **no confidence from the Roma in the authorities** that they are genuinely and equitably defending, assisting and informing them. All of these endanger the use of minority rights and the enforcement of civic participation.

The State Secretariat for Social Inclusion is responsible for and assisted by the Roma Coordination and Roma Advisory Board, essentially discussing the use of EU funding. There is therefore **no separate Roma integration program** and governmental responsibility. The 126-page National Social Inclusion Strategy (2011-2020) treats **poor/excluded persons, the Roma and poverty of children together**, refusing to treat the Roma as a matter of poverty.

Accordingly, "it is a key task to strengthen the active citizenship of the Roma, involving them in all areas of political public life, and strengthening their representation in institutions and at elected bodies at local, national and EU level. It is of the utmost importance that more Roma are involved in Roma programs". However, there is no plan of action for this purpose. A survey of 273 settlements (Pásztor, 2015) indicates that there are few municipal representatives and mayors among the Roma (only in border settlements and where many Roma live, there are some Roma among the leaders of the settlement).

Civil society organizations play a major role in Roma integration, dealing with deep poverty, while local Roma minority self-governments organise a lot of cultural events, and if they have office space, internet connection, and administrative experience, the Roma people are looking for them more often in daily matters for help. **Roma self-governments do not have social, housing, labour and financial entitlements**, and they cannot replace the lack of Roma middle classes, strong sectoral representations and ethnic parties. The self-organization of the Roma is slowly moving forward. There have been empowerment initiatives in Hungary for Roma and other minorities, largely funded by Open Society Institute. Since the recent cutbacks and the new laws restricting NGO financing, such initiatives will most probably lose potential funding opportunities.[142]

The OSCE/ODIHR observed the implementation of the participation of minorities at general elections. In its 2014 report, it recommended that the authorities "**ensure that special measures for national minority representation allow for competition between national minority candidates and meaningful participation of national minorities in parliamentary decision-making**, while ensuring the secrecy of the vote. Genuine consultation with national minorities should be sought in this process".[143] The OSCE/ODIHR further recommended that "any requirements to implement special measures for national minority representation should be proportionate to the aim pursued and ensure that data protection and voluntary self-identification standards are fully respected".[144]

[141] For example, in 2008-2009, a racist criminal gang killed six and seriously hurt Roma adults and children who had been hunted for years Roma, without the police intervening.
[142] E-questionnaire respondent 16.
[143] https://www.osce.org/odihr/elections/hungary/121098?download=true, p. 22.
[144] Ibid, p. 23.

The UN Human Rights Committee drew attention, in its concluding observations on the 6th Periodic Report in April 2018, to the **persistent segregation in education of the Roma, as well as hate speech, hate crimes, racism and discriminatory behaviour by the police**.[145] Specifically concerning the Roma, the Human Rights Committee concluded that "the State party should increase its efforts to promote non-discriminatory access to opportunities and services in all fields for members of the Roma community".[146]

[145] CCRP/C/HUN/CO/6, para. 15-18.
[146] CCRP/C/HUN/CO/6, para. 15.

6.4 SPAIN

Discrimination and diversity

According to the Spanish Ministry of Health, Social Services and Equality, there are an estimated **750,000 Roma in Spain**,[147] although the exact figures are not accurately known (Giménez & Sáez 2012; OSI 2002; ERTF 2016). Similarly to France, there is distinction between two 'groups' of Roma in Spain, namely the Roma who have been present in Spain since the 15th century (the so-called 'gitanos'), and the group of Roma people that have entered into Spain from primarily Romania and Bulgaria (Giménez and Sáez 2002).

For the European Roma and Travellers Forum (ERTF), the **Spanish Gitano** are generally "well-integrated even if facing, from time to time, discrimination in social and economic rights and a growing racism from the rest of society".[148] Notwithstanding, many have identified a number of challenges facing the Roma in Spain, many of which are commonly shared with the Roma in many other European countries. **Discrimination and social exclusion remains a fundamental challenge to the Gitanos and Roma in Spain**.

The Roma agenda is set by the EU Roma framework. In the framework, the "Roma issue" is approached as a vulnerable population that **needs to be integrated into the mainstream**. In this way, national governments committed themselves to supporting "Roma inclusion", while remaining silent and inactive on the anti-Roma discrimination deeply rooted politically and culturally. On the other hand, the agenda clearly takes a stand of integration into the mainstream society, which is also a risk of homogenisation of minorities.[149]

The Roma in Spain are **most discriminated against in the field of education**. High levels of illiteracy and school segregation have been noted among the Roma in Spain[150] High drop-out rates among the Roma children have been noted by the ERTF, affected, among others, by "tuition fees and extracurricular outputs [that] are too high for families" to bear the cost of.[151] **Racism towards the Roma community in schools** and disproportionate segregation persists in Spain.[152] Some positive practices have been noted in respect of Roma children (particularly by the *Fundación Secretariado Gitano*). Despite the inclusion of the educational challenges by the Roma in Spain's National Roma Integration Strategy 2012-2020, the lack of funding may obstruct the success of these policies.[153]

The Roma in Spain also face **discrimination in the labour market**, with ERTF noting that "belonging to the Roma community is an additional difficulty in obtaining employment".[154] The Open Society Institute noted in particular that discrimination against Romani women is of particular concern.[155] Furthermore,

[147] https://www.msssi.gob.es/ssi/familiasInfancia/PoblacionGitana/home.htm.
[148] ERTF (2016), "Fact Sheet on the Situation of Roma in Spain", European Roma and Travellers Forms, Strasbourg, January, p. 4.
[149] E-questionnaire respondent 13.
[150] Ibid.
[151] ERTF (2016), op. cit., p. 5.
[152] Ibid; see also FRA (2018), "A persisting concern: anti-Gypsyism as a barrier to Roma inclusion", European Union Agency for Fundamental Rights, April, p. 31; OSI (2003), "The Situation of Roma in Spain", in: *Monitoring Minority Protection in EU Member States*, Open Society Institute, pp. 301-306.
[153] ERTF (2016), op. cit., p. 5-6.
[154] Ibid., p. 6; OSI (2003), op. cit., pp. 311-312.
[155] OSI (2003), op. cit., p. 312.

the **poverty situation of the Roma in Spain is rising**, with both ERTF and FRA noting the increase in the at-risk-of-poverty rates of the Roma population in Spain.[156]

The Roma in Spain further face **discrimination in access to healthcare**, with ERTF noting in particular that Spanish authorities themselves often making discriminatory remarks.[157] The housing situation of the Roma in Spain should also be noted, with ERTF noting that **4% of Roma households living in slums and 12% in substandard housing**.[158] Roma further suffer from housing segregation in Span, with **more than 12% of Roma families living in segregated neighbourhoods with indecent and low standards**.[159]

