‘States and Migration in Europe’ Podcast
Episode #17 ‘The Roma in Europe: Between Margins and Free Movement’
With Julija Sardelic

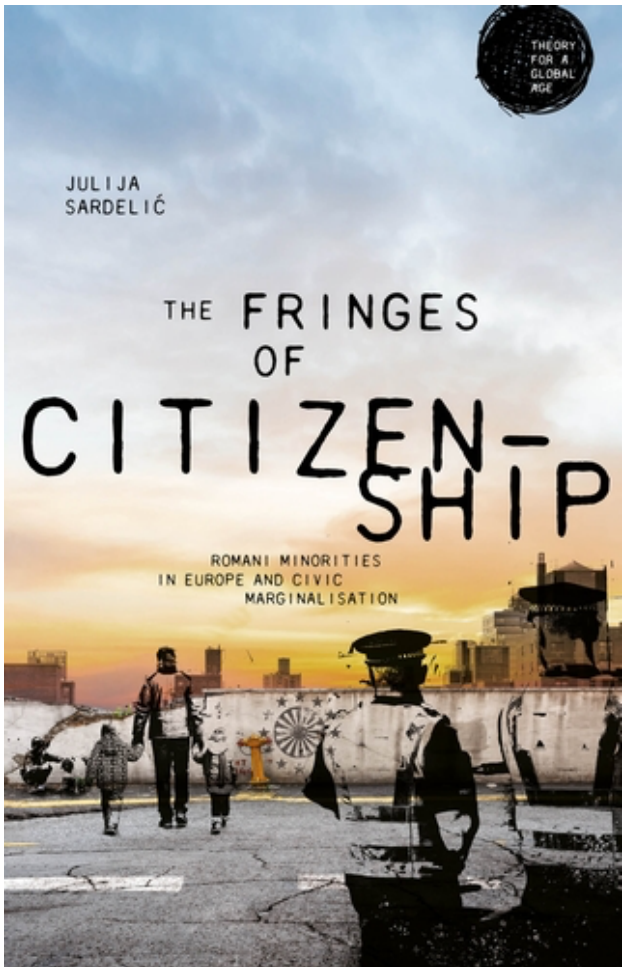
Enhanced transcript

By Emmanuel Comte

Abstract: In this episode with Dr Julija Sardelic, a leading voice in Romani studies, we unravel the complexities facing the Roma in Europe – a group caught between its right to free movement and the realities of its marginalisation. From exploring state policies that perpetuate exclusion to confronting the limits of the EU’s freedom of movement, this episode offers a deeper look into Roma experiences. Dr Sardelic’s insights, enriched by personal stories and current trends, challenge us to rethink citizenship, belonging, and the essence of inclusion in Europe. Tune in for a thought-provoking journey that bridges academic expertise with the lived realities of the Roma, sparking a crucial dialogue on rights, identity, and the future of Europe’s most marginalised group.

Introduction

Emmanuel Comte: Welcome to a new episode of ‘State and Migration in Europe.’ Today, we delve into the realities of the Roma, one of Europe’s largest and most marginalised ethnic minorities, against the backdrop of the European Union’s freedom of movement. Joining us is Dr Julija Sardelic, a luminary in Romani studies. Dr Sardelic’s latest book, *The Fringes of Citizenship: Minorities in Europe and Civic Marginalization*, offers an unparalleled window into the experiences of the Roma in Europe.



Her expertise not only sheds light on their marginalisation but also ignites discussions on essential aspects of belonging in Europe. In this episode, we embark on a journey with Dr Sardelic, starting from her initial engagement with Roma Studies, exploring how state policies have contributed to the marginalisation of the Roma, and discussing the application of free movement rights to the Roma community. So, Julija, thank you very much for joining us to talk about the Roma.

Julija Sardelic: Thank you very much, Emmanuel, for inviting me to your podcast. I'm very happy to be here and grateful to all the listeners tuning in. Today, I would like to discuss policies around citizenship that frame the position of the Roma. In my book, I clarify that I do not speak on behalf of the Roma as I do not have a Romani background myself. There are numerous exceptional Romani scholars, such as Angela Kocze, the chair of Romani Studies at the Central European University, and Dr Margareta Matache, the leader of the Roma programme at Harvard University, who can provide insights from a Romani perspective. My aim is to discuss what the marginalisation of the Roma reveals about the formation of citizenship in Europe and its implications for migration studies.

