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Problems arising in connection with the international mobility of the Roma in Europe and the recent emigration of Roma from the Czech Republic and the Slovak Republic

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First report

PROBLEMS ARISING IN CONNECTION

WITH THE INTERNATIONAL MOBILITY

OF THE ROMA IN EUROPE

1. Report by Dr Yaron Matras
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2. Conclusions adopted by
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PROBLEMS ARISING IN CONNECTION WITH THE INTERNATIONAL MOBILITY OF THE ROMA IN EUROPE

I SUMMARY

Post-1989 Romani migration is a continuation of a repetitive pattern in Romani history. It is triggered by external factors such as hostilities, human rights violations, change of status, economic disadvantages, and general vulnerability, and is promoted by internal features such as non-confidence and non-identification with state institutions and measures and lack of territorial claims. As a result of these particular external and internal features, Roma differ from other migrants in their willingness to take the risks of migration, repeated expulsions, and self-sufficing clandestine existence.

Governments and multilateral organisations have already identified some particular features of Romani migration and have even, in a number of cases, taken specific measures aimed directly or indirectly at regulating the migration of this group.

The study emphasises the need to separate, when discussing the mobility of Roma, between issues concerning the situation of groups with an itinerant lifestyle, and the problems of Romani migration.

It proposes special consultation measures to help prevent clandestine existence and marginalisation of recent Romani migrants from central and eastern Europe already living in the West. Such measures could direct Romani migrants to existing social support networks and help clarify asylum claims and citizenship issues.

In order to tackle the causes of migration, measures must be taken to increase confidence and identification within existing societal and political structures in the countries of origin. A necessary step in this direction is the strengthening of self-confidence. This could be achieved by supporting networks which help monitor the human and civil rights situation of Roma, and by encouraging Romani representation and participation in decision-making processes. As a basis for further discussion, it is proposed to carry out a survey of already existing models of Romani representation and networking. The chances for constituency-based, elected Romani representation could be considered in this connection.

II BACKGROUND

1. Since 1993, a number of studies commissioned by multilateral organisations (UNHCR, CSCE/OSCE, Council of Europe, OECD) have dealt with issues surrounding the migration of Roma from eastern and central Europe to the west. These studies follow a series of resolutions adopted since 1990 by multilateral organisations in which the particular problems of Roma were addressed. The general picture emerging from these studies is that of a restricted migration trend, the volume of which cannot be specified in exact or nearly exact figures but merely in very rough and often rather speculative estimates, from some Romani communities mostly in eastern and southeastern Europe (mainly Romania, former Yugoslavia, Bulgaria, Poland, the Czech Republic, and Slovakia, in this order of numerical relevance), into European Union member states. There is agreement among various studies that this trend, which has both distant and more recent historical roots, has been reinforced since the political transition in eastern Europe in 1989-1990 by positive factors such as freedom of travel, but also by negative factors, especially by an increasing feeling in many Romani communities of particular social and political disadvantage, vulnerability, and insecurity.

2. Two main issues which still demand clarification in this context are the extent to which this migratory trend can be considered to be a particularly "Romani phenomenon", and the necessary courses of action to be taken in order to reduce and resolve the frictions and insecurities which migration entails. The CDMG, in its report on "The Situation of Gypsies (Roma and Sinti) in Europe" from 1st August 1995 has pointed out that Roma emigrating for a variety of reasons have applied for asylum in western countries, but that these applications have usually not been successful and many Roma have either been returned to their countries of origin under the provisions of recently negotiated readmission agreements, or stay on in a situation of illegality.[1] This situation, the CDMG states, has created a complex of difficult human problems, which in turn highlight the need to tackle the underlying economic and social causes of migration of Gypsies along the lines set out in the report. It is therefore recommended to carry out a study within the sphere of competence of the CDMG aiming to elucidate the true scope of the related problems. The present study attempts to assess the specific causes and characteristics of recent Romani migration and the problems connected with it, and makes some suggestions on possible courses of action.

III ROMANI MIGRANTS : A DEFINITION

3. Studies and publications often refer to "Roma, Gypsies, and Travellers", assuming an inherent link between these groups. Associating Romani minorities with travelling groups has its roots partly in the traditional romantic image of the "travelling Gypsy", which is a western European cultural legacy. In part, it derives from descriptive work by researchers in social science whose focus was on the itinerant lifestyles of various groups, whether of Romani origin or not. This research interest has often provided the background for resolutions urging administrations to adopt special provisions to match the needs of travelling and nomadic groups. In the context of East-West migrations, however, linking Roma/Gypsies with Travellers implies that migration is motivated by traditional nomadism rather than by external social and political circumstances and internal community structures and attitudes. While it is argued here that Romani migration westwards, compared with that of other groups, does indeed show distinct features, one must not confuse "migration" with "nomadism". On the whole, the extraordinary feature of Romani migration is that so many Roma are prepared to take the risks of migrating **despite their lack of nomadic traditions**.

4. While it is believed that only very few Roma, if any, are genuinely "nomadic" in the sense that they lack any permanent dwelling, it is also known that there are Roma who do have permanent residences and are yet engaged in itinerant occupations. For many of those, seasonal travelling is in fact part of a traditional lifestyle, as they are usually joined by their family members and make use of the travelling season for meetings with more distant relations as well. Quite often travelling routes are fixed, as in the case of the Norwegian Lovara who travel through Germany on their way to Belgium and France, or of Sinti from Austria, Italy, and the Netherlands who spend much of the summer months in Germany. Occupational and seasonal travelling routes have recently

emerged in the Balkan area, where Roma have become significantly active in international open-market trade. Trade and travel routes picked by itinerant Roma are determined by market opportunities, family traditions (the possibilities of sharing stations along the way with members of the extended family or related clans), cultural familiarity with the areas through which they travel (e.g. Sinti from Italy and the Netherlands can speak German; Muslim Roma from Bulgaria and "the Former Yugoslav Republic of Macedonia" can speak Turkish), but also by the availability of convenient international travel and trade opportunities. Itinerant Roma do not typically aim at finding long-term alternatives to their places of permanent residence, and so they are not confronted with problems of immigration, refugee or residence status. Itinerant Roma are therefore not considered here as "migrants".[2]

5. In addressing Roma who are migrants, we mean members of the Romani ethnic minority[3] who have left their country of original residence seeking a long- or middle-term improvement of their quality of life, or immediate refuge and sanctuary. It is important to note that "quality of life", as pointed out in a report by the CSCE High Commissioner for National Minorities,[4] includes, in addition to economic opportunity, an "enduring sense of belonging", as well as "greater confidence in the capacity of government authorities to protect human rights, ensure the rule of law, and promote tolerance and understanding within the society-at-large".[5] Migrants are thus people whose mobility is motivated by the lack, in their countries of origin or current residence, of an adequate quality of life in the above sense, including personal security, confidence in state institutions and in the majority society in general, and a sense of belonging.

6. This understanding of "migrants" groups together people who have left their previous countries of residence for various reasons, and are now living in a different country, either temporarily or permanently. Their legal status may vary considerably; moreover, it may be, and often is, subject to changing provisions on immigration and asylum. Most Romani migrants currently in western Europe belong to one of the following legal categories:

- Naturalised immigrants who arrived in western Europe in the 1950s or 1960s and have since acquired the citizenship of one the European Union member states (or of Norway or Switzerland);
- Migrant workers who arrived in western Europe during the 1950s and 1960s with an employment contract and a work permit, and have since acquired a permanent residence status, but have either retained their former eastern European citizenship, or, in some cases, have unclarified citizenship and are then entitled to travel documents issued by their current country of residence.
- Specific groups of Roma from eastern Europe, who arrived between 1950s-1980s as refugees or transit-migrants mostly from Poland and former Yugoslavia, usually as citizens of these countries, but in some cases with unclarified citizenship, and who were granted either permanent or temporary residence permits by western European local or regional authorities, or by governments, as part of single humanitarian actions (such as in Sweden 1966-1968, the Netherlands 1977, Cologne (Germany) 1988, Hamburg (Germany) 1989-1990).
- Asylum seekers who arrived between the late 1970s and mid 1980s from Poland, and in individual cases also from former Czechoslovakia, Romania, and Hungary, who were not recognised as political refugees but were not expelled to the then Communist states, and were granted permanent or temporary residence permits.
- Asylum seekers who arrived during the 1980s and early 1990s from eastern Europe, whose asylum claims have been rejected, and who now possess short term permits to stay pending the outcome of an appeal procedure, or in the case of some refugees from Bosnia-Herzegovina, Croatia, the Yugoslav Federation and "the Former Yugoslav Republic of Macedonia" pending either a decision on the extension of their permits on humanitarian grounds, or else clarification of their current citizenship.
- Asylum seekers belonging to the last category whose permits, however, have now expired; in addition, those who have applied for asylum since 1992-1993 and whose claims have been rejected instantly on the grounds that they have come from, or travelled through, safe countries; in addition asylum seekers in transit countries, and those who have entered western European states illegally and have not filed applications or registered with the authorities; all these are considered illegal immigrants.
- In addition, there are returnee-migrants, who had belonged to one of the above categories but have voluntarily or

involuntarily (through enforced expulsions) returned to their country of origin.

IV HISTORICAL AND RECENT PARTTERNS OF ROMANI MIGRATION

7. Migration forms a **repetitive pattern** throughout Romani history. It is part of the collective recollection and cultural and historical legacy of the Roma as a nation. According to Reyniers, "Gypsy migrations came about both as the outcome of dynamic change in order to adapt to new circumstances and as a response to historical opportunities".[6] Persecution and expulsion are known to have led Roma to leave their areas of residence as early as the sixteenth century.[7] Although no direct documentary proof is available on yet earlier episodes in Romani history, some scholars draw a connection between the Romani migration into Europe and the Islamic conquests of northern India around the tenth century.[8] A similar connection is drawn between the fall of the Byzantine Empire and approaching Ottoman conquests and Romani migrations from the Balkans to northern, northeastern, and western Europe in the fourteenth and fifteenth centuries.[9] The exodus of groups of Vlach Roma (Kelderash, Lovari, and others) from Romania toward the end of the nineteenth and early twentieth centuries was at least in part connected to the abolition of Romani slavery and the subsequent freedom of movement.[10] Descendants of those migrants, their numbers estimated at up to four million, are now spread virtually everywhere in Europe and the Americas. Romani refugees from Eastern Europe were displaced as a result of the Second World War, and many have remained in the West. The migration of Roma from Slovakia to Bohemia in the late 1940s and early 1950s was encouraged, if not enforced, by government post-war industrialisation policy.

8. In discussing more recent Romani migrations from eastern Europe to western countries it is necessary to distinguish three phases:

- Migration prior to the mid 1970s, which enabled migrants to take up jobs and acquire residence permits, and in some cases even citizenship;

- "Migration" between the late 1970s and early 1990s, which, whatever its purpose or cause for the individual migrant, was only possible by either applying for political asylum, or by entering and staying illegally.

- "Migration" after the introduction, during 1992-1993, of regulations concerning "safe countries" of origin and transit, and provisions for more or less instant refusal of asylum applications and readmission to the countries of origin or transit. Romani migrants from most eastern European countries during this phase either enter western Europe on a tourist visa and stay illegally, or enter illegally, and in all cases are treated as illegal immigrants.