Discrimination, hate speech, anti-Gypsyism and hate crimes against the Roma in Spain persist.[160] OSI notes for example, that community violence against the Roma has reached alarming proportions in 2003, with examples of majority populations holding entire Romani communities responsible for offences committed by individual Romani, often with violent retaliations. [161] The Roma further continue to face **racist/discriminatory attitudes and prejudices from public officials**, including police forces.[162]

This situation of **structural discrimination affects the civic conscience** of the Roma who perceive themselves as second-class citizens compared to their non-Roma peers. Historically, Roma communities have not seen a correlation between electoral participation and any significant improvement in their living conditions. Another challenge relates to educational policies: there are no political education programmes addressing Roma communities, to teach them how other historically oppressed communities used political participation to enable a negotiation process with institutional powers in order to access and enjoy fundamental rights on a pair with the rest of society. On the other hand, there are no educational programmes for political parties or public institutions aimed at engaging marginalised minorities in elections. Institutional responsibility must start by educating civil servants, including politicians and political parties, on the precarious situation of the Roma communities.[163]

Lastly, **information on voting and other channels of participation does not reach marginalised Roma communities**. This problem is even more salient for mobile EU citizens. The process to be a candidate either independently or within a political party is not clear at all in the Roma communities. Therefore, a communication strategy on how to run as a candidate for elections would be necessary, as part of a wider education programme on political empowerment.[164]

[156] ERTF (2016), op. cit., p. 6; FRA (2018), op. cit., pp. 32-33.
[157] ERTF (2016), op. cit., pp. 6-7.
[158] Ibid., p. 7; OSI (2002), op. cit., pp. 314-318.
[159] ERTF (2016), op. cit., p. 8.
[160] Ibid., pp. 10-11. For more information on Anti-Gypsyism, refer to the country note on Spain in S. Carrera, I. Rostas & L. Vosyliute (2017), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", CEPS Research Report No. 2017/08, CEPS, Brussels, May, pp. 78-80 and Annex 1 of Carrera, S., Guild, E., Vosyliute, L. and Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", *Study for the European Parliament's LIBE Committee*, Brussels, European Union, August, pp.120-140.
[161] OSI (2003), op. cit., pp. 332-334.
[162] ERTF (2016), op. cit., p. 10; OSI (2003), op. cit., pp. 335-336.
[163] E-questionnaire respondent 13.
[164] E-questionnaire respondent 13.

Low levels of political participation and nascent political representation

The participation of the Roma in the Spanish political sphere has been characterised as extremely limited. ERTF notes, for example, that only ten Roma candidates have been elected as municipal councillors in the 2015 municipal elections in Spain.[165] On the national level, the situation is worse, as only one person of Romani origin has been elected to the Spanish national parliament as of 2003.[166] Furthermore, very few **Romani political parties** exist in Spain. The *Partido Nacionalista Caló* (Caló Nationalist Party), funded in 1999 and active in Catalonia participated in the 2000 and 2004 national elections, obtaining respectively 1331 and 757 votes.[167] Whilst still active, it did not participate in more general elections and does not appear to have a publicly available website. The *Partido Alianza Romani* (Roma Alliance Party), funded in 2004 is even more difficult to find online.[168]

The political participation is often mediated by a **cronyism** and the relation with public donors, at national and local levels. This relation of cronyism operates over the most vulnerable Roma communities as a mechanism of political control, some local governments funding Roma NGOs having a significant control over electoral behaviour. On another level, the political participation of Roma in Spain has been historically linked with the **Catholic Church** (Secretariados Diocesanos Gitanos), and more recently with the Evangelist church, supporting associations and political parties.

Since the times of Juan de Dios Ramírez Heredia, PSOE (socialist party), first Spanish Roma elected in the **European Parliament** (national MP from 1977 to 1986 and MEP from 1986 to 1999), there is no record of any other Spanish Roma politician to have reached European spheres. At national or local level a few exceptions must be mentioned, like MP Silvia Heredia and city councillor Israel Cortés, both from the People's Party, PP. Israel Cortes, who started being involved in associations and civil society before embracing a political career, estimated that for the 67.000 city councillors in Spain, only 15 or 16 are Romani, which counts for only 0,02%.[169] Fernando Rey, professor of Constitutional Law and regional educational councillor proposed to bind political parties to present Roma candidates in the electoral lists. For the scholar, the lack of Roma representation is a question of democratic principle, more than just equal opportunity.[170]

One of the main challenges for a respondent to the e-questionnaire is the lack of Romani politicians and the overall **lack of representation** for this community as Romani electors do not feel represented by "gadjes". The programmes of the mainstream political parties do not correspond with the community's needs.[171] The topic of **mistrust** of the main political parties and the institutional discrimination towards the Roma communities discourages the interest of Roma citizens in institutions (including the work of political parties), and political parties do not make commitments to Roma communities due to the low voting capital they represent, resulting in a negative political disconnection.[172]

[165] ERTF (2016), op. cit., p. 9.
[166] OSI (2003), op. cit., p. 348.
[167] See: http://www.infoelectoral.mir.es
[168] See: https://servicio.mir.es/nfrontal/webpartido_politico.html
[169] See: http://www.elmundo.es/comunidad-valenciana/alicante/2017/04/09/58e8b102ca47417f5e8b45d5.html (consulted 30/04/2018).
[170] See: https://elpais.com/elpais/2018/03/19/opinion/1521476816_640379.html (consulted 03/05/2018)
[171] E-questionnaire respondent 7.
[172] E-questionnaire respondent 13.

'Promising' initiatives and increasing role of civil society

In terms of **non-electoral participation** in public life, there are initiatives aimed at increasing the involvement of the Roma to be noted. OSI, for example, notes the role played by the Roma City Council in Barcelona, and the *de jure* membership of two Roma representatives in the regional Social Welfare Council in Valencia (OSI 2002:347).[173] Similarly, ERTF notes the creation of the State Council of the Roma People (CEPG) and the Institute of Roma Culture as "very significant political decisions" (ERTF 2016). The city council of Barcelona institutionalised its Roma representation, by creating in 1998 a **Romani Council for the City of Barcelona** (Consejo Municipal del Pueblo Gitano de Barcelona), which includes many organisations and NGOs active in the city. It organises workshops, roundtables and different types of events.[174] A e-questionnaire respondent criticised the lack of the measures on political empowerment of the community in this programme, which mostly focuses on engaging NGOs into Roma-related topics of discussion at local decision-making level.[175]

At local level, the **Municipality of Madrid** approved in November 2017 a three years Plan to promote the respect for fundamental rights of the city's residents, with one of its specific objectives being develop the level of participation of minorities to public life (Plan Estratégico de Derechos Humanos, meta 1).[176] It was drafted in collaboration Fundación Secretariado Gitano (FSG, 2017, p.108) and specifically mentions the Roma community as a key beneficiary of the measures. It aims at "recognising the contributions made by **women** and people belonging to discriminated groups (Muslims, Jews, Roma, Afro-descendants, migrant population, etc.) in municipal policies on the city's history", "adopt specific measures to encourage the access of people belonging to ethnic minorities (...) to municipal employment (…)" and prevent social exclusion, school drop-outs from these communities, etc.