Dr Sardelic's background and research methodology

Emmanuel Comte: Before we delve deeper, Julija, could you share with us how you came to study the Roma in Europe?

Julija Sardelic: I entered academia somewhat unconventionally. In my younger years, I worked for Roma NGOs in Central and Southeastern Europe, supporting the empowerment of Roma communities. These experiences underscored the potential of the Roma beyond the societal perception of them as problematic. However, frustration arose from observing exclusionary and often racist citizenship and migration policies across different countries. This led me to focus on these issues in my academic work, advocating for a more inclusive approach.

Emmanuel Comte: So, your interest stemmed from your work with NGOs that focused on empowering Roma communities to advocate for themselves, correct?

Julija Sardelic: Exactly. It was not about helping in the sense of a saviour coming to rescue the Roma but rather working in collaboration and support of their empowerment. I was there to support, under the leadership of various Roma organisations, the efforts of my colleagues in promoting self-advocacy among the Roma.

Emmanuel Comte: Could you share what motivated you to work with an NGO focused on the Roma community?

Julija Sardelic: Certainly, there's an important backstory to my engagement. I was raised in the northeastern part of Slovenia, near the Hungarian border, in a region that highly values multiculturalism. My education took place in a bilingual Slovenian-Hungarian school, where celebrating one's culture and language was encouraged. However, this celebration of multiculturalism was selective. While Slovenian and Hungarian children were praised for using their native languages, Roma children were discouraged and even punished for speaking Romani. This inconsistency struck me as a blatant contradiction to the ideals of multiculturalism that were purportedly celebrated.

Emmanuel Comte: So, you're indicating that the school system itself had biases against the Roma? Was this a public or private school?

Julija Sardelic: Precisely, it was a public school in Slovenia. Interestingly, there was a parallel institution labelled as a school for children with special needs, which predominantly catered to Roma children, essentially segregating them from the mainstream educational system. Despite being in the same generation, around 80% of Roma children attended this segregated school, highlighting a stark division that was not just cultural but also educational.

Emmanuel Comte: It seems that these experiences at school played a significant role in shaping your interest in advocating for the Roma community. Is that accurate?

Julija Sardelic: Absolutely. Witnessing such discriminatory practices prompted me to question the authenticity of the celebrated multiculturalism. Why were some cultures and languages honoured while others were marginalised? This reflection led me to recognise the importance of genuine multiculturalism – one that is inclusive of all groups, including the Roma. My commitment to fostering a society where racism, particularly against the Roma, does not exist, stems from these early observations of systemic discrimination and my desire to contribute to a more equitable society.

Emmanuel Comte: Did you witness acts of violence towards the Roma community?

Julija Sardelic: As a child, I didn't directly witness acts of violence, but I was acutely aware of the systemic racism that permeated our society, especially evident in the segregated schooling system. This awareness fuelled my determination to work towards dismantling the structures that perpetuate such racism and to advocate for the rights and dignity of the Roma community.

Emmanuel Comte: You observed systemic racism towards Roma minorities in Slovenia during your youth, which prompted you to engage with an NGO dedicated to Roma people. This decision is particularly notable as it seems you were driven to immerse yourself in the community, despite the public-school system's apparent efforts to segregate. Moving into NGO work, you then transitioned to research to delve deeper into the reasons behind the marginalisation of Roma minorities and how this situation developed at the European level.

Julija Sardelic: Yes, and my observations weren't limited to Slovenia; they extended to other regions within the former Yugoslavia. While working for a grassroots NGO, we even collaborated with Roma NGOs across Southeast Europe, including Hungary, among other locations. Our goal was to empower Roma individuals to confront the racism they faced, which was pervasive. For instance, in the 1990s, only 20% of Roma children attended mainstream schools in my hometown. The rest were unjustly placed in segregated schools for children with special needs, barring them from higher education opportunities. This segregation often stemmed from linguistic discrimination, as Roma children were deemed unfit for mainstream education based on their lack of proficiency in the national language.