9. The most recent migration being typically clandestine, and migrants being reluctant to either register with authorities or contact non-governmental support groups for fear of being detected and expelled, it is very difficult to provide any estimate of the number of persons involved. In the cases of the earlier two phases, numerical estimates are usually based on impressions of the proportion of Roma among a group of registered nationals from a certain country known to be a country of origin for Romani migrants, since Romani migrants are not registered by governments as Roma. These estimates vary considerably. Roma from former Yugoslavia are assumed to be the largest group of eastern European Roma in western countries, as their migration extends back to the earliest of the recent phases, and many consequently have regular residence status. Reyniers estimates 53,000 Romani labour migrants from former Yugoslavia in Austria, 10,000 in Germany, between 10,000 and 30,000 in Italy, and about 10,000 in France.[11] For Italy this agrees with an estimate of currently altogether 25,000 Roma from former Yugoslavia, half of them with no residence permits.[12] For Germany, however, there are other estimates quoting a number of 50,000 Roma from former Yugoslavia with permanent residence permits, while another 50,000 or more have either a temporary status, or none at all;[13] or even of 100,000 Roma out of a total of some 700,000 persons of Yugoslav origin who arrived in Germany as migrant labourers in the 1960s, in addition to a large part of the 400,000 war refugees from former Yugoslavia currently living in Germany, who are assumed to be Roma.[14]

10. Next to the group of Roma from former Yugoslavia, the group of Romani migrants whose impact has been strongest in the later phases is that from Romania. While there are reports on small numbers of Romanian Roma who sought asylum in Germany and France during the 1980s, who were neither granted asylum nor expelled, and whose status now remains unclear,[15] larger numbers of Romanian Roma only appeared in the spring of 1990. But here too estimates vary considerably. Braham estimates that Roma comprised 40% among registered asylum seekers from Romania in Germany between 1990-1992, with a total number of over 70,000 Romani refugees.[16] The same figure of 70,000 is provided by Reyniers,[17] but for a period of four years, between 1989-1992. Dietrich cites a figure of 39,000 Romanian nationals (citizens), of whom 90% are estimated to be Roma, who were detained and consequently expelled after entering Poland illegally on their way to Germany between 1990-1993.[18] Apart from speculating on the proportion of Roma within a group of registered citizens from a given country of origin, there are also scattered reports on single groups of Romani migrants in certain towns. For example, several hundred Roma from Romania are known to have arrived in Roubaix in France in November 1991, fifty were expelled from Toulouse in December 1992, and between 800 and 1,000 were living in Nanterre in 1991-1992.[19] But since Romani asylum seekers from Romania usually registered more than once, and kept moving from town to town, it is extremely difficult to keep track of real figures.

11. Definite statements on the volume of Romani migration, especially since the political transition in eastern Europe, can therefore only be made with respect to some very general trends: The main countries of origin of Romani migrants since 1990 are Romania, "the Former Yugoslav Republic of Macedonia", and Bosnia-Herzegovina, the total number of Romani individuals from these countries who have since 1990 applied at least once for political asylum in western Europe being anywhere between 50,000-150,000. It is possible that a similar number of Roma mostly from Romania was prevented from crossing the borders into western Europe since 1992.[20] During certain periods, especially in 1991-1992, some Romani migrants also arrived from Bulgaria and Croatia, and later on, in 1995, from Poland and the Czech Republic, but their total number is much lower. One must bear in mind, however, that many migrants, particularly from Romania, Bulgaria, and "the Former Yugoslav Republic of Macedonia", perhaps even the majority, have since returned, voluntarily or involuntarily, to their countries of origin.

12. The main target countries of eastern Romani migrants have been Germany, Italy, France, and Austria. But there has been considerable movement within these countries, as well as to other European Union countries such as the Netherlands, Belgium, or Spain, once temporary residence permits issued pending the outcome of the asylum procedure expired. In addition, smaller groups of Romani migrants, numbering up to several hundred each, have occasionally targeted certain countries such as Sweden or the United Kingdom, usually entering with tourist visa and staying illegally, or applying for asylum.

13. For the period since 1990, there are only few reports on individual Romani migrants from Slovakia, and none at all on Romani migration from Hungary. There is no obvious explanation for the lack of Romani migration from Hungary, although it seems to suggest a stronger sense of identification throughout the Romani communities there. It is known that there were Romani activists among the key participants in the Hungarian democracy movement in 1989-1990. This was reflected in political representation, including parliamentary representation allocated via various Hungarian political parties, and the formation of a large number of political associations as well as an umbrella-organisation or "Romani Parliament".

14. Since the tightening of border controls and entry provisions in western European countries, especially in Germany, Austria, and Italy, in 1992-1993, including strict asylum regulations, the classification of most eastern Europen countries as "safe countries" of origin or transit, and the introduction of readmission agreements, migration from eastern Europe to the West has been largely covert and probably numerically more restricted than before. For Romani migrants, the target centre for migration has since shifted from Germany, which had previously (in 1989-1992) attracted the largest number of Romani migrants, to Poland. No numerical estimates are available, but there is currently a strong presence of Romanian Roma in most Polish cities, as well as in towns

along the German border. Many attempt repeatedly to enter Germany. The Polish authorities are obliged by a readmission accord with Germany to allow them to re-enter Poland once they have been detained and expelled by German immigration authorities. NGO's report that some Roma choose to apply for asylum in Poland, where, unlike Germany since the amendment of asylum provisions in 1993, they are still entitled to a hearing and are provided with accommodation and subsistence support until their applications are processed. No reports are available on successful asylum applications by Romanian Roma in Poland.

15. In addition to the Romanian Roma, there has been a recent migration into Poland of Ukrainian Roma. Unlike the Romanian Roma, who live in temporary asylum residences provided by the state and are often seen begging on the streets of Polish cities, Ukrainian Roma are more familiar with the language and customs of the country, often have family relations in Poland, and aim at a long-term stay. They do not apply for asylum, but enter Poland as tourists and stay illegally. They are often engaged in trade of some sort, and many have built houses in Poland and appear prepared to stay in the country indefinitely.

V CHARACTERISTIC OF ROMANI MIGRATION

16. The increase in mobility of Roma since 1990, as pointed out in the CDMG report,[21] must not conjure up pictures of a "tidal wave" of Gypsies sweeping over the West. Indeed, it may be said to parallel a similar increase in migration attempts on the part of the non-Romani population in the respective countries of origin. Nevertheless, it is still necessary to point out the distinct quality which Romani migrations often have. The case of former Yugoslavia provides an example. As mentioned above, Roma from former Yugoslavia took part in the labour migration to western Europe during the 1960s. But when the possibilities of employment in the West were restricted in the early 1970s (in Germany, for example, bilateral treaties enabling labour migration were terminated in 1973), Roma continued to arrive, either as asylum seekers or illegally, in Germany, Italy, Austria, Belgium, France, Spain, the United Kingdom, and the Netherlands. No parallel migration pattern, carrying the risks of an asylum procedure or clandestine employment, can be detected after the restriction of labour migration opportunities for other parts of the population of former Yugoslavia, save ethnic Albanians from Kossovo, where ethnic tensions and ethnic violence errupted repeatedly during the 1980s.

17. The Yugoslav-Romani example reveals a significant distinctive feature of Romani migration patterns, one which can be encountered in post-1989 migration of Roma as well: **Lack of confidence in the social structure and institutions** of their countries of residence, and a consequent loose attachment to those countries, has led Roma to **explore the opportunities offered by migration, even at the risk of repeated expulsion and clandestine, self-sufficing existence** on the fringe of western societies. The reasons for this Romani willingness to take risks are connected to the odds which they are reluctant to challenge in their countries of origin. A recent OSCE-report cites "the lack of trust that Roma have in the judicial systems of most central and eastern European countries" as a major obstacle to ensuring that Roma are able to utilise domestic legal systems to protect their rights.[22] As a result, Roma are especially vulnerable victims, as they are less prepared to accuse judicial organs of irresponsibility.[23]
Among the motivations for movement of Roma westwards cited in various reports, such as to better their economic status or to escape from situations of armed conflict, motivations which Roma may at times share with other, non-Romani migrants, there is repeated mention of "insecurity due to community tensions and occasional violent incidents",[24] a motivation which is particular of the Roma.

18. Due to the variety of individual motivations, recent Romani migration has been divided into voluntary and involuntary migration,[25] or alternatively, as spread out in between these two extreme points on a scale of migration and asylum-seeking.[26] However, as far as Roma are concerned, individual motivations are typically embedded in a socio-cultural and historical context which derives from the collective experiences of the Romani community in each of the respective countries of origin which migrants leave, and which include the history of exclusion, expulsion, disadvantage, and persecution. The historical impact of these external factors has promoted

the emergence of **non-identification and non-confidence** as an internal feature typical of the attitude of many Romani communities. Roma feel vulnerable and are reluctant to trust society, its representatives and its institutions, and so they tend to **seek individual alternatives rather than aim at participating in collective processes of change** in the individual countries. While there are individual counterexamples in virtually every eastern European country, particularly as the range and impact of organised Romani activities has grown far beyond any precedented dimension since 1989, non-confidence and non-identification are still dominant attitudes among the majority of the Romani population in eastern Europe, attitudes which urge them to contemplate migration in difficult situations.

19. Although citizens of European Union member states enjoy basic freedom of travel and employment throughout the European Union, there has so far been no noteworthy migration of Roma from economically less advantaged member states such as Spain or Greece northwards, despite the large numbers of Roma living in these countries and the economic hardships they often endure, such as unemployment, poor housing, and lack of vocational training and education. This proves just how problematic generalisations on economic motivations of migration are. The willingness to endure economic difficulties even as a disadvantaged minority in countries like Spain or Greece is related to a sense of general stability and predictability, as well as of historical attachment and belonging which the Romani communities there share with the majority non-Romani (gadje) population. It is precisely this subjective feeling which is missing in Romani communities from which migration typically takes place.

20. Romani migration also differs considerably from other recent migration, whether economically or politically motivated, as it is **never a migration of individuals**, but of nuclear families, and in many cases of several branches of extended families or clans. A report on Romanian asylum-seekers in Lyon for example mentions 890 ethnic Romanians, all single young persons, who applied for asylum between January and June 1995, and 500 Romanian Roma who arrived during the same period, all in families.[27] The special provision introduced by the regional government in Hamburg in September 1989 was intended to grant residence permits to a core group of 150 persons, who had been living in Hamburg for five years or more and who had no criminal record. In November 1989 this provision was extended to include family relations, leading ultimately to the granting of residence permits to all 1,500 Roma with unclarified status in the city/province. Romani families are usually accustomed to sharing both dwelling and the burden of earning a living, which strengthens their position in situations such as those encountered in asylum residences, and facilitates survival even in clandestine conditions, when asylum applications are rejected and employment prohibited. Close family structures, a particular feature of Romani society, thus adds to **the willingness to take the risks entailed by migration** even under most unfavourable legal and social circumstances.

VI CAUSES OF ROMANI MIGRATION

21. Since the political transition in eastern Europe, the Roma have become principal targets of nationalist sentiments. According to a report prepared for UNHCR it is usually to **escape social conflict and violent confrontations** between Roma and non-Romani majority populations that Roma now in the West have fled their countries.[28] This conclusion is strongly supported 1) by the relative breakdown of Romani migrants according to country of origin, with countries in which ethnic tension has been extensive in the lead; 2) by documented cases of individual migrants; and 3) by suddenly emerging, but later retreating migration trends from specific areas where single incidents of ethnic conflict or tension have been recorded. Nevertheless, it is often difficult to document a direct link between ethnic violence or human rights violations, and specific cases of migration of individual families. In taking a decision whether to migrate or not, collective attitudes current in a community or an extended family might outweigh individual preferences, especially since the cost of migrating can hardly be covered by an individual nuclear family. Once again this leads us to the conclusion that where a decision in favour of taking the risks of migration is adopted, a collective attitude of non-confidence is involved.

22. Evidence of **ethnic tension**, and even claims that the **authorities have been unable to control and restrain ethnic conflict** and the victimisation of the Romani minority, have been repeatedly cited in reports by non-governmental human rights organisations[29] as well as by some government agencies[30] for Romania, the country of origin for a large number of Romani migrants since 1990, and occasionally for Bulgaria[31] and "the Former Yugoslav Republic of Macedonia".[32] There is however a tendency among Romani representatives in Romania itself to downplay the extent to which ethnic violence may lead to migration. Some are quoted in saying that "the people who are migrating are entrepreneurial ones, and not political refugees, while the people whose homes have been destroyed are usually kept in the places they came from".[33] Other reports by Romanian Romani associations also claim that, in most cases where Roma were expelled from their villages following the destruction of their houses in acts of racist violence, the families were able to return to their villages and houses after periods of 3-6 months.[34] The Romanian authorities stress the role of integration and relations with other ethnic minorities as the background for many local conflicts involving Roma.