Comparable to the French situation, many **associations, foundations and NGOs** exist, whether or not composed by Roma, to promote Roma's rights and participation. We can cite the above-mentioned Fundación Secretariado Gitano, Asociacion Nacional Presencia Gitana, la Federacion de Asociactiones Gitanas de Cataluna, la Union Romani… This diversity creates a large spectrum of locally based or topic-based organisations, focusing on health, housing, youth, employment gender… (For more information on Romani women and associations, refer to the section on gender). However, based on e-questionnaire answers, the two initiatives presented above seem to be an exception in Spain as not many respondent identified similar programmes at other local or national levels.[177]

Due to institutional and cultural barriers, **the relation of the Roma communities with the public administration hinders the political participation of Roma citizens, which leads Roma to place their voice in NGOs and associations**.[178] Indeed, the expression space for Roma political participation has been relegated to the realm of NGO activism, with has little impact on the political representation within elected democratic entities (Abajo and Carrasco, 2004, p.63). Lastly, a respondent to the e-

[173] Ibid, p. 347.
[174] See: http://ajuntament.barcelona.cat/consell-municipal-poble-gitano/es/%C2%BFqui%C3%A9nes-somos
[175] E-questionnaire respondent 13.
[176] See: http://www.madrid.es/UnidadWeb/Contenidos/Descriptivos/ficheros/PlanDDHH_Madrid.pdf
[177] E-questionnaire answers, in particular e-questionnaire respondent 12.
[178] For a timeline of the main developments of Roma associative and civil society movement, see: http://www.museuvirtualgitano.cat/es/cultura/el-movimiento-asociativo-gitano/ (accessed 03/05/2018).

questionnaire pointed out the **assimilationist ideologies** as a further challenge for political participation of the community.[179]

Whilst Spanish "gitanos" are playing a more important role at national level, **Roma mobile EU citizens** who recently came from other EU countries are experiencing even more segregation and are further separated from the political sphere. In a similar situation as in France, this population does not often vote as they do not always have a legal residence. Both Romani communities have different needs in terms of representation and the **lack of documentation** is an important challenge for political participation of non-Spanish nationals. A significant number of Roma EU citizens travel without official identification, and do not know how to formalise their residence in the host Member State.[180]

Additionally, the process of **social integration** in Western European countries play an important role in the integration of mobile EU citizens from the Roma community. In most of the cases, Roma migrants live in slums, segregated socially and geographically from mainstream society and even from other Romani communities living in the country. They can barely speak the national or local language where they live which creates a significant disconnection among the Roma migrants and the 'hosting' societies. Lastly, discrimination against Roma migrants is much higher than against national Roma.

[179] E-questionnaire respondent 12.
[180] E-questionnaire respondent 13.

6.5 FRANCE

There are an estimated **400,000 to 500,000 Romani persons in France** (also referred to as "gens du voyage", "Roms" and "Tziganes").[181] As with the situation of the Roma in other European countries, the Roma in France suffer from lower levels of access to employment and social security (FRA 2014), access to education,[182] access to housing.[183] The Roma in France are further subject to racially motivated attacks and discrimination and hate speech,[184] especially towards the communities who arrived in the 2000's from the EU enlargement countries.[185] A specific case of exclusionary policies against the Roma in France concerns the forced dismantling of '**illegal settlement**' and **repatriation** of Roma coming from other EU MS, in 'irregular situations' since 2010.[186] In fact, the focal point of Roma debate in France is housing, as shown in the extensive list of local and national case-law ruling on the topic.[187] For Roma mobile EU citizens specifically, the government has been justifying the evictions and returns since the 2000's on the "*clause de charge déraisonnable*", enshrined in article 14.1 of Directive 2004/38/EC:

> *"Union citizens and their family members shall have the right of residence provided for in Article 6, as long as they do not become an **unreasonable burden** on the social assistance system of the host Member State."*

France is, with Andorra, Monaco and Turkey, the only country neither to have signed nor ratified the **Framework Convention for the Protection of National Minorities of the Council of Europe**.[188]

Administrative barriers: towards a fundamental change of system?

France is one of the only countries to have adopted **specific legislations for its Traveller's community** (Cour des Comptes, 2012). The Law of 5th July 2010 (known as Loi Besson II) foresees the reinforcement of regional authorities to sanction illicit camps and, as a counterparts, binds them to better organise the reception of Travellers (specific camping zones, access to facilities…).[189] The Cour des Comptes report highlights the lack of monitoring and low levels of implementation of the law: 10 years after its adoption, only 52% of foreseen spots in reception zones were created and 29.4% of large flows zones

[181] https://www.opendemocracy.net/can-europe-make-it/radost-zaharieva/politics-of-being-roma-in-france; http://www.cncdh.fr/fr/dossiers-thematiques/gens-du-voyage; http://www.lefigaro.fr/international/2015/08/26/01003-20150826ARTFIG00144-gens-du-voyage-roms-des-realites-bien-differentes.php.
[182] http://www.errc.org/news/why-are-romani-children-denied-access-to-education-in-france; http://www.errc.org/uploads/upload_en/file/france-hrc-submission-27-june-2017.pdf
[183] http://www.errc.org/uploads/upload_en/file/france-hrc-submission-27-june-2017.pdf.
[184] For more information on Anti-Gypsyism, refer to Annex 1 of Carrera, S., Guild, E., Vosyliute, L. and Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", *Study for the European Parliament's LIBE Committee*, Brussels, European Union, August, pp.120-140.
[185] http://www.errc.org/uploads/upload_en/file/france-hrc-submission-27-june-2017.pdf.
[186] See http://www.statewatch.org/news/2010/sep/EC-Roma-France-report.pdf; https://www.migrationpolicy.org/article/frances-expulsion-roma-migrants-test-case-europe; http://www.errc.org/uploads/upload_en/file/france-hrc-submission-27-june-2017.pdf; https://www.euractiv.com/section/social-europe-jobs/news/france-continues-evicting-roma-cuts-re-housing-and-integration-efforts/.
[187] See: http://www.fnasat.asso.fr/polejuridique/jurisprudence.html
For more information on the topic, refer to Carrera, S. (2013), "Shifting Responsibilities for EU Roma Citizens: The 2010 French affair on Roma evictions and expulsions continued", Brussels: CEPS, 2013 and Carrera, S. (2013), "The Framing of Roma as Abnormal EU Citizens: Assessing European Politics on Roma Evictions and Expulsions in France", in E. Guild, C. Gortazar and D. Kostakopoulou (eds), The Reconceptualization of EU Citizenship, Leiden: Martinus Nijhoff Publishers, 2013.
[188] See: https://www.coe.int/en/web/minorities/etats-partie
[189] Law available at: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000000583573

were put in place (Cour des Comptes, 2012, p.11). Here again, the regional difference in implementing the law is flagrant: the implementation of reception zones ranging from 93% in lower Normandy to only 24% in the southern PACA region.[190]