Emmanuel Comte: So, the exclusion of Roma children from mainstream education wasn't directly due to their ethnicity but was justified through other means, such as language proficiency and supposed cognitive deficiencies, as determined by specialists. This effectively relegated them to a parallel educational system devoid of equal opportunities.

Julija Sardelic: In my book, I explore instances where the European Court of Human Rights addressed such cases, highlighting that the segregation of Roma children was not merely a result of their supposed deficiencies but was indicative of systemic discrimination based on ethnicity. This was evidenced in rulings against the Czech Republic, Croatia, and others, revealing a pattern of indirect discrimination where biased assessments by professionals led to discriminatory outcomes.

Emmanuel Comte: Are you suggesting that the discrimination was shaped by biases within the system rather than explicit legislation directing Roma children to segregated schools?

Julija Sardelic: Exactly. The court identified it as indirect discrimination, focusing on the discriminatory outcomes rather than the intent behind them. This underscores the systemic bias against Roma within the educational framework.

Emmanuel Comte: Given your non-Roma background but significant engagement with Roma communities, you've mentioned focusing on policy over personal narratives. Could you elaborate on the research methods you employ in your studies?

Julija Sardelic: My research, situated within citizenship and migration studies, predominantly employs qualitative socio-legal methodologies. This involves scrutinising legislation and policies at both national and European levels that impact Roma communities. Such policies might explicitly address Roma issues, like Slovenia's Roma Community Act, or they could be

broader laws that, while not directly mentioning Roma, result in indirect discrimination against them.

Emmanuel Comte: You analyse pieces of legislation and the policy process that relate directly or indirectly to Roma people, focusing on sources like legislation and artefacts of the policy process, including meeting minutes. Is that correct?

Julija Sardelic: Precisely. My analysis also extends to judgments from the European Court of Human Rights. Unlike the common approach that views Roma primarily as a socially disadvantaged or ethnically discriminated group, my research shifts the perspective to examine their position as citizens. This approach stems not from a focus on Roma per se but from investigating the implications of citizenship itself. My findings reveal that even within liberal democracies, which all European Union member states profess to be, marginalisation occurs. Interestingly, while much scholarship has highlighted marginalisation primarily towards migrant populations, my work demonstrates that traditional minorities, like the Roma, are also affected. In 1993, the Council of Europe identified the Roma as a European minority par excellence, noting their presence in every European Union country except Malta, and only nominally in Cyprus. Despite their citizenship, many Roma communities lack access to basic necessities like drinking water, highlighting the marginalisation of certain EU citizens.

State policies and Roma marginalisation

Emmanuel Comte: Let's delve now into the key insights of your research. Your book makes compelling arguments, notably that states support benevolent policies towards marginalised minorities only when such policies don't challenge the foundational structures of the states themselves. Could you elaborate on this point?

Julija Sardelic: Certainly. Consider the freedom of movement within the European Union, widely accepted by member states as beneficial. This acceptance persists as long as the benefits align with the states' interests, such as acquiring workers and students. However, when it concerns individuals facing discrimination in every country, the stance shifts to a reluctance to accept other countries' problems. This attitude is particularly evident in Central and Eastern Europe, where ethno-nationalism is prevalent. Here, majority state narratives, like that in Slovenia, prioritise the interests of the dominant national group, side-lining minority policies unless they serve to reinforce the majority's power. This dynamic is starkly evident in the treatment of Roma and other minorities, where national minority protections are significantly lesser in scope.

Emmanuel Comte: In your book, you discuss the mechanism of statelessness among Roma communities, suggesting that state policies contribute to their marginalisation by rendering them stateless. This challenges the notion that states aid minorities to counteract societal biases and marginalisation. Could you explain how states contribute to the marginalisation of these communities through statelessness?