23. Nevertheless, there is, at least in some cases, evidence of a direct link between ethnic violence and harrassment by local police officials and migration, such as the stories of Romani families from Romania staying at Eisenhüttenstadt, Germany, documented for UNHCR.[35] The Ciurar family, for example, left Romania after their home in Alba Julia had been burnt by drunken police officers and local villagers in May 1992, severely injuring their ten-year-old child. The German Federal Bureau for the Recognition of Foreign Refugees, in a decision concerning the asylum application of a Romani family whose children were beaten by police officers and who therefore sought refuge in Germany, suggests that intolerance and even anti-Romani violence on the part of police authorities might occur in some remote areas.[36] In addition, it claims that although there is no deliberate discrimination of Roma by the Romanian State (and so no “asylum-relevant circumstances”), Roma are in practice victims of regular violent attacks by the Romanian population, and suffer from **severe restrictions in occupation and employment** as well.[37] It seems that ethnic violence and lack of economic opportunities can be so closely interrelated, that tense situations, especially in smaller towns or in communities where the total Romani population numbers no more than several hundreds, can motivate the entire Romani community to leave.[38]

24. **Single acts of violence** have occasionally triggered migrations from certain areas or Romani communities. One example which has received much media coverage is the case of the southern Polish town of Mlawa, where in June 1991 a number of Romani homes were burnt down by a mob chanting racist slogans. It is interesting to note that the victims were generally economically well-situated, a fact that was quoted as disturbing to the rest of the local population whom the economic changes in the country had generally affected in a rather disfavourable way. The entire Romani community of Mlawa - several hundred persons - left Poland and headed by ferry to Sweden, but were returned by the Swedish authorities. Mlawa has received much public attention, perhaps because it was an untypical incident for Poland, although NGO's claim that tensions and occasional anti-Roma violence have helped promote a recent waive of Romani migration to the United Kingdom, a development which authorities regard as primarily economically motivated.

25. Until recently, Roma among the refugees from the **war zones of former Yugoslavia**, and especially from Bosnia and Herzegovina, have received little attention. Many Roma have left the region for fear of being forced to fight for one of the sides, not being involved in the conflict themselves. There are several documentations on single communities, and it is assumed that they are representative of a much larger unknown number of Romani war refugees from Bosnia and Herzegovina. In Banja Luka, extreme Serb nationalists made it clear that they would not accept the presence of a Romani community there, persuading some families to leave already in 1992. But there are refugees from the Musilm zones as well, such as Bosnian Kelderash Roma, who have never practised Islam and so feared they would not be allowed to stay in the Muslim-controlled areas, or families living in Sarajevo who left for fear of being called to military service. Having scattered in various places of refuge in the West, the Bosnian Kelderash community is reported to be trying to re-group in London.[39] There are in addition reports on Roma from Jasenje and Bijeljina in Northeast Bosnia, who are "culturally close to the Muslims", but were politically unwilling to fight on either side. Of the 7,000-8,000 Roma who lived in Bijeljina before the war,

only 34 are reported to be there now. Several hundred are known to live in Germany. Of the 450 Roma who lived in Jasenje, more than half live in Berlin. They are reported to have recently received a final extension of their temporary residence permits, and were ordered to leave Germany after their expiry.[40] It is now known that Roma fell through the net of humanitarian assistance in Bosnia and Herzegovina. A recent Council of Europe fact-finding mission has expressed its fear that this kind of discrimination could be repeated in the future, in case of early returns of refugees and displaced persons, and that in the entire area, Roma would risk finding themselves in the last position when looking for accomodation, jobs, and a decent position in society.[41]

26. Sudden **changes of status** in the country of origin may be a factor promoting non-confidence, and urging Roma to contemplate migration. Concern over the possible effect of the Czech citizenship law on the Romani population had been expressed by the Deputy Secretary General of the Council of Europe at the Human Dimension Seminar dedicated to the problems of the Roma in the OSCE region (Warsaw, September 1994), by the OCSE High Commisioner for National Minorities, and by the delegations of the European Union and the United States to the OCSE Conference in Budapest (November 1994), and has led to a study by a Council of Europe group of experts, presented in April 1996. The study avoids speculations about the exact number of Roma who have been affected by the legislation, but estimates that there is a significant number of Roma among those who have recently become stateless both de facto and de jure.[42] Some reports claim that one half of Czech Roma do not qualify for citizenship because of their criminal record, and that at least 20,000 Roma, about a tenth of the country's Romani population, have actually been excluded from obtaining citizenship since 1993.[43] Consultation stations for Roma in Germany and the Netherlands reported an increase in the number of Czech Roma inquiring about the opportunities of residence or asylum during 1995. A survey conducted by the Roma National Congress and the Soros Roma Foundation in March 1995 claims that 90% of Czech Roma interviewed were contemplating emigration as a result of the new laws, and that 10% had already tried to emigrate at least once.[44]

27. The confusion arising as a result of the split of former Yugoslavia and the emergence of new republics has led many Roma not to apply for the new citizenships, allowing their passports to expire, and then demanding recognition as stateless refugees. For many migrants, this **change of status due to the emergence of new states** occurred during their stay in the West. Negotiations with the consular services of the new Republics were often held by the respective local authorities, seeking to encourage the issuing of new passports in order to avoid the responsibility of protecting stateless refugees, and in order to allow for clarification with respect to the country of origin to which unsuccessful asylum applicants are to be deported.

VII THE SITUATION OF INDIVIDUAL MIGRANTS

28. Roma from eastern Europe have virtually no possibility of long-term labour migration to the West. Short-term labour migration is usually excluded by the nature of Romani migration, which is one of nuclear or extended families rather than of individual skilled labourers. Thus the only possibility since 1989 to leave the East and seek an improvement of the quality of life, including personal security, in the West has been to apply for political asylum. Typical post-1989 Romani migrants are therefore either asylum applicants, or refugees from the war zones in former Yugoslavia.

29. The problems caused by asylum procedures for the individual applicants are manifold. First, one must consider the structure of the procedure itself. Registration is for many migrants as alien a procedure as the fact that in western states rejecting an application is conveyed first in writing, rather than by physical action. Thus, no importance is given to the right of appeal, nor to deadlines associated with it. Applicants are required to make a statement about their reasons for requesting asylum. The hearing is always conducted in the state language of their country of origin, and not in Romani. The interpreter is almost always a native of that country. In terms of both Romani and eastern European customs, insulting a person´s country, especially since the fate of the applicant seems to depend on this person´s mediation, is expected to do more harm than help. Thus, details of hostilities and human rights violations, which are the reason for seeking asylum, are often deleted, resulting in the rejection of

applications. Moreover, numerous reports indicate that interpreters have themselves often deleted or downplayed reference to anti-Romani events made by the applicants, in an attempt to defend the image of their native country.

30. A further difficulty lies in the image applicants assume they are expected to express toward their host country. They often praise this country´s opportunities and living standards, figuring that this would lead to appreciation on the part of officials, but the opposite is usually the case, with the applicants being rejected on the grounds that their immigration attempt was driven by a wish to improve economic living standards.

31. In addition to these issues of procedure, asylum in most western states is based on **individual** arguments and proof of individual, political persecution. There are two problems inherently related to the social and historical situation of the Roma. First, anti-Roma hostility is directed by its very nature at the group as a whole, rather than at individuals. Some administrations have even gone as far as suggesting that anti-Roma hostilities are a natural response to the Romani way of life and culture.[45] Second, when confronted with the term "political", most Roma would instinctively deny any political involvement. This is usually done in order not to appear politically incorrect in the eyes of the officials, but is probably true in most cases, for Romani involvement in politics is only very recent, and those engaged in such activities are usually not the persons who contemplate migration.

32. It is on all these grounds that asylum applications of Roma are generally unsuccessful. There is in fact **not a single known or documented case of a Romani asylum-seeker who has been granted asylum or other refugee status** based on a consideration of ethnic background and the particular situation of Roma in the country of origin. There may of course be Roma, though few, whose application for asylum as citizens of their respective country of origin has been successful. Such cases are occasionally found among Roma from Kossovo, where ethnic Albanian identity and Romani identity often overlap. A small number of Albanian-speaking Muslim Roma from Kossovo are known to have applied sucessfully for asylum in Germany since the early 1980s, though it must be pointed out that the general number of successful asylum applicants from Kossovo in Germany has been very low, and is currently estimated at around 6-7%.[46] At any rate, these applicants have been successful precisely because they were treated as ethnic Albanians, and not as Roma.

33. The rejection of asylum applications makes migrants **vulnerable** both to authorities, who threaten to expel them, and to the risks of clandestine existence, which is often the only way to escape expulsion. Cuts in the benefits offered to asylum seekers have led to begging and petty theft as an everyday survival strategy on the part of thousands of Roma, often children, on the streets of most larger western European cities during 1991-1994. This in turn, along with traditional prejudices against Roma which then surface, has often led to initiatives organised by citizens at the local level aiming at keeping Romani migrants out of their towns. During 1992-1993 citizen blockades of roads to prevent the arrival of busloads of Romani asylum seekers were an everyday occurrence in eastern Germany. The emergence of armed "brigades" to stop Romani refugees in French Neuville-sur-Ain[47] and western German Recklinghausen[48] are just two out of hundreds of examples. In many more cases opposition even to the temporary settlement of Romani refugees has been extremely violent; the organised mob attacks against Roma at a residence for asylum seekers in Rostock in August 1992 is just one of many similar incidents, though one which received publicity through live media coverage. Since, Roma have also been singled out as targets of "sophisticated" acts of violence, as in Florence in January and in Pisa March 1995, when Romani children became deliberate victims of planned bomb attacks,[49] or in the case of the Oberwart bombings in Austria in February 1995, the victims of which were actually Austrian citizens.

34. Thus, from the viewpoint of the individuals concerned, Roma escaping hostilities and in some cases human rights violations have left eastern Europe only to find a sometimes more subtle, yet often clear **replication of the anti-Romani hostilities in the West**. With asylum applications rejected, and public opinion and legislation turning against them, the feeling of lack of confidence in authorities, lack of protection, and vunerability replicates itself as well. Caught in this vicious circle, unable to trust both western and eastern European societies, individual applicants are confronted with a choice between coming to terms with a **long-term clandestine existence**, and

turning to an attitude of non-cooperation-in-principle with the majority or gadje society.

VIII ADMINISTRATIVE MEASURES IN RESPONSE TO ROMANI MIGRATION

35. The administrative and social burden of migration has been laid initially on local authorities virtually everywhere in Europe. Local authorities need to accomodate migrants, administer asylum applications and registration, often allocate both financial and human resources. But they also need to cope with the tensions that arise. Anti-Romani pressure groups are active mostly at the local level. Clandestine employment and begging are also a matter for local authorities to deal with. Overall, local authorities have been entrusted with implementing policies that are drafted at the national and, in the case of application for Geneva Convention refugee status, at the international level. They often feel they have no power to change or influence these policies, but are expected to administer them. Moreover, they risk social and political consequences if they fail to satisfy the demands of local pressure groups.

36. The result has often been an attempt to take action **beyond the level of local authority responsibility**. One example is that of the Council of the Central District in Hamburg, which in November 1991 drafted and passed a bill ordering the local authority to restrict the settlement of Roma within the jurisdiction area of the Central District. The bill would have probably faced constitutional obstacles had it been challenged: Implementation was sought primarily at the level of migrants, although the bill did not specify the nationality of the Roma it addressed, and nominally it could have equally been applied to German citizens as well, thus violating their constitutional right to freedom of movement. Furthermore, as no official identification of Roma is possible, there being no Romani identity cards and officially no registration as Roma, the bill obviously assumes that those in charge of allocating accommodation to migrants - social workers and other officials at the local level - would be able to recognise and single out Roma at their own discretion; in fact, indirectly it instructs them to do so. The Mayor of Bremen refused to admit Romani asylum seekers from Romania in 1990, despite quotas allocated to the city/province by a central scheme for the distribution of asylum seekers.