The Traveller's community in France are delivered documents, **circulation permits** (*carnet de circulation*, or *livret de circulation*), identifying their situation and which they have to present to the law enforcement authorities on a regular basis with the aim to controlling the travels of the holders. These administrative documents do not, however, facilitate the communities' access to vote as they cannot replace the electoral card. The *carnet de circulation* was highly criticised being repressive and infringing the freedom of movement (a police stamp was needed very often and the fines were very high, even providing for prison time). It was repealed in 2012 by the Constitutional Court (Conseil constitutionnel).[191] The *livret de transport* foresees for a stamp, but only every year and for all the holders (French nationals or EU citizens).

With the same sentence, the *Conseil constitutionnel* ended an institutionalised discriminatory system, particularly difficulty the communities' right to vote and related to law No 69-3, establishing the legal 'status' of "gens du voyage". The first issue related to the conditions providing for persons without a fixed residence or domicile to be able to register in the electoral register of a commune (which is a precondition to exercise the right to vote) only following *three years of continuous* ***affiliation/attachment*** *to the commune concerned*, which is clear discriminative practice as regards to the mainstream society. This period of time was lowered to six months, as for all French citizens. The problem of affiliation is not limited to political participation, but to a large range of public services, and is a particularly salient issue for decent housing conditions of the community, as well as the allowing children to be affiliated in a public school (ECRI, 2016).

The second issue referred to the stipulation in the 1969 law which limited the number of "gens du voyage" in a municipality to a **maximum of 3% of its population**.[192] This resulted in the fact that some Roma were assigned to a different municipality than the municipality to which they were attached, which leaded to additional barriers to exercising the right to vote and be elected. It was particularly relevant when Romani were required to travel "hundreds of kilometres to vote in the municipality to which they are attached".[193] It also greatly limited the impact Roma could have on local elections and hinders their right to participate in public life as most of the time, they did not know well enough the district they were affiliated to.

The French government recently further changed the rules of the affiliation in 2017 and Roma citizens are able to claim their civic rights with an application for affiliation (*attestation d'election de domicile*)[194]. For Jérôme Weinhard, Head of Legal Affairs for an NGO[195], this possibility is a positive development for the Roma community as they will also be able to receive political programmes and information related to government services. However, this application for affiliation have to be

[190] For a summary of the implementation of Loi Besson II, see: http://www.liberation.fr/france/2013/07/16/accueil-des-gens-du-voyage-le-sud-est-mauvais-eleve_918594
[191] Décision no 2012-279 QPC du 5 octobre 2012, NOR : CSCX1236184S
[192] https://www.opendemocracy.net/can-europe-make-it/radost-zaharieva/politics-of-being-roma-in-france.
[193] https://www.opendemocracy.net/can-europe-make-it/radost-zaharieva/politics-of-being-roma-in-france.
[194] See: https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=LEGITEXT000006068336
[195] Fnasat: http://www.fnasat.asso.fr/

renewed each year, which is still a **cumbersome process**. These changes in legislation, although overall positive and going in a more open direction, still follow to voting and registration based on a fixed address and a sedentary way of living.

Sometimes, Roma only have the circulation permits as proof of their identities, due to similar administrative **issues in obtaining a national ID card, let alone a passport** (ERRC, 2005). Indeed, the proof of residence is needed to obtain an ID card, and the document is also needed to register and to vote. Even when they do present all the documents, they face institutional anti-Gypsyism from local officials (ERRC, 2005, pp.75-75). Despite the changes, the Traveller community will most likely not be able to fully enjoy its political rights until the **nomadic perspective** is fully understood by the legal system.

This last example shows that despite the **large legal apparatus** that legislates the rights for the Roma communities in France[196] and the recent positive changes brought by the *Conseil constitutionnel*, France is still a long way from fully integrating its Roma, whether French Travellers or EU nationals into the country's political sphere. Indeed, the application of the legislation by local powers and its overall adaptability to the situation of the communities still fail short. On the other hand, scholars and activists have been questioning the categorisation of "Gens du Voyages", which, despite the aim of regulating the situation of the community, causes an administrative segregation between Roma and the mainstream society and perpetrates a longstanding **institutional racism** towards the community.[197]

Lastly, for travellers and Roma people in France, **housing conditions** seem to be the main problem to access to others basics rights. The **spatial segregation**, especially for Roma who are mobile EU citizens, is another correlated factor as it further complicates the representation of Roma at local level, as local sections of political parties are the main way to enter the political sphere.[198]

Political participation and prevalence of NGOs and associations

It is difficult to know how many **Roma representatives** have been elected or are currently serving as public servants at local or national level. The first young Roma woman candidate to the Senate election, Anina Ciuciu, has been drawn much attention from the media, which helped changing the usual stereotypical narrative about the community.[199] Although she did not succeed in winning the seat, her example is promising, most of all as she immigrated to France from Romania when she was young. The other examples of public figures from the Roma community are Laurent El Ghozi, doctor and founder of several associations, Ghislaine Durand, local representative and Saimir Mile, president of one of the only association which members are mostly Roma (La Voix des Rroms[200]). He often recalls the diversity of the Roma community and the impossibility of having one representative for all the Roma, Tziganes,

[196] For a list of the existing legislation, refer to: http://www.fnasat.asso.fr/polejuridique/documents.html
[197] For more information on this topic, refer to Cossee, C. (2016), " Le statut "gens du voyage" comme institution de l'antitsiganisme en France", *Migrations Société*, No 163
[198] E-questionnaire respondents.
[199] See: http://www.france24.com/fr/20170823-anina-ciuciu-premiere-candidate-rom-senatoriales-senat-portrait-seine-saint-denis-eevl
[200] See: http://rroms.blogspot.be/

gens du voyage living in France despite what the mainstream society would like to have[201]. Mainstream parties are not open to minorities in general and some only very rarely support the Roma community.[202]