Julija Sardelic: Yes, this is quite a complex mechanism. After the disintegration of the former Yugoslavia, individuals became citizens of the newly established states. The Roma population, however, often ended up stateless. This wasn't merely due to a lack of documentation, as is commonly believed, but also because of various registration mechanisms. For instance, Roma individuals born in one state but living in another due to expulsion – many from Kosovo to Montenegro – could not prove their citizenship as registries were destroyed. They weren't

recognised as refugees either, which compounded their statelessness. In Italy, for example, thousands of Roma from the former Yugoslavia remain stateless. Initially, because they were stateless, they couldn't obtain refugee status. The statelessness determination process was flawed, requiring individuals to prove they were not citizens of any country, an absurd expectation. This approach has since been revised to focus only on countries with which the individuals have a connection. Nando Sigona at the University of Birmingham has discussed the plight of Roma in Italian camps and their statelessness, which resulted from these and other administrative hurdles. Efforts by NGOs, particularly those affiliated with the European Network on Statelessness, have led to significant changes in these procedures. However, for a long time, stateless individuals found themselves in a vicious cycle, unable to gain recognition or a pathway to citizenship, unlike refugees, for whom Article 34 of the 1951 Refugee Convention encouraged facilitating access to citizenship.

Emmanuel Comte: So, there were specific hurdles that made them stateless or kept them in a state of statelessness. However, this is also about the states not willing to integrate these individuals, effectively rejecting them, which leads to marginalisation. This rejection perhaps stems from the individuals' poverty and the perception of their differences.

Julija Sardelic: I believe we should scrutinise the very nature of citizenship that purports to be all-inclusive. Most liberal citizenship policies claim to provide access to everyone, yet in reality, they fail to ensure access to citizenship rights for all.

Emmanuel Comte: Many countries have mechanisms to award citizenship, yet they also wish to selectively admit individuals. This is particularly significant in the case of the Roma, who are often pushed towards statelessness. Statelessness carries grave implications, as highlighted by historians like Timothy Snyder. During extreme conflicts between states, those who suffer the most are the stateless, lacking any state's protection.

Julija Sardelic: Indeed, and this argument echoes Hannah Arendt's insights from *The Origins of Totalitarianism*, where she pointed out the irony of establishing a human rights system that bases the right to have rights on citizenship. Policymakers often misinterpret Arendt's point, thinking that citizenship could solve all problems. Arendt argued that rights should be inherent to every human being, a principle enshrined in the European Union's Charter of Fundamental Rights. Yet, states still seek to limit who they accept as citizens, despite being bound by this Charter.

Emmanuel Comte: Indeed. The post-Holocaust and World War II era introduced concepts aiming to protect individuals from the harsh reality of not being integrated within a state. Being stateless in a world dominated by states often means losing basic human rights, and at times, even the right to live. The deliberate production of statelessness can be seen as a crime by omission. States do not openly admit to selecting who to integrate to the point of denying statehood, expecting individuals like the Roma to prove their lack of state protection, thereby creating significant obstacles for them.

Julija Sardelic: It's critical to remember that, during the Holocaust, the Roma, alongside Jews, were victims of genocide and subjected to extermination in concentration camps. On the topic of integration, recent migration studies, including works by Willem Schinkel, critique the concept of migrant integration as a form of new colonial knowledge production. This critique is particularly relevant to the Roma, given the European Union's framework for national strategies on Romani integration, which has been challenged from its inception. The