37. There are numerous examples of direct expulsion of Romani refugees carried out by local authorities. Chartered flights are a common procedure for expelling large groups of asylum seekers. 33 persons were returned to Bucharest from Lyon in June 1995 on a special flight, for example. In the spring of 1990, the Bremen authorities chartered a plane to expel some 20 Romani families to Skopje in the then Yugoslav Republic of Macedonia. The incident occurred one day after a meeting between Bremen Senator for Interior Affairs and representatives on behalf of the group of Romani asylum seekers from Skopje, whose applications had been rejected. The meeting had been called to discuss the possibilities of extending the Roma´s residence permits, but ended in disagreement. Police units arrived at dawn at the various residences in order to detain the persons whose residence permits had expired, and to bring them to the local air strip where a chartered aircraft was waiting. But the "operation" failed due to early suspicions on the part of the Roma following the meeting with the Senator, which led them to evacuate their homes and seek clandestine refuge outside Bremen.

38. Planned expulsions in chartered aircraft have occasionally reached near-wholesale dimensions. 3,500 Romanian Roma whose asylum applications had been unsuccessful were to be expelled from France in chartered Romanian aircraft in November 1994.[50] Coordinated action was to be taken in several provinces (Länder) in Germany during the first week of March 1994 in order to expel unsuccessful asylum applicants from the Yugoslav Federation via Romania. Unsuccessful asylum applicants and refugees were to be detained and brought to Düsseldorf. Chartered Romanian aircraft were to fly the detained returnees from Düsseldorf to Timisoara, where they were to be escorted across the border by Romanian police.[51] According to a report in "Der Spiegel" in that week[52], there were some 200,000 migrants from Serbia in Germany at the time, and Romani representatives believed many of them to be Roma.[53] The scheme was apparently abandoned after it was made public, triggering a series of protests on the part of churches and human rights organisations, which led to a debate in the Bundestag.

39. A significant change in migration patterns emerged after a new law regulating asylum procedures came into effect in Germany in May 1993, following an amendment to Article 16 on political asylum in the German Basic Law. Germany had a special position, especially since 1989, as a target country for migrants, and especially for Romani migrants, due to a number of reasons:

- It has one of the longest borders with eastern Europe, and since the fall of the Berlin Wall it has been easily accessible to migrants.
- Its previous asylum provisions guaranteed virtually every asylum seeker not only a hearing, but also accommodation and subsistence for the duration of the entire procedure needed to process applications. The large numbers of asylum seekers in turn led to prolonged procedures and so to a de facto legal permission to stay up to 2-3 years, and in case of appeals against a negative decision, even longer.
- The presence in Germany of Romani associations prepared to act on behalf of Romani migrants and to grant them legal assistance and political support has made it possible for some to apply for asylum or refugee status in accordance with the Geneva Convention, and has motivated many to appeal against the negative outcome of their asylum applications, prolonging their stay in the country.
- A well-organised and active network of Romani associations in Germany has also enabled intensive lobbying activities on behalf of Romani refugees, which resulted in government authorities taking various measures with the intention of regulating the specific problems of Romani migrants (see below). In part, the public interest in Romani issues in Germany derives from the specific history of persecution which Roma and Sinti suffered during the years of Nazi rule. This aspect of Romani history in Germany was repeatedly emphasised by Romani associations, by churches and other organisations arguing in support of special arrangements allowing contingents of Romani migrants to stay in Germany.

The amendment of Basic Law Article 16 on political asylum in Germany allowed authorities to refuse admission into the country to all potential asylum seekers from eastern Europe, who are now considered as having arrived from or via a "safe country" and thereby not entitled to file an asylum application. Although this has certainly reduced the numbers of registered asylum seekers from eastern Europe (not including the war zones in Bosnia and Herzegovina), it has not necessarily reduced migration. Rather, migration, certainly of Roma from eastern Europe, is now entirely clandestine, and the numbers of migrants are more difficult to estimate.

40. Difficulties encountered by western administrations aiming at repatriating unsuccessful asylum applicants have led to the signing of **readmission agreements**, by which governments in the countries of origin are asked for special support in admitting refugees. The main purpose of readmission agreements are 1) to help regulate the expulsion of large numbers of detained illegal immigrants, unsuccessful asylum applicants or others whose residence permits have expired, and 2) to ensure readmission of asylum applicants and illegal immigrants who are not in possession of valid travel documents, or whose citizenship cannot be documented. In addition, there may also be attempts to 3) support the administrations of countries of origin in carrying out special measures intended to re-integrate expelled returnees, and thus help prevent repeated migration attempts, or in the long term help remove the causes of migration.

41. The first readmission agreement signed between a western and an eastern administration in response to problems emerging in connection with post-1989 migrations specifically targeted a group of Romani refugees: The re-patriation agreement for Roma negotiated in December 1990 between the province (Land) of North Rhine Westphalia and "the Former Yugoslav Republic of Macedonia". The agreement was designed to clarify the readmission procedure in individual cases for a specific target group of Roma who had participated in a four-week protest march across the province, demanding residence permits. Although the agreement does not mention Roma explicitly, but merely refers to "unsuccessful asylum applicants", it was introduced under the heading "New Refugee Policy" as an alternative to an earlier policy represented by a decree issued by the Minister of the Interior in February 1990.[54] The decree allowed "de facto stateless Roma" to apply for a residence permit, even if their applications for political asylum had already been rejected. The target group included in the readmission

agreement was based on the subsequent applications of 1,500 Roma, most of whom had originated from the then Yugoslav Republic of Macedonia. These persons were sent letters during 1991 informing them that it is intended to reject the application filed in accordance with the Roma-decree of 01.02.1990, and offering them instead voluntary participation in a re-integration programme in Suto Orizari, a district near Skopje with a large Romani population. The government of North Rhine Westphalia offered to pay for the costs of travel and removal of the returnees, and to guarantee them a basic allowance during the first six months after their return. It also financed pre-fabricated housing and, in cooperation with the Catholic welfare organisation Caritas, it provided for social and vocational consultation. According to the government of North Rhine Westphalia, altogether 602 persons agreed to participate in the programme and were returned to the "Former Yugoslav Republic of Macedonia" between 1991 and November 1993.[55] Government spokesmen claim that most of them are still there, though other reports suggest that many have since returned to western Europe. Those who did not return to Skopje voluntarily were either expelled, or moved on to other countries, or remain in Germany illegally. The decree on "de facto stateless Roma" was never officially withdrawn, but no information is available on any persons who applied successfully for residence permits on this basis, nor on any applications from among those 1,500 filed which have actually been processed and rejected.

42. Much attention has been given in the international media, as well as in previous reports on Romani migration, to the German-Romanian readmission accord which came into effect in November 1992. Although both the German and Romanian administrations deny claims put forth by media as well as by some Romani representatives that the readmission agreement specifically targeted Roma,[56] it is known that officials of the German Federal Ministry of the Interior met with Romani representatives in Romania to discuss the specific situation of Romani returnees as well as German aid to Romani communities, and even visited Romania for this purpose.[57] There is thus general acknowledgement that the agreement at least affected a significant number of Roma. One estimate quotes 23,000 Romanians who were expelled from Germany within the framework of the readmission accord between November 1992 and the end of 1993,[58] though the number of Roma among them is unknown. The Romanian Romani federation Aven Amentza, which followed the implementation of the accord and the arrival of returnees in Bucharest, cites a figure of 6,707 returnees within the framework of the readmission accord between November 1992 and March 1993, and estimates the percentage of Roma among them at 15%.[59] Other reports however claim that the majority of returnees sent back to Romania within the framework of the agreement were Roma.[60]

43. Detention of up to many weeks, and in some cases many months, and enforced return carried out by the police is the most common form of implementing readmission accords.[61] There are reports of Romanian Romani returnees being forced to sign documents in German for which no translation had been provided, and being forced to surrender all valuables, including cash, jewellery, and even cars they owned, in order to cover the costs of their expulsion.[62] Expulsions are usually supervised by police units which accompany the flights. Critics of the German-Romanian readmission agreement also claim that Romani returnees are usually excluded from the benefits of re-integration support.[63] Re-integration of those first detained, then returned by force is virtually impossible, as they have lost their savings (having paid for the trip to western Europe, then often having been forced to pay for the costs of their expulsion back to Romania), they have often no place to live.[64]

44. Governments in western Europe have in some cases reacted to Romani migration from eastern European countries by adopting **special settlement provisions for Romani migrants**. Such a provision, which included residence permits leading ultimately to naturalisation, housing and vocational training programmes was introduced by Sweden in the 1960s for Romani migrants and asylum seekers from Poland. The Netherlands allowed some 500 Yugoslav Roma to settle in 1977; here too the provision was accompanied by special measures in the areas of housing and social consultation. The city of Cologne introduced a special integration programme for Yugoslav Roma - referred to as the "Cologne Model" - in 1988-1989. The model allowed a number of families, altogether some 150 persons, to participate in a programme with several phases. Each phase foresaw a more intense social and occupational integration into German society, which in turn was connected to an

improvement of the participants' residence status, leading ultimately, in the case of successful participants, to long-term residence permits. A group of referees, consisting of representatives of the municipal administration, churches, and various associations, was entrusted with the task of keeping track of the participants' integration progress.

45. Following public protest action by unsuccessful Romani asylum applicants threatened by expulsion in 1988-1989, the Hamburg administration considered adopting a scheme similar to the Cologne Model. The programme was then abandoned in favour of a "Roma-regulation" negotiated between the Senator of the Interior and the Rom & Cinti Union in November 1989, the details of which remained secret until April 1994. The original Model, which was intended to integrate 150 unsuccessful Romani asylum-seekers who had been resident in Hamburg for at least five years and had no criminal record, and which was approved by the Hamburg Senate (cabinet) in September 1989, remained the formal and official basis for the "Roma-regulation". But in an address to the Hamburg legislative body (Bürgerschaft) on 9 November 1989, the Senator of the Interior announced that family members will not be separated.[65] A joint working group consisting of the Director of the Expulsions Division at the Hamburg Aliens Department and a legal representative on behalf of the Rom & Cinti Union was entrusted with negotiating the details of individual cases. The extensive family relations among the Romani migrant community allowed in practice to set a date corresponding to the original Senate decision of September 1989 as an ultimate deadline.[66] All Roma with unclarified status who had registered before this date in Hamburg were granted residence permits, a fact which upon the request of the Senator of the Interior was not disclosed in public. The regulation thus legalised the status of some 1,500 Roma from former Yugoslavia and Poland. The provision was accompanied by social measures by the Departments of Youth and Social Affairs, which provided funding for a consultation programme for Romani migrants carried out by the Rom & Cinti Union. A somewhat comparable provision was introduced by the city of Düsseldorf in 1991-1992, following the decree on "de facto stateless Roma" in North Rhine Westphalia and the re-patriation agreement with the "Former Yugoslav Republic of Macedonia" and subsequent protest actions by Romani migrants in the city. The municipality granted residence permits to an estimated number of 200 Roma, most of them from "the Former Yugoslav Republic of Macedonia", and agreed to finance a consultation office run by Roma.

46. Although comparable measures in response to recent migration of Roma from eastern Europe are unknown outside of Germany, a number of governments and local authorities in the West have sponsored consultation measures directed either specifically at Romani migrants, or else including them. The government of the Netherlands has in addition called for a meeting of international experts and governments in order to address the problems of Romani migrants, and has provided funding during 1992-1993 for an international magazine on Romani issues, "Patrin", published in English and Romani. Joint initiatives by governments addressing the specific problems of Romani migrants are reflected particularly in a resolution on "Protection of Roma" adopted by the United Nations Commission on Human Rights in March 1992, as well as in the proceedings of the joint Council of Europe and CSCE Human Dimension Seminar on Roma in the CSCE Region held in Warsaw in September 1994, and in a series of documents adopted by the Council of Europe and the CSCE/OSCE. An upsurge of interest on the part of western governments in the situation of Roma in central and eastern Europe is reflected especially in the recent activities of multilateral organisations, particularly in the appointment of a Coordinator for Roma Activities at the Council of Europe and the establishment of a Contact Point for Roma and Sinti Issues at the OSCE Office for Democratic Institutions and Human Rights. This interest is due partly to the impact of recent Romani migration into western Europe and humanitarian and political challenges which this migration has created.