In 1992, the French Government created a **National Consultative Committee on Travellers** (Commission nationale consultative des gens du voyage).[203] It is formed by groups constituted for a period of one to two years, including Government and Roma representatives. The Commission's legal basis was revised in 2015,[204] granting it more importance in the decision-making process of legal proposals in order to "contribute to develop {their} participation to the elaboration and monitoring of public policies".[205] It is compose of 32 members, including members of the Government, 8 local councillors and 8 representatives of Roma civil society. The latest meeting was organised on 15 March 2018 in the margins of an exhibition of the History Museum on Immigrations and the Tzigane World.[206] Still, Roma organisations are not represented in the political sphere as public authorities favour the interactions with general non-Roma organisations.[207]

Although the topic of political participation of the Roma has been debated in NGOs and in Roma associations, it remains disconnected with the national and local political agendas and there does not seem to be a single **public programme** aiming at increasing the political participation of the community.[208] In the public debates and in the media, the minority is only mentioned on discussions related to socio economic conditions, education policies and in the framework of migration or public security issues.

French Roma Travellers and the broader Roma community to a lesser extent rely much more on **civil society** than on formal political participation. There is an extensive panel or Roma foundations, associations and NGOs in France, mostly working on local or regional level. They generally focus on two main aims: giving information on administrative topics (areas to park and organise the camps, advices and general tips)[209] and advocating and socio-economic developments (especially on housing conditions and access to healthcare). Mainstream charity and civil society organisations also work on the topic, also putting the emphasis on the community's lack of resources.[210]

As previously noted in the study, the NGO-isation of Roma participation does not necessarily mean a more active role in decision-making. Indeed, the ERRC noted an important frustration from Roma civil society as they expressed their inability to have an active role in **decision-making**, most of all at local levels. Local councillors prefer addressing non-Roma organisations, social workers or scholars to discuss these questions instead of contacting the beneficiaries of the policies discussed. They also lack understanding the general Roma community and its diversity, being eager to discuss public policies with

[201] See for example: http://www.slate.fr/story/79002/roms-porte-parole (accessed 26/04/2018)
[202] E-questionnaire respondent 1.
[203] https://www.gouvernement.fr/commission-nationale-consultative-des-gens-du-voyage-4906
[204] Décret n° 2015-563 du 20 mai 2015 relatif à la Commission nationale consultative des gens du voyage
[205] Opcit.
[206] See: https://www.gouvernement.fr/retour-sur-la-commission-nationale-consultative-gens-du-voyage-du-15-mars-2018
[207] E-questionnaire respondent 1.
[208] This conclusion is based on desk research and e-questionnaire answers (specifically respondents 1 and 11).
[209] Some examples: http://www.agv35.fr/agv35/nos-missions, http://www.alotra.fr/personne-les-gens-du-voyage-aires-d-accueil-15-fr.html
[210] See for instance: http://www.fondation-abbe-pierre.fr/sites/default/files/content-files/files/7._cahier_gdv.pdf

"official representatives" of the community.[211] However, other experts see this platform as a possible accession to political parties. The political participation through associations in France is very important, so it is for the Roma community and as associative world is tied to active political participation and could be a way for Roma to be active in politics as well as being part of a local NGO is often a way to become participate in local elections.[212]

France is still far beyond in terms of political participation of its Roma community compared to other European countries.[213] The legal framework, now revised, has historically consisted in a deep administrative barrier to participating in the public life and having a voice. The main issues in France are **two-fold**. On the one hand, the poor living conditions of the Roma community coming from other European Member States, in terms of housing conditions and access to health and employment hinders their potential participation in the politics of their host country. On the other hand, the French Traveller's community still face administrative pitfalls in order to register and claim their civic rights.

[211] ERRC (2005), p.78.
[212] E-questionnaire respondent 11.
[213] Claire Auzias conference given un 2012 in the frame of the Journées Libertaires de Pau.

7 Conclusions

The political participation of the Roma community is not a topic that has been discussed sufficiently at EU and national levels, as **policies related to this community largely focus on housing, education and socio-economical measures**. From the analysis of the e-questionnaire results, 45% of the respondents were aware that some measures have been taken in their country to promote the political participation of Roma. This percentage drops to 10% when it comes to Roma who are mobile EU citizens.

There is a **persisting low level of political representation** of Roma communities in political affairs in the EU. This is particularly so when looking at the number of elected Roma representatives in the countries under examination in this Pilot Study. However, this observation should be mitigated when analysing **levels of participation**, which differs from one Member State to another. Selected Central and Eastern European countries (CEECs) like Bulgaria, Romania and Hungary show much higher level of Roma **political turnout** than countries like France or Spain. In these two Member States, and in other Western and Southern MS, the political participation of the Roma minority is not in the political agenda at national or regional level.

CEECs are more advanced than Western countries in promoting Roma political rights. Western countries tend to focus Roma public policies on improving housing conditions and access to education and health. There is no specific example of a policy initiative aiming at fostering EU Roma Citizens political participation in Spain and France. Hungary, Bulgaria and Romania have implemented different types of policy measures to foster Roma turnout and increase the number of Roma representatives, yet their effective implementation still shows serious challenges on the ground.

In fact, different **initiatives and programmes** have been put in place in these countries and at EU level in the past decade to promote Roma rights and tackle discrimination and the communities' poor living conditions, often as part of wider programmes aimed at minorities in general. Although most do not specifically focus on electoral rights and political participation –, they tend to tackle educational, inclusion, anti-Gypsyism and other socio-economic aspects – the topic of participation and representation is often mentioned as an area for development for Member States.[214] Although different tools have been put in place in all EU Member States, the experts criticise the **lack of actual implementation** of these programmes.[215]

Although the Roma community is perceived as a very **passive group**, Roma political representatives already have proven that they could win non-Roma votes in some circumscriptions, which is decisive to have a stronger voice at national and European levels (Degro, 2015). The literature agrees that Roma candidates should be seen as potential national representatives, moving away from a singular minority presentation. Increasing the involvement of Roma in **transversal general policies** (finance, environment, migration…) would show that the community cares for larger societal issues and not only the rights of their community, which is a common misconception (ERIO, 2016). It would also support closing the apparent distinction between Roma minority member and EU citizen, understanding Roma as only interested in Roma topics and based on a single ethnic identity (Koutouki & Farget, 2012). And this

[214] See for instance: COM(2011) 173, COM(2015) 299, COM(2016) 424, COM(2017) 458, COM(2018) 44.
[215] Also outlined by e-questionnaire respondent 8.