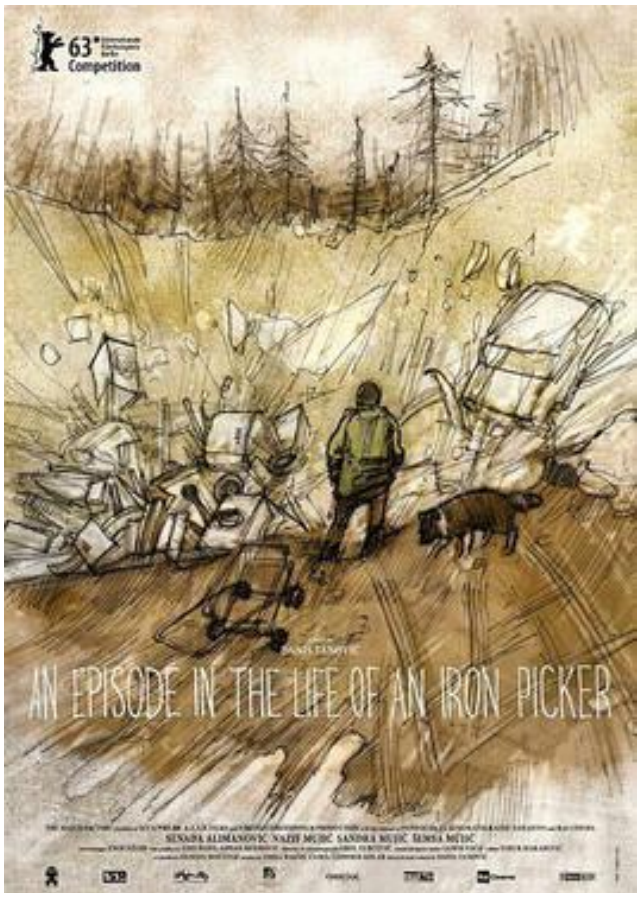
framework's focus on Roma needing to integrate fails to address the systemic racism and exclusion they face. These barriers to integration are by design.

Emmanuel Comte: We've discussed statelessness and its role in demonstrating the extent to which states will go to exclude Roma. Many states are actively seeking ways to exclude them. We are now turning to another crucial point you've raised in your book concerning the active role of states in producing the marginalisation of Roma. It's particularly insidious because it represents a backlash against programmes initially intended to support Roma communities. This backlash fosters further marginalisation through resentment among other populations who question why programmes are exclusively designed to aid Roma, thus exacerbating the very issues these programmes aimed to mitigate. Would you agree with this assessment?

Julija Sardelic: Precisely. The central issue lies in the failure to address the core problem of anti-Roma racism, or as many critical Romani scholars term it, 'antigypsyism'. Simply attempting to integrate Roma without scrutinising the underlying policies that perpetuate their marginalisation is, at best, cynical. My book aims to shift the focus from what Roma can do or are doing to the systemic discrimination, marginalisation, and racism they face. For instance, the issue of Roma living in informal settlements is often highlighted without examining the historical context of how these settlements came to be, such as the designated living areas in former Yugoslavia that became privatised land after its disintegration, further complicating Roma's ability to secure housing due to longstanding exclusionary practices.

Emmanuel Comte: The production of statelessness, the backlash against public programmes for Roma, and as a third point, the labour market exclusion you've noted in your book are all mechanisms through which state policies marginalise Roma. You mention Nazif Mujic's story as an example of labour market exclusion. Could you elaborate on his experience and its significance?

Julija Sardelic: Nazif Mujic's story is indeed tragic and illustrative of the broader issues at play. Mujic, an actor in the film 'An Episode in the Life of an Iron Picker', won the Silver Bear for Best Actor for portraying his own life's challenges.



The film depicts his wife's statelessness and the dire consequences it had on their access to healthcare, ultimately forcing Mujic to sell his car to pay for his wife's necessary surgery. Beyond the narrative of the film, Mujic's story sheds light on the systemic marginalisation of Roma post-Dayton Agreement in Bosnia.

This agreement further marginalised Roma by excluding them from proper political representation, as the presidency of Bosnia is limited to members of the constitutive nations:

Bosnians, Serbians, and Croatians. This exclusion extends into the labour market, where Roma face pervasive discrimination and stereotypes that bar them from employment opportunities, a longstanding issue documented across Europe.

Emmanuel Comte: I believe the issue extends also to legal restrictions. As you explain in the book, Mujic, a Bosnian citizen, moved to Germany, where he was prohibited from accessing the formal labour market. As a result, he resorted to collecting scrap metal to support his family. Could he have taken up formal employment in Germany?

Julija Sardelic: As a rejected asylum seeker, legally, no, he couldn't.

Emmanuel Comte: Precisely, the legal framework prevented him from obtaining employment.

Julija Sardelic: Exactly.