IX THE CHALLENGE IMPOSED ON ROMANI NGOs

47. No account of the effect of post-1989 Romani East-West migrations can be complete without mentioning the role of Romani NGOs. On the whole, Romani NGOs in central and eastern Europe are a post-1989 development. In most cases they actually counterbalance migration tendencies, although they have not made any known

attempts to actually counteract migration, simply by challenging the situation of Roma in their respective countries, thereby encouraging Roma to seek either alliances, or indeed confrontation - be it social, political, or vocational - with the majority and its institutions, rather than turn their backs on them. On the other hand, Romani migration westwards has created interest on the part of multilateral organisations, human rights associations, and western governments in the situation of Roma in central and eastern Europe, and so it has opened new opportunities for Romani NGOs in these countries seeking support or attention. In some cases, Romani NGOs in eastern Europe, in particular in Romania and "the Former Yugoslav Republic of Macedonia", have been approached by western governments seeking partners for the implementation of development aid measures accompanying re-patriation agreements. In other cases, Romani migration has been used as a political instrument, with Romani leaders threatening to "send a million Romanian Roma to Germany" if their demand for reparations for the Romani Holocaust were rejected by the German government.

48. In western countries affected most strongly by Romani migration - Germany, Italy, Austria, and France - Romani representatives have been subjected to enormous pressure by the arrival of Romani migrants and their requests for support and assistance. Different views on how to react to migration caused a split between Romani organisations in Germany already in 1983-1984. But by 1989 Romani migrants already received widespread support among Romani associations in Germany, Austria, France, Italy, Sweden, and the United Kingdom. A congress of Romani associations held in Mühlheim in November 1990 called for action on behalf of Romani migrants, and in May 1992, at a conference of Romani associations held parallel to the CSCE summit in Helsinki, migration was a key issue. Despite political differences over the issue of support for migrants, action on behalf of Romani migrants has had a unifying effect on many Romani communities which before had been split by "tribal"-like as well as by family- or clan-like affiliation: Protest marches and continuous community work has been appreciated in many communities as a kind of multicultural experience which allowed to overcome traditional barriers.

49. It is possible that the reluctance of some associations to support migrants needs to be understood as a fear to put their political position at stake and lose the support of the political establishment, rather than as emotional indifference to the fate of Romani migrants. Romani leaders who have consistently been prepared to argue the case on behalf of migrants have paid the price of growing political isolation in the majority society and its mainstream political establishment. Compensation for this new position is often sought in a new political philosophy, **attributing isolation to fate and to permanent external hostility, and propagating Romani non-cooperation with the majority and its institutions** in response. It is significant that such an attitude of non-cooperation first emerges not in the East, where the political process is led by integrationists who seek to counteract general non-confidence and non-identification, but in the West. Here, those who had once been integrationists often feel that Romani migration imposes a challenge to their sense of national loyalty. However, should integrationists among the Roma currently engaged in political and humanitarian activities in central and eastern Europe fail to achieve significant results in protecting the human rights of Roma, the non-cooperation-attitude is likely to spread among disappointed Roma in those countries as well.

X CONCLUSIONS

50. The real dimension and volume of recent Romani migration westwards appear to be distorted by a superficial impression of a strong Romani presence throughout western Europe. This impression is fostered partly by the pattern of activities in which some Romani migrants in western European cities are engaged, such as playing music or begging, as well as by the fact that Romani migration is usually a migration of families, and so the movements of Romani migrants are perceived as those of large groups when compared to those of individual, non-Romani migrants, who often remain confined to the peripheral residence areas which they are allocated. In addition, one must not underestimate the role of traditional anti-Roma prejudices in western societies in creating irrational fears of a "tidal wave of Gypsies", thereby distorting perception of the actual dimensions of Romani migration. Indeed, recent reports[67] have arrived at the conclusion that recent Romani migration from eastern

Europe is proportionally certainly not higher, and probably even lower, than the average migration from eastern Europe.

51. Nevertheless, Romani migration westwards does show some particular features and patterns. First, it is primarily a migration of families and extended families, rather than of individuals. Second, it is promoted by community-internal features, notably a strong attitude of non-confidence and non-identification with the majority and its institutions in the respective countries of origin. This attitude encourages Roma to take the risks of migration as a response to personal insecurity and social and economic hardships rather than engage in collective processes of change. Finally, there are strong external features triggering Romani migration, such as organised and repeated hostilities, single acts of violence, particular vulnerability in war zones or former war zones, or change of status due to the emergence of new states or new citizenship provisions.

52. Although a direct link between migration and hostilities can only be documented in some cases, collective awareness and non-confidence often give rise to a feeling of vulnerability among Roma who have not necessarily experienced violence directly. In this connection the CDMG[68] has already drawn attention to paragraph 11.xvi of Recommendation 1203 (1993) of the Parliamentary Assembly, which states:
"It should be acknowledged that the fact of being a victim of a pogrom or having a reasonable fear of becoming a victim of a pogrom, to which the authorities refuse or prove unable to offer effective protection can, in individual cases, constitute a well-founded fear of persecution for being a member of a particular social group, as indicated in the 1951 United Nations Convention relating to the status of refugees".

The complexity of personal motivations for migration does not always allow for a clear-cut distinction between well-founded fear of persecution and so-called "voluntary" reasons to migrate. Nevertheless, given the extent of documented anti-Roma hostilities in some regions in eastern Europe, it must be acknowledged that Roma face a general problem of protection and security, as implied by Resolution 1992/65 of the United Nations Commission on Human Rights on the "Protection of Roma (gypsies)" of March 1992.

53. Strict control and regulation of immigration and asylum, and newly introduced provisions for re-patriation and readmission, have restricted overt migration westwards. But as far as Roma from eastern Europe are concerned, patterns of migration prove to be adaptable to new situations as long as a feeling of vulnerability and non-confidence leads Roma to accept the risks of migration. Since 1993, migration has either shifted to countries such as Poland, or else it has become entirely clandestine and so more difficult to regulate or even to estimate.[69]

54. Western governments have in some cases introduced specific provisions aiming at settling and integrating groups of Romani migrants. Generally, however, Romani migrations have triggered interest on the part of governments and multilateral organisations in preventing the causes of migration, and so in examining the human rights and economic situation of eastern European Romani communities more closely. Such efforts need to concentrate more specifically on conflict prevention if they are to remove the causes for non-confidence and non-identification of Roma in mainstream societies in the countries of origin.

XI RECOMMENDATIONS

55. If measures aimed at dealing with the problems of Romani migrants and with problems created in connection with the migration of Roma are to be successful, it is essential to maintain clarity concerning the target groups and the background and causes of their migration. In this connection **it is crucial to differentiate, when discussing the mobility of Romani populations, between itinerant or semi-itinerant lifestyles (so-called "nomadism") on the one hand, and migration on the other**. The former is usually a product of cultural and occupational traditions. Many of the logistic problems connected to this type of mobility, such as the need for campsites and special educational facilities, have been dealt with in various Council of Europe working contexts, which have led

to a series of recommendations. Their implementation is not the subject of this study.

56. Given the background of the phenomenon defined here as "Romani migrations", it is necessary to adopt a series of confidence-building and **advisory measures aimed at different target groups of Romani migrants currently living in the West**, such as registered asylum seekers; refugees in transit countries; refugees from war zones who have been granted temporary residence status; recent migrants with longer-term residence permits; and finally migrants with no entry or residence permit, or whose permits have expired (illegal migrants). Such measures, which could be carried out by the Council of Europe in cooperation with other multilateral organisations, governments, local authorities, Romani non-governmental organisations, as well as other non-governmental organisations specialising in issues of refugee and immigrant status, could help prevent clandestine existence and marginalisation by directing migrants to existing support networks in such areas as employment, vocational training, schooling, or medical care, as well as by helping clarify asylum claims and citizenship issues.

57. Long-term alternatives must be created to the prevailing attitude of non-confidence and non-identification in potential migration areas in central and eastern Europe. In order to establish confidence, self-confidence in institutions and social measures that emphasise active Romani involvement in community affairs is a necessary step. In this domain, the CDMG is encouraged to explore the possibilities of **supporting the expansion of Romani networks** for monitoring human rights, inter-ethnic relations, and ethnic and social tensions, and who offer support and advice for Roma who fear discrimination or ethnic violence, or who have been victims of discrimination or ethnic violence.

58. Reinforcing Romani self-consciousness in a global social and political context as a long-term alternative to prevailing attitudes of non-identification could be achieved gradually by encouraging Romani participation in decision-making processes in political fora, in setting social policies, and within the educational systems. It is essential for this purpose to **enhance and institutionalise the dialogue with Romani associations**, with elected representative of the Roma, and with other delegated experts from within the Romani communities.

59. In view of the emergence in recent years of numerous associations and institutions, and with them the increase in the multitude of views, which have characterised the democratisation process in Romani communities throughout Europe, the difficulties, on the one hand, in determining trends and attitudes which are representative of larger Romani populations and interest groups, and finally the opportunities, on the other hand, which a wide range of expertise views, convictions, and experiences can offer, the CDMG should, both in the framework of the Council of Europe and in cooperation with other multilateral organisations and governments, explore the possibilities of helping establish a long-term scheme of **constituency-based, elected direct or proportional representation of the Roma in Europe**. Efforts in this direction could draw on earlier drafts for constituency-based representation, for example those put forth by EUROM in November 1990 and in later meetings, and cited in the report accompanying Resolution 1203 (1993) of the Parliamentary Assembly (Verspaget Report), as well as on the experiences of elected Romani representatives in various European countries.

60. In preparation for measures in support of an expansion of Romani civil rights networks, as well as for setting up long-term schemes of constituency-based representation, it should be useful **to prepare a survey of existing forms of representation in Romani communities** throughout Europe, as well as of existing facilities specialising in monitoring the civil and human rights situation of Roma.

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PROBLEMS ARISING IN CONNECTION WITH

THE INTERNATIONAL MOBILITY OF ROMA/GYPSIES IN EUROPE

CONCLUSIONS ADOPTED BY THE EUROPEAN COMMITTEE ON MIGRATION (CDMG) AT ITS 36TH MEETING (APRIL 1997)

Among the decisions taken by the Committee of Ministers in response to the CDMG's report, The situation of Gypsies (Roma and Sinti) in Europe (document CDMG (95) 11 final) was the request to the CDMG "to consider the nature and scope of the international mobility of Roma/Gypsies and to make where appropriate proposals aimed at solving the problems which may be identified" (Decision No CM/621/220695).

Recognising the difficulty of obtaining accurate information on this subject, the CDMG commissioned an experienced consultant, Dr Yaron Matras, to write a report. Even though not every statement in the report would be fully accepted by all members of the CDMG, the Committee considers that the consultant has performed a most valuable service in shedding light on a topic on which reliable and balanced information is hard to come by. On the basis of the consultant's report, the CDMG has given further consideration to the substance of the matter, and now submits the following conclusions to the Committee of Ministers.

It should be made clear at the outset that the CDMG considers that the terms of reference it was given by the Committee of Ministers do not cover the situation of itinerant or nomadic Roma/Gypsies. The problems arising in connection with mobility of this kind are quite different, and are not dealt with in the present paper.

As migration statistics rarely specify the ethnic group of the migrant, there is little hard statistical data on migration by Roma/Gypsies. This does not mean, however, that nothing can be said; there is, for example, plenty of information of a less systematic kind to be obtained from organisations that provide advice and assistance to Roma/Gypsy migrants.

Despite superficial impressions of a considerable presence of Roma/Gypsy migrants in a number of European cities, available evidence suggests that recent Roma/Gypsy migration from Central and Eastern European countries is proportionally no higher than the average migration to Western Europe by the populations of Central and Eastern European countries.

Nevertheless, Roma/Gypsy migration towards Western Europe does show some characteristic features. Thus it is primarily a migration of families and extended families rather than of individuals, and this is one of the reasons why it is often more "visible" than migration by other groups. Second, in the case of some Roma/Gypsies, a lack of trust in the institutions of society and a historical tendency to live on the ... of society.