might be most challenging task of Roma representatives; take part in the regional, national or European political spheres whilst staying close to the local community.[216]

In that sense, the different mechanisms put in place by different countries aiming at promoting Roma political participation can also have a **negative impact** on the understanding of the overall community. Indeed, it could be argued that differential treatment for minority groups, such as special bodies, quotas or positive discrimination for instance, can lead to an **erroneous homogenisation of the communities' identities** (McGarry & Agarin, 2014), especially when one or a few seats are reserved to a Roma representative. Thinking that the Roma have one voice and prioritise the same issues is an oversimplification that leads to further distancing between the population and the polls or other means of political participation. The idea of **special ethnic representative bodies can also be a dangerous tool** to foster political participation of Roma communities for two reasons. First, it can reinforce the social and cultural segregation between the Roma and the rest of society, by showing how 'Roma issues' must be solved apart of common social issues. Secondly, it can reinforce Roma political exclusion by relegating Roma political participation to decide on small 'ethnic issues', while the rest of citizens decide on big 'national issues'.[217]

The diversity of the community' situation in the different Member States studies, along with the diverse measures put in place by national Governments, if any, to promote Roma political participation is deeply related to the **Roma's historical experience in these countries** as well as the mainstream society **political culture**. Whilst French Romani Travellers still experience administrative difficulties in registering to vote, the forced sedentarisation policies put in place in Eastern Europe after World War II had a different effect on the population's possibility to vote and be elected.[218] In any of these cases, "for Roma, participation is both the means and the end in facilitating their inclusion across Europe", McGarry & Agarin, 2014, p.1976).

The **living and socio-economic conditions** are also an important factor as for citizens who struggle to survive daily, the possibility to vote or candidate for elections is not a priority in the vital horizon. Furthermore, economic resources are key to build political networks and to campaign and mobilise constituencies. In this sense, policies of redistribution and economic empowerment are preconditions to engage marginalised minorities in democratic process of participatory parity. The social segregation and poor living conditions of the community across Europe also puts Roma in a position of vulnerability for practices such as political manipulation, corruption and vote buying.[219] In this context, it is also important to differentiate between the needs of the national Roma community and the **Roma who are mobile EU citizens**. This last community lives in worst conditions than the local Roma and are subject to further discriminations and geographical segregation. The fact that experts identified socio-economic and living conditions as the main challenge for political participation of the Roma further confirms this position. A pre-condition to exercising political rights is the **equality of treatment before the law** and

[216] Nicolae Gheorghe discussed this argument. For more information, see: Gheorghe, N. (2013), "Choices to Be Made and Prices to Be Paid: Potential Roles and Consequences in Roma Activism and Policy-Making", *From Victimhood to Citizenship: The Path of Roma Integration*, Guy, W. (ed.), Budapest: Kossuth Kiadó, pp. 40–97
[217] E-questionnaire respondent 13.
[218] Claire Auzias conference given in 2012 in the frame of the Journées Libertaires de Pau.
[219] Practice outlined by many respondents in the e-questionnaire, particularly respondents 4, 5 and 6.

being **socially and economically *included*** in the society, whether in their MS or origin or in their host Member States when Roma are mobile EU citizens.

Efficiently addressing **anti-Gypsyism** is a *sine qua non* start to tackle the root cause of the social, political and economical isolation of this community in all Member States. It is only by combatting institutional discrimination and segregation that the real equality before the law can be achieved and that European Roma can exercise their political rights as EU citizens.

List of References

Abajo, J.E. and Carrasco, S. (eds.) (2004), *Experiencias y trayectorias de éxito escolar de Gitanas y Gitanos en España: Encrucijadas sobre educación, género y cambio cultural*, CIDE : Instituto de la Mujer, URL

Ahmed, T. (2011), *The Impact of EU Law on Minority Rights*, Modern Studies in European Law Vol. 23, Oxford: Hart Publishing

Bačlija, I. and Haček, M. (2012), "Minority Political Participation at the Local Level: The Roma", *International Journal on Minority and Group Rights*, No. 19, pp. 53–68

Barany, Z. (2001), "Romani Electoral Politics and Behaviour", *Journal of Ethnopolitics and Minority Issues in Europe*, Autumn 2001

Bieber, F. (2008), "Introduction", in: FES, *Political Parties and Minority Participation*, Skopje: Friedrich Ebert Stiftung – Office Macedonia, pp. 5-30

Bitu, N. (2005), "Romani women in the European Union: realities and challenges", *Presentation for the European Parliament, Committee on Women's Rights and Gender Equality*, Hearing on the "Situation of Roma women in the European Union", 23 November 2005

Bitu, N. (2001), "Romani Women in Europe: History, mobilisation and challenges", presentation given to the European Women's Lobby on 5 February 2001

BNT News (2014), "Central Election Commission announced the final results of Bulgaria's 2014 European Parliament elections", *Bulgarian National Television News*, 29 May, URL

BNT News (2017), "Final election results: 5 parties enter Bulgaria's 44th Parliament", *Bulgarian National Television News*, 27 March, URL

Carrera, S., Guild, E., Vosyliute, L. and Bard, P. (2017), "Towards a Comprehensive EU Protection System for Minorities", Study for the European Parliament's LIBE Committee, Brussels, European Union, August, URL

Carrera, S., I. Rostas & L. Vosyliute (2017a), "Combating Institutional Anti-Gypsyism: Responses and promising practices in the EU and selected Member States", *CEPS Research Report* No. 2017/08, CEPS, Brussels, May, URL

Cheresheva, M. (2017), "Borissov's GERB Wins Bulgaria's Snap Parliamentary Election", *Balkan Insight*, 26 May, URL

Chopin, I., L. Farkas and C. Germaine (2014), "Ethnic Origin and Disability Data Collection in Europe: Measuring Inequality – Combating Discrimination", Policy Report of the OSF Equality Data Initiative, OSF, November, URL

CoE (2012), "Estimates on Roma Population in European countries", Document prepared by the Support Team of the Special Representative of the Secretary General of the Council of Europe for Roma Issues, Council of Europe, July, URL

CoE (2012), *Human Rights of Roma and Travellers in Europe*, Strasbourg: Council of Europe Publishing, URL

Council (2013), "Council Recommendation of 9 December 2013 on effective Roma integration measures in the Member States, 2013/C 378/01", *OJ* C 378, 24.12.2013.