Emmanuel Comte: This leads me to a broader concern. The rejection of individuals, for various reasons, initiates a negative feedback loop. Initially, these individuals are rejected due to certain negative characteristics, which are then exacerbated by various policies. For instance, the reluctance of the public school system to integrate these individuals, often due to language barriers, different cultural backgrounds or habits, and the response of redirecting them to alternative educational institutions further alienate them. Other policy responses, such as reluctance to grant citizenship, restricting access to the formal labour market, and providing them with special programmes that fail to address core issues, serve only to marginalise them further. This results in a cycle where they are deprived of educational opportunities, limited in labour market access, and subject to greater disdain, particularly if they benefit from certain programmes.

Julija Sardelic: To delve deeper into the issue of schooling, the phenomenon of 'white flight' is noteworthy. In Greece, for example, Romani children were segregated into inferior educational facilities, a situation that even reached the European Court of Human Rights. 'White flight' refers to the actions of majority white parents who remove their children from schools with a significant Romani presence, often threatening violence and demanding segregation to protect their children, albeit at the cost of providing Romani children with a substandard education. While my focus has been on the Romani community, this pattern of marginalisation and segregation is similarly observed with other marginalised groups and citizens globally, including indigenous populations and African Americans in the United States. It's fascinating how racism manifests similarly across various contexts and groups.

Emmanuel Comte: What we observe is a prevailing movement of rejection, due to negative characteristics associated with them. However, when governments intervene and respond, their actions often exacerbate the issue.

The Roma and the EU's freedom of movement

Emmanuel Comte: Let's consider now a pertinent example for our discussion, focusing on the EU's freedom of movement, concerning Romani people within the EU. As EU citizens, Romani individuals are entitled to free movement. In your book, you reveal that any restrictions on freedom of movement within EU law disproportionately affect the Roma. One case in point is the Dano case. Could you elaborate on this example?

Julija Sardelic: The Dano case occurred in Germany. British tabloids labelled the woman in question as Roma, but the European Court of Justice did not identify her as such. The case revolved around whether an EU citizen, in this instance a Romanian residing in Germany, is entitled to receive state welfare support while unemployed. The significance of this case escalated in the UK, with then-Prime Minister Cameron using it to argue for restricting social welfare for EU citizens in the UK. The narrative often pushed forward is that Roma migrate to exploit social welfare systems, a claim unsupported by data. Stereotypes rather than facts fuel this perception. It's crucial to understand that the Romani community only garners attention when perceived as a problem. In reality, numerous Roma from countries like Croatia work in Germany or Austria, contributing positively, yet remain invisible within discussions about freedom of movement.

Emmanuel Comte: You also mention the mass expulsions of Roma by France around 2010, which were broadly justified by allegations of criminality, if I recall correctly.

Julija Sardelic: Exactly. The mass expulsions from France, purportedly for reasons of criminality, highlight a broader issue of discrimination. Such actions wouldn't be contemplated for other citizens based on a criminal act by an individual, illustrating the unique prejudice faced by the Roma. The Copenhagen criteria, established in 1993, emphasised minority protection, particularly for the Roma, during the EU accession negotiations for post-socialist countries. This was partly due to concerns over potential mass migrations of Roma to Western Europe, which, in reality, did not occur as feared. These misconceptions even influenced Brexit rhetoric, falsely suggesting an influx of Roma from Romania and Bulgaria, which never materialised.

Emmanuel Comte: The issue in France was partly resolved through EU funding of a so-called voluntary repatriation programme, primarily aimed at the Roma population, encouraging their return to Romania.

Julija Sardelic: Indeed. This programme offered financial incentives to Roma individuals to start businesses upon their return to Romania or Bulgaria. However, this approach failed to address the persistent discrimination and racism faced by the Roma in France, Romania, and Bulgaria. Offering a modest sum of money without addressing the root causes of discrimination did not solve the underlying problems. These episodes in France led to the realisation within the European Commission that racism and discrimination against Roma were pan-European issues, prompting the introduction of the European Framework for National Romani Integration Strategies. It was supposed to address the widespread discrimination and racism against Roma across Europe, not just in former socialist countries but also in longstanding EU member states like Ireland, the UK, Spain, and Portugal.