Such difficulties have certainly intensified in recent years. As a general rule (though with notable exceptions), the problems of the transition to a market economy in Central and Eastern European countries have worsened the situation of Roma/Gypsies, who often now find themselves in an economic situation that is little short of catastrophic. At the same time, the new freedom of expression in the same countries, coupled with a recovery and reassertion of national identity, has given free rein to sentiments of prejudice against Roma/Gypsies, which may express themselves in the form of discriminatory behaviour and even violence. In the extreme case of Bosnia and Herzegovina armed conflict has resulted in mass flight, including many Roma/Gypsies. The dynamics of these processes are complex and controversial, but in any case the result is that the situation of many Roma/Gypsies has been destabilised. The feeling of vulnerability which this engenders led some to seek a new future through migration.

On the basis of this feeling of vulnerability and insecurity, some Roma/Gypsies have sought to move to Western European countries. More recently, strict control and regulation of immigration and asylum have restricted overt migration towards Western Europe. But patterns of Roma/Gypsy migration adapt to new circumstances and in the

last few years migration has either shifted to the so-called "transit countries" just outside the European Union or it has become clandestine, and consequently even more difficult to regulate or even to estimate.

With the general tightening up of immigration control has come an increasing concern with the problems of returning unsuccessful asylum-seekers and irregular migrants to their countries of origin.

This has led governments to take a growing interest in the reintegration of returnees into their countries of origin, and there have been some interesting attempts to develop programmes for assisting groups of returning Roma/Gypsies in order to help them make a living in their communities of origin.

Experience shows, however, that special assistance to returnees can create resentment, being seen by those who stayed behind in the communities of origin as an unfair privilege. It therefore seems wiser to direct assistance not so much to the persons of the returnees as to the communities to which they are going back; in this way, everyone benefits, both those who migrated and those who remained behind.

More generally, one of the main conclusions of the CDMG's study is that the solution to the problems of Roma/Gypsies does not in most cases lie in migration, but rather in tackling more determinedly the problems they face in their home countries. In other words, a consideration of Roma/Gypsy migration simply underlines the relevance and importance for all European countries of taking action to deal with human rights violations against Roma/Gypsies and to multiply local community development schemes designed to develop better education and housing as well as economic self-sufficiency in Roma/Gypsy communities. In short, the key to limiting migration lies in promoting better community relations and integrated community development.

Finally, the CDMG proposes that, as a contribution to a better informed debate on Roma/Gypsy mobility in Europe, the report by the consultant, accompanied by the present conclusions of the CDMG, should be declassified.

Second report

THE RECENT EMIGRATION OF ROMA

FROM THE CZECH REPUBLIC

AND THE SLOVAK REPUBLIC

Report by Dr Yaron Matras
University of Manchester
(document submitted in August 1998)

Note: This report expresses the views of the author and not necessarily the official position of the Council of Europe or its member States

I. BACKGROUND

1. In the summer of 1996 I was commissioned by the Council of Europe's Population and Migration Division to prepare a Report on 'Problems arising in connection with the international mobility of Roma in Europe'. The report was submitted to the European Committee on Migration in December 1996, and was de-classified as Council of Europe document CDMG (98) 14 in March 1998. The essence of the report can be summarised briefly as follows: Romani migrations differ from general migration patterns in Europe. This is firstly because they are frequently triggered by external developments specifically affecting the Romani community, such as social conflict and ethnic tensions, single or repeated acts of racist violence, or change in status. But it is also owing to a

prevailing attitude of non-confidence and non-identification with state institutions (or with majority society institutions as a whole) that Roma are willing to contemplate emigration and take the risks that emigration entails when faced with problems and tensions at the local level. Non-confidence and non-identification are the outcome of a long history of marginalisation and segregation. The report recommends a series of strategies to strengthen self-confidence and encourage participation in decision-making processes, in order to target the causes of migration.

2. With reference to the situation of Roma in the Czech Republic, the following observations were made (par. 26):

Sudden changes of status in the country of origin may be a factor promoting non-confidence, and urging Roma to contemplate migration. Concern over the possible effect of the Czech citizenship law on the Romani population had been expressed by the Deputy Secretary General of the Council of Europe at the Human Dimension Seminar dedicated to the problems of the Roma in the OSCE region (Warsaw, September 1994), by the OCSE High Commissioner for National Minorities, and by the delegations of the European Union and the United States to the OCSE Conference in Budapest (November 1994), and has led to a study by a Council of Europe group of experts, presented in April 1996. The study avoids speculations about the exact number of Roma who have been affected by the legislation, but estimates that there is a significant number of Roma among those who have recently been ex-patriated both de facto and de jure (Council of Europe, April 1996, Report of the experts of the Council of Europe on the citizenship laws of the Czech Republic and Slovakia ant their implementation and replies of the Governments of the Czech Republic and Slovakia. p. 19). Some reports claim that one half of Czech Roma do not qualify for citizenship because of their criminal record, and that at least 20,000 Roma, about a tenth of the country's Romani population, have actually been excluded from obtaining citizenship since 1993 (Angela Kocze, The Roma of Central and Eastern Europe ... OSCE Contact Point for Roma and Sinti Issues, 1996, p. 4). Consultation stations for Roma in Germany and the Netherlands reported an increase in the number of Czech Roma enquiring about the opportunities of residence or asylum during 1995. A survey conducted by the Roma National Congress and the Soros Roma Foundation in March 1995 claims that 90% of Czech Roma interviewed were contemplating emigration as a result of the new laws, and that 10% had already tried to emigrate at least once (Romnews 1/40).

3. Due to the recent migration movements of Roma from the Czech and Slovak Republics, the Council of Europe's Population and Migration Division has asked for a supplement to the earlier report on Romani migrations, focusing on the Czech and Slovak situation. The author has had the opportunity to visit the Czech Republic, and has regular contact with colleagues in Czech academia who follow the Romani situation closely, as well as with members of the Romani community there and with representatives of Romani associations. The present report however is based largely on printed material, as well as on interviews with officials conducted by the author for this purpose. Since this material covered mostly the Czech situation, and none could be obtained at such short notice either from Slovak officials or from experts on the Slovak Romani situation, the present report will focus largely on the recent emigration of Roma from the Czech Republic, with only some remarks on the Slovak situation.

II. THE EMIGRATION EVENT OF 1997

4. In August 1997, first reports were circulated by the media on Roma from the Czech Republic seeking asylum in Canada, mainly in Toronto. Their exodus was said to have been triggered by a television programme broadcast by Nova. In this programme, Czech Roma who had emigrated to Canada were interviewed and apparently presented an optimistic picture of the opportunities available there for migrants like themselves. The sudden arrival of several hundred persons was covered intensively both by local media and international news agency reports. Among other audiences, it reached the attention of Romani activists and specialists on the Romani situation in Europe, partly through the channels of the Romnet discussion forum and Romnews information service. Central themes in the discussions and coverage that emerged were humanitarian aid to the refugees, but also and in particular the situation in the Czech Republic, as well as in Slovakia, which the refugees were seeking to escape. In this connection, the effect and possible effect of the citizenship law, as well as cumulative persecution by far-right radicals and the reluctance and inability of authorities to offer adequate protection, were among the key

issues addressed.
5. It is interesting to note that although the Nova documentary was acknowledged as the trigger behind this specific wave of emigration, the focus of attention was at least in these fora immediately directed to the migrants' experiences during the past years in their country of residence. This is noteworthy, since in this respect this very recent wave of emigration of Roma was discussed in a different light than the emigration of Romanian, Polish, or Bulgarian Roma to western Europe between 1989-1994. The immediate search, even in mainstream media, for the causes of migration in the human rights situation contrasts with the debates on economic and personal motivations that dominated commentaries half a decade ago. This might be attributed in part to the quick reaction and information channelling by the aforementioned Romani or Roma-related fora.
6. The arrival of Czech Romani asylum seekers continued until October or November 1997. According to figures provided by the Centre for Refugee Studies in Ontario, based on data from the Canadian Immigration and Refugee Board, there were altogether 1,210 asylum applications from the Czech Republic in 1997, making this country second on the list of origin countries for refugees, between Sri Lanka and Iran.
7. The immigration attempts by Czech Roma to Canada were closely followed by a similar wave of both Czech and Slovak Romani asylum seekers who arrived at the English port of Dover in October and November 1997. Once again this movement was triggered by a television interview in the same Nova series with Czech Roma, this time an immigrant who allegedly settled successfully in Dover, having obtained political asylum in the UK. The official figures cited by the Home Office spoke of 400 Czech and Slovak nationals who had applied in Dover for asylum between 1 February 1997 - 31 January 1998. These were accompanied by an estimated number of around 600 dependants, and so the total number appears to have been around 1,000 persons.

III. CAUSES AND MOTIVATIONS

8. The earlier report on Romani migrations cited above (CDMG (98) 14), pointed out Romania, former Yugoslavia, Bulgaria, and Poland as the main countries from which Roma emigrated or attempted to emigrate after 1989-1990. It was emphasised there that as a result of the lack of alternative immigration options available, Roma generally applied for political asylum. It was also pointed out that in most western countries, asylum procedures generally defined asylum-relevant persecution as individual persecution based on a background of political activities. Roma, however, experienced a collective, systematic and cumulative exclusion from a wide range of social domains and benefits regardless of their individual political background, or indeed even if they lacked any overt political affiliation, which was usually the case. In fact those Roma who engaged in political activities, it was argued, were usually the ones who chose to stay and participate in collective processes of change, rather than seek individual solutions or take the risks that migration entails. For these and other reasons, Roma were not typically granted political asylum in western countries in which they sought refuge. Successful applicants remained the exception.
9. In view of this background it is necessary to review briefly the reasons why Roma from the Czech and Slovak Republics had so far not been conspicuous among the groups of emigrating and asylum seeking Roma. My suggestion is that this has partly to do with the initial openness demonstrated by the democracy movement in Czechoslovakia during and immediately following the Velvet Revolution. Unlike Romania, Bulgaria, or Poland, where it was effectively the old administration that was now entrusted with carrying out political reform, and unlike former Yugoslavia, where political transition was embedded from its very onset into ethnic-nationalist movements and rivalries leading to the outbreak of war, in Czechoslovakia, as in Hungary, reforms were the direct outcome of popular campaigns for democracy in which few but nevertheless some Roma were active participants. Both countries, Czechoslovakia and Hungary, witnessed no significant exodus of Roma.
10. The situation changed with the break-up of Czechoslovakia into two independent states in January 1993. Since this period a steady deterioration in the human rights situation and safety of Roma in both countries has been registered. Nationalist political parties have been campaigning against Roma, both at the local and national levels, in both countries. Complete statistics on racially motivated attacks since this period were not available for this report, but their number is believed to be far in the hundreds. In a report published in March 1998, the United Nations Committee on the Elimination of Racial Discrimination (CERD) recorded a six-fold increase in racially motivated crime in the Czech Republic between 1994 and 1996. It also stated that the government was not taking

effective action in order to counter the violence, mentioning the poor performance of the judiciary in particular in convicting perpetrators of racial attacks. In addition, the CERD criticised what it termed "de facto segregation of Roma children in 'special schools'" and the denial of access to public places.

11. The question arises, why the sudden wave of emigration, and why from both countries at once? One must remember that despite the separation of the two states, some basic similarities between the Romani communities in both Czech Republic and Slovakia remain. Firstly, the overwhelming majority of Czech Roma descend from Slovak Roma who were persuaded to move into the Czech lands between 1948-1968 in order to fill the gaps in employment there. Culturally, therefore, one may speak of a dominance of the eastern Slovak Romani community and its heritage among the Roma in the Czech Republic. This includes not only close family ties, customs and language, but also a shared view of history, attitudes, as well as fears. In terms of their social status and conditions, both communities suffer similar problems and are exposed to similar attitudes from the majority population and local authorities. Since the separation and the formation of two independent states, racist violence has been on the rise in both countries. The rise of radical parties advocating radical solutions is also common. The Czech situation is further complicated by the introduction of the citizenship law and what many Roma and international observers perceived as a threat of expatriation of many thousands. The Slovak situation in turn is complicated by the re-election of Mr Meciar to Prime Minister, after having advocated radical anti-Romani policies at the local government level, a web of measures that in some districts included the introduction of nightly curfews on Romani settlements.