Cour des Comptes (2012), "L'accueil et l'accompagnement des gens du voyage", *Synthèse du Rapport public thématique*

Degro, M. (2015), "Engaging the Roma community in the political party process in Slovakia", *European View*, No. 14, pp. 31–38

ECRI (1996), ECRI General Policy Recommendation No. 1: Combating racism, xenophobia, antisemitism and intolerance, CRI(96)43, European Commission against Racism and Intolerance, 4 October, URL

ECRI (1998), ECRI General Policy Recommendation No. 3 on combating racism and intolerance against Roma/Gypsies, CRI(98)29, European Commission against Racism and Intolerance, 6 March, URL

ECRI (2004), Third Report on Bulgaria, adopted on 27 June 2003, CRI(2004)2, 27 January, URL

ECRI (2011), ECRI General Policy Recommendation No. 13 on Combating ant-Gypsyism and discrimination against Roma, CRI(2011)37, URL

ECRI (2014a), "Report on Romania", Fourth monitoring cycle, adopted on 19 March 2014

ECRI (2016), "Report on France", Fifth monitoring cycle

ERFT (2016), "Fact Sheet on the Situation of Roma in Spain", European Roma and Travellers Forms, Strasbourg, January, URL

ERRC (2005), "HORS D'ICI ! Anti-tsiganisme en France", Série des rapports pays, No 15, Novembre 2005

ERRC (2012), "Challenges of representation: Voices on Roma politics, power and participation", Journal of the European Roma Rights Centre

European Commission (2011), "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, COM(2011) 173 final, Brussels, 5.4.2011

European Commission (2011a), Communication on an EU Framework for National Roma Integration Strategies up to 2020, COM(2011)173

European Commission (2017), Communication on a midterm review of the EU Framework for National Roma Integration Strategies, COM(2017)458

European Parliament (2013), "Empowerment of Roma Women within the European Framework of National Inclusion Strategies", Study, PE 493.019

European Roma and Travellers Forum (2016), "Factsheet on the situation of Roma in Spain"

European Roma Information Office – ERIO Conference, "Strengthening Roma's political participation", 10 June 2016, Brussels

European Roma Rights Centre – ERRC (2012), "Challenges of representation: Voices on Roma politics, power and participation", Journal of the European Roma Rights Centre

Federacio d'Associacions Gitanes de Catalunya (2010), "Situation of Roma in Spain and Catalonia: Overiview of what has been done and recommendations for the future", OSCE Review Conference, Warsaw, 30 September – 8 October 2010

FES, *Political Parties and Minority Participation*, Skopje: Friedrich Ebert Stiftung – Office Macedonia, 222 pp., URL

FRA (2016), "Second European Union Minorities and Discrimination Survey: Roma – Selected findings", European Union Agency for Fundamental Rights, November, URL

FRA (2018), "A persisting concern: anti-Gypsyism as a barrier to Roma inclusion", European Union Agency for Fundamental Rights, April, URL

FRA, "Roma", Website of the European Union Agency for Fundamental Rights, URL

Fundación Secretariado Gitano (2012), "Discrimination of Roma Communities: Spain National Report", Workstream 1 Report, NET KARD Project

Fundacion Secretariado Gitano (2017), "In depth: for a comprehensive Equal Treatment and Non- Discrimination Law Discrimination and the Roma community, Annual Report 2017

Hajdinjak, M. (2008), "Thou Shall Not Take the Names Ethnic or Minority and I Will Bless Thee: Political Participation of Minorities in Bulgaria", in: FES, *Political Parties and Minority Participation*, Skopje: Friedrich Ebert Stiftung – Office Macedonia, pp. 87-125

Hurrle, J. et al. (2012), "Uncertain impact: Have the Roma in Slovakia benefitted from the European Social Fund?", *UNDP Roma Inclusion Working Papers*, UNDP Europe and the CIS, Bratislava Regional Centre

Izsák, R. (), "The European Romani Women's Movement - International Roma Women's Network", The Democracy and Governance Network, published on 1 January 2009, URL

Jovanović, J., Kóczé, A. and Balogh, L. (2015), "Intersections of Gender, Ethnicity, and Class: History and Future of the Romani Women's Movement", working paper, *Friedrich-Ebert-Stiftung Budapest*, URL

Koutouki, K. and D. Farget (2012), "Contemporary Regulation of Public Policy Participation of the Saami and Roma: A Truncated Process", *International Journal on Minority and Group Rights*, Vol. 19, No. 4, pp. 427-451.

Kóczé, A. (2013), "Roma Inclusion Policy brief: Civil Society Involvement of the Roma", United Nations Development Programme Regional Bureau for Europe and CIS

Krause, S., "Mapping the Electoral Participation of Roma in South-Eastern Europe", Expert Paper for the ODIHR – European Commission joint project "Roma use your ballot wisely!", URL

McGarry, A. and Agarin, T. (2014), "Unpacking the Roma Participation Puzzle: Presence, Voice and Influence", *Journal of Ethnic and Migration Studies*, Vol.40, No. 12, pp. 1972-1990

McGarry, A. (2008), "Political Participation and Interest Articulation of Roma in Romania", *Journal on Ethnopolitics and Minority Issues in Europe*, No 1

McGarry, A. (2011 a), "The dilemma of the European Union's Roma policy", *Critical Social Policy*, Vol. 32, No. 1, pp. 126–136

McGarry, A. (2011 b), "The Roma Voice in the European Union: Between National Belonging and Transnational Identity", *Social Movement Studies*, Vol. 10, No. 3, pp. 283-297

McGarry, A. (2012), "Solving the Roma Participation Puzzle: Between Presence and Influence", UACES 42nd Annual Conference, Passau, 3-5 September 2012

Mihalache, C. (2003), "Obstacles to the Participation of Roma in Elections in Romania", *Roma Rights Quarterly* 2004, No. 4

Mihalache, I. (2003a), "Romani Women's Participation in Public Life", *Roma Rights,* No. 4

Munté, A., Serradell, O. and Sordé, T. (2011), "From Research to Policy: Roma Participation through Communicative Organization", *Qualitative Inquiry*, Vol. 17, No. 3, pp. 256-266

NSI (2001), "Census 2001 – Final Results: Population by districts and ethnic groups as of 1.03.2001", Website of the Bulgarian National Statistical Institute, URL

NSI (2011), "2001 Population Census – Main results", Bulgarian National Statistical Institute, URL

ODIHR (2014), "Women as agents of change in migrant, minority and Roma and Sinti communities in the OSCE Region", Expert roundtable, Vienna, February 2014

ODIHR (2015), "Activism, Participation and Security among Roma and Sinti Youth: Conference Report", Belgrade, 8-9 December 2014,

ODIHR (2016), "Roma and Sinti Political Participation: Opportunities and Risks of Local-level Engagement", Summary Report of the Expert Meeting Warsaw, 28 November 2014