Emmanuel Comte: Concerning the repatriation programme, it was funded by the EU, covering the cost of one-way tickets for Roma individuals to return to their countries of origin. This initiative aimed to manage their departure without resorting to forced mass expulsions. I have two questions regarding this. First, were there instances of Roma expulsions from other EU countries besides France in 2010? Secondly, did any other country benefit from EU funding for Roma repatriation in a similar manner?

Julija Sardelic: The funding wasn't solely about Roma repatriation but rather involved Romania, Bulgaria, and to an extent, countries from the former Yugoslavia. France utilised a specific EU fund designated for EU citizens and another for former asylum seekers from the

Yugoslav Wars. While France's case was unique, similar expulsions have occurred in other EU member states, notably Italy and Germany, albeit under different circumstances. In Germany, the issue centred around individuals who were granted temporary protection during the Yugoslav Wars. Once the conflict ended, many, including Roma, were deported unexpectedly to places like Kosovo or Serbia. This was particularly shocking for those who were born and raised in Germany and had no prior connection to their supposed homeland.

Emmanuel Comte: The pattern here, it seems to me, indicates that policies exacerbate the problems because they are poorly framed. In the French case, cases of criminality could be traced back to individual Romani people or even Romani groups. However, rather than targeting the criminals specifically, there's a tendency to broadly expand the category of culprits. This is a common approach not only applied to the Roma but also observed in political debates today, where the mechanism plays out against various groups of people. Expanding the list of problematic individuals beyond the actual criminals does not provide a simple solution to criminality; instead, it creates a range of other issues. This exemplifies the problematic practice of assigning responsibility for criminal acts to an entire group based on ethnic characteristics. State policy should be more circumspect, particularly concerning the Roma. Furthermore, the concept of citizenship begs a broader question: why do we have citizenship? Essentially, states, grounded on the principle of force, are established to protect against criminal acts, theft, aggression, murders, etc. Therefore, their actions should be limited to these purposes. However, the creation of citizenship, which can exclude certain individuals, introduces a plethora of issues, as those excluded may face indiscriminate treatment, rejection from labour market participation, and possibly from certain educational opportunities. This, in turn, creates an ethnic pattern of individuals who are poorer and possibly perceived as different than the rest of the population. Ultimately, the focus should be on addressing actual criminal acts without interfering unnecessarily with others.

Julija Sardelic: First and foremost, criminality should be unequivocally separated from any ethnic assumptions. There are numerous assumptions, as evidenced not only among the Roma but also within African American communities, suggesting a belief among police forces that members of these groups are more likely to commit crimes. This belief is a product of perceptions, fostering a vicious cycle that creates and reinforces certain patterns.

Emmanuel Comte: The point is that it is entirely counterproductive, regardless of the context. The primary issue isn't necessarily about police perceptions, which is a more complex problem. The focus should be on pursuing individuals who have committed crimes. The practice of mass expulsion significantly exacerbates the problem.

Julija Sardelic: Sarkozy's decrees officially claimed not to target Roma communities, but they explicitly mentioned Roma as targets. This approach verges on outright racism. Moreover, the policies failed to address the discrimination against Roma leading to employment barriers for many. Crime should be addressed on an individual basis, avoiding collective punishments and expulsions, which are expressly forbidden by the EU Charter of Fundamental Rights. Yet, these practices still occur, raising critical questions about the mechanisms driving marginalisation and the need to re-evaluate fundamental aspects of statehood, such as citizenship.

Demand for expertise and research response

Emmanuel Comte: So, this problem has sparked extensive debate. Do you believe there is a real demand for expertise in this area from governments and other institutions?

Julija Sardelic: Absolutely, there is a demand for expertise. To respond to it, I would like to emphasise the importance of involving Roma and Romani scholars. Their unique perspective combines theoretical knowledge with lived experience, offering invaluable insights into the challenges faced by Roma communities. Additionally, NGOs and activists play a crucial role in highlighting the issues and advocating for change. My work aims to shed light on the fringes of citizenship and the systemic problems that contribute to marginalisation. It's vital that those with lived experiences of discrimination, such as the fear of being targeted by the police simply for being Roma, are central to the conversation and the formulation of solutions.