12. In sum, it can be stated that Roma in the Czech and Slovak Republics share problems, as well as fashions. It is therefore not surprising that community attitudes led to similar reactions triggered by a single event, a television broadcast, giving expression to feelings that have been accumulating for quite some time. The fear of racist violence which the great majority of asylum applicants gave as their reason for leaving the country was further underlined in the few-month period following the so-called 'exodus' in August-November 1997 by at least three extreme violent events: In January 1998, a Romani woman was severely injured in Krnov when her home was attacked with a fire bomb. In February, skinheads attacked a Romani woman in Vrchlabi and threw her into the Elbe river, where she drowned. In May, a Romani man was killed after he was attacked by skinheads in Orlova and left on a road, where he was hit by a passing truck. The political dimension of anti-Romani scapegoating was made evident during this period by a decision in the same month by the mayor of Usti nad Labem to erect a wall to separate a Romani residential area from the rest of the community. The municipality of Pilsen followed with a plan to construct a separate residential area for Roma.

13. From all this one can conclude that the Nova televised interviews were no more than a spark that ignited an accumulation of ready-to-detonate emotional explosive. The close-knit character of the Romani community and its susceptibility to fashion explains how a large group of people from different areas were quick to take the same course of action. As underlying motivations I identify once more, as in the previous report, a feeling of non-confidence in state institutions and non-identification with mainstream society and what it has to offer to the non-Romani majority. Only on the basis of such underlying and **deeply implanted feelings and motivations** is it understandable that a group of citizens is prepared to take such risks at such short notice as those entailed by emigration.

IV. INTERNATIONAL INTEREST IN THE CZECH AND SLOVAK ROMANI SITUATIONS

14. The emigration to Canada and the UK followed a period of intense monitoring of the Czech and Slovak Romani situation in the past years, in particular of the Czech situation since the introduction of the new citizenship law. The assessment presented to the CDMG in 1996 was already mentioned above. The period following the Toronto and Dover experiences saw a series of reactions focusing on the Czech Romani situation.

15. In a speech delivered on 22 May 1998, US Congressman Christopher Smith, Co-Chairman of the Commission on Security and Cooperation in Europe, expressed alarm at the further deterioration of the situation of minorities in the Czech Republic, citing violent attacks against Roma and the segregation plans in Pilsen and Usti nad Labem. The Congressman criticised Czech officials, saying that "the bulk of the Czech cabinet has remained conspicuously silent regarding the most recent racially motivated skinhead attacks", adding that "the discriminatory Czech citizenship law, which continues to telegraph the message that Roma are not wanted in that country, must be amended". A similar position was taken by EU negotiators leading talks in the Czech Republic

on the prospects of EU membership. In July 1998, chief EU negotiator Mr van der Pas addressed the segregation plans against Roma in two Czech cities. The European Parliament motioned to move the integration of Roma in the Czech Republic from a medium-term to a short-term criterion for approval of the country's EU associate member status.

16. In its guidelines relating to the eligibility of Czech Roma asylum seekers from February 1998, the UNHCR Regional Office in Vienna addresses the impact of the Czech citizenship law and writes that despite the relaxation of the law on the issue of criminal convictions, "de facto stateless number in the thousands, most but not all thought to be Roma". In a parallel document on Slovak Roma asylum seekers, the office states that "it is clear that Slovak Roma may well be able to substantiate refugee claims based on severe discrimination on ethnic grounds ... Where it is assessed that the discriminatory actions amount to persecution, it may be assumed that there is a lack of protection by the authorities and inability of the individual to access remedial measures."

17. These statements, like the CERD report cited earlier, acknowledge a situation to which, from the Romani perspective, migration might understandably seem a more promising solution than painstaking attempts to evoke change. But perhaps even more noteworthy is the fact that they also show that **migration can help focus attention** and public opinion on the problems of ethnic tension and discrimination affecting the Roma in their countries of origin.

V. REACTIONS TO IMMIGRATION IN THE TARGET COUNTRIES

18. Despite the continuous international interest in the Romani situation in central Europe, it is obvious that neither the Canadian nor the British authorities had been able to predict or anticipate a wave of asylum seekers that would target their countries. One cannot ignore an **element of panic** in the initial reaction in both countries, for although we are talking about a group sizeable enough to merit public attention, it can hardly be claimed that several hundred persons would be in any position to burden national governments significantly or drain their asylum resources. By way of comparison, the German state government of Upper Rhine Westphalia provided humanitarian aid including food, health care, and accommodation to a group of 1,500 ex-Yugoslav Roma for a period of seven weeks in January-February 1990, while they were demonstrating for special settlement provisions, and then allowed the entire to group to stay for at least another year while their application forms were being processed. The state government of Hamburg even granted resident status to a similar number of Roma from Poland and ex-Yugoslavia (see CDMG (98) 14). Canada however was quick to re-introduce visa entry requirements for Czech citizens as a reaction to the arrival of Roma. British media referred to the arrival in Dover as an "invasion". The Home Office announced a "firm line" and was quick to report that 600 asylum seekers had been deported to the Czech and Slovak Republics between November and April. Home Secretary Mr Straw claimed to have received reports on a large number of Roma heading for Britain in March 1998, and issued a public warning that they are "unlikely to succeed" should they try to enter the country. The fear generated by this noticeable but rather modestly sized migration wave to Canada and Britain derived, I believe, not so much from the logistics of the administrative procedure and the humanitarian and social responsibility it entailed, but from a fear that the few hundred Roma merely announced the begin of yet a larger wave of unforeseeable dimensions. This fear, I suggest, derives in part from stereotypical images of Gypsies as a menace to society, or from a meta-expression of such fear, attributing it to the public and justifying action as a response to popular demand. In part, however, it also derives from an **underlying recognition of the vulnerability of the Romani minority**, and of non-confidence and non-identification as features characterising Romani society and making it receptive toward short-term offers of opportunities abroad.

19. It is difficult to draw a safe and accurate evaluation of the effects of declarations made following the arrival of Roma asylum seekers on popular attitudes. Hostile reactions to the immigrant groups were however apparent, and it is not unlikely that they drew encouragement from some of the media reports. Thus Roma were refused temporary accommodation by the borough of Westminster in London, and sent back to Dover, reporting that they were spat at and humiliated on the way. The National Front organised an anti-Roma demonstration on November 15 in Dover. Clashes between NF members and anti-racist demonstrators were stopped through police intervention, and NF demonstrators were driven out of town with a police escort.

20. While Home Office statements emphasised that none of the Roma were found by the tribunals to be genuine refugees, there are certainly cases where appeal rulings supported the Roma's arguments. In a decision from

January 1998 an Immigration Adjudicator acknowledged the credibility of reports by human rights monitors that Roma continued to suffer discrimination in employment and housing, and administration of state services. In the case of Miroslav Balog who arrived in the UK from Slovakia in October 1997, credibility was given to his evidence of frequent physical attacks by skinheads, and attacks on his home, and "failure and/or reluctance of the police to act — and their late arrival when his house had been attacked", as well as discrimination in employment, "all on account of the fact that he is a Romany". The appeal was allowed, on the grounds that the "frequency and severity of these physical attacks is sufficiently serious, particularly when taken in conjunction with the failure of the police to take proper steps to prevent them, as manifestly to preclude him [the applicant, Y.M.] from continuing to live in the Slovak Republic for the time being". In a further case of a Czech Romani family, also from January 1998, the Special Adjudicator ruled that "it was a fear of persecution on account of ethnicity that drove the appellants from the Czech Republic, and although they may well have had a number of options reasonably open to them as their ultimate destination, they were honest enough to tell me that they were looking for safety and because of a television programme or programmes they has seen about Canada and the UK, they felt they would be safe here. I do not feel this in any way detracts from their likely success in this appeal".

21. A decision by the Canadian Immigration and Refugee Board from 9 March 1998 conveyed a ruling in favour of granting refugee status to a Romani family from the Czech Republic, agreeing that they faced a serious threat of persecution on racial grounds and arguing that "the citizenship law of 1992 effectively denied Czech citizenship to many Roma and may have been designed with the intention of ridding the country of Roma. The evidence of the claimants was replete with examples of racially-motivated violence. … whenever the claimants had gone to the police, they had met with racist slurs and ridicule. … The harm feared — cumulative discrimination and skinhead violence — amounted to persecution. ... It was objectively unreasonable for the claimants to seek state protection, and such protection would not be forthcoming".

22. The recent emigration from the Czech and Slovak Republics, then, is similar to the emigration into western Europe during 1990-1993 in that here too, a rather small number of migrants triggered fears and panic among media, officials, and public, with hostile reactions at all these levels. However, unlike the situation some years ago, a more favourable attitude among immigration officials, tribunals, and courts can also be detected. This attitude draws on reports by international organisations monitoring the human rights situation in the countries of origin and in effect joins them in condemnation of racist violence and state inability to grant its citizens adequate protection. In the case of the Canadian Board, it even goes farther in condemning government legislation. It should be added that the connection between human rights and migration was not confined to appeal rulings, but was indeed present in some media reports as well. Only a few days after the arrival of the first Romani refugees in Dover, BBC News delivered an investigative report of the human rights situation of Roma in both the Czech and Slovak Republics, which was broadcast in conjunction with its bulletin from Dover. The Times made the connection too, reporting on 25.05.98 under the heading "Gypsies could be on the move again as a fresh wave of national chauvinism sweeps Central Europe", that "the move against Roma in Usti and Pilsen may well drive more Romanies to seek asylum in Britain". Comparing this particular emigration event to Canada and the UK with emigrations of Roma some years ago to Germany, France, Italy, or Austria, then, there is, despite the overall attempt by the authorities to stop further arrival and to convince public opinion that the case for asylum is not justified, **appreciation of the motivations for emigration and their connection to the human rights situation** in the countries of origin.

VI. RESPONSES IN THE CZECH REPUBLIC

23. The arrival of Roma in Canada and Britain and the international interest it drew were not left without reaction in the Czech Republic itself. While it is extremely difficult in the context of the present report to assess Czech public opinion on this matter, the author's impression based on conversations with Czech nationals and residents is that many found in the emigration of Roma an occasion to give expression to anti-Romani feelings, arguing that the emigration served to embarrass the Czech Republic and showed the lack of commitment on the part of the Romani population toward change and development at home. Roma, it was felt, were choosing the easy way out and doing so by blackening the name of their country of origin and defaming its majority population and state institutions.

24. The reaction of government however was of a different nature and appeared to regard the emigration as a challenge not just to its image abroad, but also or indeed primarily to domestic reform policy in the domain of minority rights, participation, and integration. Several months after the beginning of emigration to Canada, and just after the first arrival of Czech Roma in Dover, President Havel, speaking at a cabinet meeting in late October, appealed to the Roma not to leave the country. This appeal was followed by a course of political action designed specifically to address the problems facing the Roma that surfaced in media and other international coverage of the emigration event. A Minister without portfolio was asked by the Cabinet to prepare a report on the situation of minorities, and to resubmit it twice, along with concrete recommendations for the social and economic integration of the Romani population. In January 1998, cabinet Minister Vladimir Mlynar was appointed head of an interministerial commission to deal with Romani issues. Almost immediately he met with Romani representatives and businessmen in Ostrava to discuss job opportunities for Roma there, and announced the preparation of amendments to the law to support the integration of Roma. Romani associations were invited to propose candidates to join the commission. In March 1998, the Czech Interior Minister called on Roma to join the ranks of the police force in order to help combat racial violence in the country. A tone of reconciliation was promoted by Czech and Moravian bishops calling on congregations to ”build islands of good will and coexistence” with the Roma in March 1998.