ODIHR (2017), "Strengthening Diverse Leadership, Participation and Representation of Roma and Sinti, including Women and Youth, in Public and Political Life", Summary Report of the Workshop of 27-28 March 2017, European Parliament, Brussels

Open Society Institute (2002), "The Situation of Roma in Spain"

Open Society Foundations (2013), "Why Roma Political Participation Matters", published in September 2013, URL

OSCE (1999), The Lund Recommendations on the Effective Participation of National Minorities in Public Life, OSCE High Commissioner on National Minorities, September, URL

OSCE (2003), Decision No. 566 – Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area, PC.DEC/566, Vienna, 27 November, URL

OSF (2013), "Why Roma Political Participation Matters", *Open Society Foundations Explainer*, OSF, September, URL

OSI (2003), "The Situation of Roma in Spain", in: *Monitoring Minority Protection in EU Member States*, Open Society Institute, November, pp. 281-359, URL

Petrovicova, Z., Šerek, J., Porubanova, M. and Macek, P. (2012), "Citizenship as Given or Taken? Meanings and Practices among Majority and Minority", *Youth Human Affairs*, Vol. 22, pp. 335–344

Prisacariu, R. (2013), "Roma political participation in Romania: from presence to influence", Institute of Federalism

Rostas, I. (2012), "Roma Participation: From Manipulation to Citizen Control", *Romary Rights Journal* 2012, No. 1, pp. 3-7, URL

Rostas, I. (2014), "Roma and Sinti political participation: Opportunities and risks of local-level engagement", Background Paper for OSCE/ODIHR Expert Meeting in Warsaw on 28 November 2014, in: ODIHR (2016), Summary Report of the Expert Meeting in Warsaw on 28 November 2014, Warsaw, OSCE, January, URL

Salat, L. & Veres, V. (2002), "Ethnic minorities and local public administration in Romania: Cases of ethnocultural tension and segregation", NISPACEE Annual Conference, Krakkó, Előadás címe, on 23-27 April 2002

Sobotka, E. (2002), "The Limits of the State: Political Participation and Representation of Roma in the Czech Republic, Hungary, Poland and Slovakia", Richardson Institute for Peace Research, Winter 2001/2002, Lancaster University: United Kingdom

Spirova, M. (2005), "The Political Representation of the Roma Minority in Bulgaria: 1990-2005", POLITEIA - Participation for Citizenship and Democracy in Europe,

Sudetic, C. and Jovanovic, Z. (2013), "Roma in Political Life in Europe: Introduction", published by Open Society Foundations on 10 September 2013,

Szalai, J. (2016), "Informality and the Invisibility of Roma Political Participation", *Intersections: East European Journal of Society and Politics*, Vol. 2, No. 1, pp. 159-182

Tomaselli, A. & P. Granholm (2011), "The Frustration of the Right to Political Participation of Minorities: Practical Limitations in the Case of the Nordic Sámi and the Roma", *European Yearbook of Minority Issues* Vol. 8, pp. 149-185.

United Nations (2002), "Women's Political Participation, Family Concept Policy, Situation of Roma Women Addressed, As Anti-Discrimination Committee Takes up Hungary's Reports", press release published on 20 August 2002, URL

UNDP (2012), "Civil Society, Civil Involvement and Social Inclusion of the Roma", Roma Inclusion Working Papers, UNDP Europe and the CIS Bratislava Regional Centre

Vermeersch, P. (2000), "Romani political participation and racism: reflections on recent developments in Hungary and Slovakia", *Roma Rights Quarterly* 2000, No. 4, URL

Vermeersch, P. (2002 a), "Ethnic mobilisation and the political conditionality of European Union accession: the case of the Roma in Slovakia", *Journal of Ethnic and Migration Studies*, Vol. 28, No. 1, pp.83-101

Vermeersch, P. (2002 b), "Romani Political Participation and Racism: Reflections on Recent Developments in Hungary and Slovakia", in Cahn, C. (ed.), *Roma Rights: Race, Justice, and Strategies for Equality*, International Debate Education Association, pp. 161-175

Vermeersch, P. (2017), "Romani Mobilization and Participation: Obstacles and Opportunities", in: J. Bhabha, A. Mirga and M. Matache (eds.), *Realizing Roma Righs*, Philadelphia, PA: University of Pennsylvania Press, URL

Zani B. and Barrett M. (2012), "Engaged Citizens? Political Participation and Social Engagement among Youth, Women, Minorities, and Migrants", *Human Affairs*, Vol. 22, pp. 273–282

Annex I – Questions asked in the e-questionnaire

1. What type of organisation do you represent?
2. Please state the name of your organisation
3. Please choose your country of reference
4. Of the following options, what are the main challenges for active democratic participation of Roma in your country? Are there any other challenges for active political participation of Roma not listed?
5. Of the following options, what are the main challenges for passive democratic participation of Roma in your country? Are there any other challenges for passive political participation of Roma not listed?
6. Is political participation of Roma a topic in the political agenda in your country?
7. Are you aware of any measures taken in your country to promote the political participation of Roma? If yes, please provide information on the scope and the type of measure, the actors involved, the level of implementation (local, regional, national) and the funding entity.
8. What kind of initiatives or reforms would you suggest to enhance the political participation of Roma in your country?
9. Of the following options, what are the main challenges for the active political participation of Roma who are mobile EU citizens in your country? Please justify your choice and explain how do these challenges differ from the ones of Roma who are nationals in your country? Are there any additional challenges for Roma who are mobile EU citizens?
10. Of the following options, what are the main challenges for the passive political participation of Roma who are mobile EU citizens in your country? Please justify your choice and explain how do these challenges differ from the ones of Roma who are nationals in your country? Are there any additional challenges for Roma who are mobile EU citizens?
11. Are you aware of any measures taken in your country to promote the active political participation of Roma who are mobile EU citizens? If yes, please provide information on the scope and the type of measure, the actors involved, the level of implementation (local, regional, national) and the funding entity.

Annex II – Respondents to the e-questionnaire

The following table shows an anonymised overview of the type of stakeholder who answered the online e-questionnaire as well as their Member State of expertise:

Table 2: Respondents to the e-questionnaire, per Member state and sector

Response number	Member State	Sector
1	France	Academia
2	Romania	NGO
3	Romania	NGO
4	Bulgaria	Academia
5	Greece	Academia
6	Romania	NGO
7	Spain	Academia
8	EU	NGO
9	France	NGO
10	Poland	Academia
11	France	Academia
12	Spain	Academia
13	Spain	Academia
14	Italy	International organisation
15	France	Academia
16	Hungary	Private sector
17	Romania	Academia
18	Slovakia	National electoral body
19	UK	National electoral body
20	Spain	Academia
21	Italy	National electoral body