25. Alongside the political expression of concern for the Romani situation, some legal and judicial aspects served as signals of changing attitudes. At the local level, in December 1997, the deputy mayor of Kladno was convicted in a district court of incitement to racism, after having banned Romani children from the use of the public swimming pool in June 1996. On 15 January 1998, the Czech Republic ratified the Council of Europe Framework Convention for the Protection of National Minorities. In February 1998, the Czech Chamber of Deputies voted to abolish a law prohibiting a ”nomadic way of life” which had been in force, targeting Roma, since the 1950s. In May, President Havel pardoned two young Roma charged with assaulting far-right leader Miroslav Sládek. Mr Havel even praised the Roma for taking a stand against the vulgar comments made by Mr Sládek.

26. Comparing once more the recent emigration event with the much more dramatic magnitude of migrations of Roma to western Europe some years ago, more sensitivity to the causes of migration, to international public opinion, and to direct pressure from international organisations and western institutions is detectable, along with **gestures of immediate action and short-term changes in policy** and in some cases even in legislation concerning the Roma. One must not expect such gestures to lead to a fundamental change in the position of the Roma in Czech society, or even to medium-term implementations of measures of development and support in Romani communities. Rather, what these gestures represent is a realisation in government and administration that there is a necessity to allow the process of integration into a European political framework to involve the introduction of at least some awareness and control mechanisms with respect to the Romani situation. In other words, emigration events and international responses to them help confront government with its responsibilities toward the Romani community. The gestures in the political and legal domains can be interpreted as an acknowledgement of this responsibility.

VII. DISCUSSION: MIGRATION AS A TRIGGER FOR DOMESTIC CHANGE

27. A summary of the observations made above allows to establish the occurrence of what is best termed an **emigration event** rather than a ‘wave’ of emigration. This event is triggered at the surface level by fashion, in this case brought about by a series of television broadcasts. It was determined that receptivity of such fashions is partly due to close-knit community ties which allow it to spread among various members of the community rather rapidly. However, it is inconceivable that a fashion with such potential dramatic consequences would have spread without **readiness in principle** to accept the type of risks entailed by emigration to a foreign country: The Nova broadcasts literally got several hundred Roma packing and taking steps for possible long-term change at extremely short notice and with no initial preparation. Such readiness to move (in a population which, it must be stressed again — see also CDMG (98) 14 — has no recent itinerant traditions) derives from an underlying historical feeling of non-confidence and non-identification, combined with an awareness of contemporary vulnerability. The flexibility involved in the readiness to take the risks of emigration also allows the emigrants to accept failure to obtain their objectives as the short-term outcome of a speculative move. Unlike some previous emigration events that resulted in campaigns and the emergence of associations and strategic alliances among

emigrants, there is no evidence that the event under investigation here had any such effects.
28. The emigration event itself evokes two types of reactions from outsiders. The first might be termed the **premature reaction**. It draws mainly on narrow administrative considerations as well as on traditional images and stereotypes. On the administrative side, the impossibilities of accommodating the emigrants' needs and demands are emphasised. Traditional images are reinforced, consciously or sub-consciously, in order to provide a moral justification for the inability or unwillingness to show flexibility of action. While this pertains to the receiving side of the emigration event, the countries of origin also show a series of premature reactions in stressing how the emigration event underlines the unreliability and perhaps disloyalty of the Roma. Premature reactions in both the receiving countries and the countries of origin were characteristic of the action taken in response to Romani emigrations during the period 1990-1993.
29. The recent emigration event from the Czech and Slovak Republics also shows a second type of reaction, which I call the **considered reaction**. It is considered, because it is ready to acknowledge objective circumstances that motivate emigration. The considered reaction does not in itself provide a model for long-term change, nor does it provide any immediate tools of analysis that are able to help locate fundamental problems and set into motion strategies to implement change. What it does however is set the principle of **viewing the emigration event in context**. This means firstly that scapegoating of the emigrants themselves is avoided and replaced by a recognition of the objective legitimacy of their concerns and of their search for individual opportunities for change. Furthermore, it means that attention is drawn to the conditions that fuel the feeling of insecurity and vulnerability that emigrants communicate. Finally, it calls for administrative flexibility in accommodating the needs of emigrants and tackling the problems which lead to emigration. What is special about the recent emigration event from the Czech Republic (this holds only partly for Slovakia) is the extent of the considered reaction both in the receiving country and in the country of origin. At the receiving end, serious gaps can be identified between the initial reaction of Canadian immigration authorities (re-introduction of visa requirements) and the views expressed by refugee boards, or between the views and policies expressed in the UK by the Home Office Immigration Department and the outcome of at least some of the appeal procedures. Reinforcement of the considered position is given by a series of international involvement as well as by media, as cited above. In the country of origin, the series of 'considered actions' taken must be seen in the overall context of European integration aspirations in the Czech Republic. They are not known to have replicated themselves in Slovakia. It therefore seems quite clear that the effect of migration on the country of origin is not direct, but is necessarily **channeled via the receiving country** of the emigration event.
30. What this means is that migration is a potential tool for initiating processes of domestic change. The earlier report (CDMG (98) 14) pointed out a number of measures taken in Romania and the "Former Yugoslav Republic of Macedonia" with respect to Roma, as a response to the initiative of administrations on the receiving side of Romani emigration. These measures however were deemed not to be of any substantial relevance toward a genuine improvement of the situation of Roma. It was also pointed out which possible roles can be adopted by Romani associations. It would seem that Romani associations aiming at change and reform in the Czech Republic will have seen their cause benefiting from the short-term increase in international interest in their problems, as well as from the legal and political gestures adopted by the Czech administration in response. At the same time it cannot be excluded that an integrationist view of Romani activities may have suffered a setback in public image owing to the impression of Roma turning their backs on Czech society and the prospects of integration and coexistence there. In conclusion, one may say that it is nevertheless apparent that emigration events such as the one under discussion are of interest to Romani political efforts at all levels not because of their population-numerical relevance, which is on the whole negligible, but due to the quality of the responses that they evoke.

VIII. LIST OF SOURCES

· Migration News Sheet, December 1997-June 1998
· News agency, Romnews, Carolina, Romnet, and ERRC reports December 1997-July 1998
· United Nations High Commissioner for Refugees, statements from 10 February and from 3 April 1998
· Immigration and Refugee Board, Canada, statement from 22 April 1998

· Asylum and Immigration Adjudicators statements from 14 and 27 January 1998
· United Nations Committee on the Elimination of Racial Discrimination, statement from 12 June 1998

Helsinki Citizens' Assembly, Roma Section, Newsletter December 1997-June 1998

Note [1] CDMG 1995, p. 25.

Note [2] This also applies to itinerant or "nomadic" groups of non-Romani origin, such as the Irish and Scottish "Travellers", the "gens de voyage" of France and Belgium, or the "woonwagenbewoners" of the Netherlands.

Note [3] "Roma" is used here as a general term comprising all those whose language is "Romanes", i.e. a dialect of Romani, although they may use other labels to designate their own group, such as Manush, Sinte, Kelderasha, Xoraxane, Arli, and others.

Note [4] The Conference on Security and Cooperation in Europe, September 1993. Roma (Gypsies) in the CSCE region. Report of the High Commissioner on National Minorities.

Note [5] ibid., p. 10-11.

Note [6] Reyniers, Alain, 1995. Gypsy populations and their movements within central and eastern Europe and towards some OECD countries. International Migration and Labours Market Policies Occasional Papers No. 1, Paris; p. 8.

Note [7] see Fraser, Angus, 1992. The Gypsies. Oxford: Blackwell.

Note [8] Reyniers, p. 5.

Note [9] see Hancock, Ian, 1987. The Pariah Syndrome. Ann Arbor: Karoma.

Note [10] see Rao, Aparna, 1994, Die Minderheit der Roma und Sinti, Handbuch Minderheiten in Deutschland, Gießen; Hancock, Ian, 1995. A handbook of Vlach Romani. Columbus: Slavica.

Note [11] Reyniers, p. 10.

Note [12] Spinelli, Santino, 1995. Les Roms réfugiés en Italie. Chimères 26, 107-110.

Note [13] Reemtsma, Katrin, 21.12.1995. (Information on Roma migration and flight).

Note [14] Dietrich, Helmut, May 1995. Le système des expulsions en Allemagne. Chimères 26, 99-105.

Note [15] Reemtsma, Katrin, 21.12.1995.

Note [16] Braham, Mark. March 1993. The Untouchables. A survey of the Roma people of Central and Eastern Europe. A Report to the Office of the United Nations High Commissioner for Refugees (UNHCR). p. 24.

Note [17] Reyniers, p. 13.

Note [18] Dietrich, p. 102.

Note [19] Reyniers, p. 13.

Note [20] For example, in 1992, some 10,000 Roma from Romania and former Yugoslavia were detained in camps in Hungary to prevent them from entering Germany; L. Fakete and F. Webber, June 1994, "Inside Racist Europe", Institute of Race Relations, London.

Note [21] CDMG p. 18, p. 20.

Note [22] Kocze, Angela, March-May 1996, The Roma of Central and Eastern Europe: Legal remedies or invisibility?. OSCE Office for Democratic Institutions and Human Rights, Contact Point for Roma and Sinti Issues. p. 4.

Note [23] ibid., p. 24.

Note [24] CDMG, p. 24.

Note [25] CSCE, p. 9.

Note [26] Braham, p. 98.

Note [27] Réseau Tiberius Claudius, 1995. Demandeurs d'asile tsiganes: l'embarras d'une métropole. Chimères 26, 111-114. p. 111.; Costil, Jean, Gachet, André, Gerbe, Eric, June 1995. En visite chez les Roms de Roumanie. p. 1

Note [28] Braham, p. III.

Note [29] Helsinki Watch, September 1991, Destroying Ethnic Identity. The Persecution of Gypsies in Romania; Amnesty International´s annual report for 1991, p. 375; Helsinki Watch, December 1994. Lynch Law in Romania; Amnesty International, press release from 22.05.1995.

Note [30] Hon. Steny H. Hoyer, Ethnic violence in Romania, Congressional Record, U.S. House of Representatives, May 29, 1991; U.S. Commission on Security and Cooperation in Europe, July 1994. Human Rights and Democratization in Romania.

Note [31] Amnesty International press releases from May 1994, quoted in Romnews 1/5, and October 1994; Petrova, D., 1993 annual report, Human Rights Project on Legal Defence for Gypsies, Sofia; Romnews 1/23.

Note [32] Heeder, M. & Hielscher, M. 02.01.1991, Zur Situation der Roma-Familien in Sutka/Skopje; Flüchtlingsbüro Stuttgart, 02.01.1993. Zur Einschätzung der Lage in Mazedonien.

Note [33] Braham, p. 23.

Note [34] Costache, Nora, Convention of return. Patrin 2, 6-9. p. 8.

Note [35] Braham, p. 104-105.

Note [36] Bundesamt für die Anerkennung ausländischer Flüchtlinge, A-1549869-154, 05.01.1993, p. 6-7.

Note [37] ibid, p. 5.

Note [38] Costil et al., (p. 17), report that 70% of the 150 Romani families in the Romanian town of Craiova have sought asylum in Germany; many of them later moved on to France.

Note [39] Acton, Thomas, May 1995, Romani refugees from Bosnia and Serbia in the U.K.

Note [40] Reemtsma, Katrin, April 1996, Situation of Roma from the "Republika Srpska"/ Jasenje and Bijeljina.

Note [41] Council of Europe, August 1996, Fact-finding mission to Bosnia and Herzegovina on the situation of the Roma/Gypsies, 16-21 May 1996. Conclusions of the mission and recommendations.

Note [42] Council of Europe, April 1996, Rapport des experts du Conseil de l'Europe sur les lois de la République tchèque et de la Slovaquie relatives à la citoyenneté et leur mise en oeuvre, et réponse des Gouvernements de la République tchèque et de la Slovaquie. p. 19.

Note [43] Kocze, p. 8-9.

Note [44] Romnews 1/40

Note [45] Bundesamt für die Anerkennung ausländischer Flüchtlinge, A-1549869-154, 05.01.1993, p. 5.

Note [46] Bundesministerium des Innern, Aufsichtsreferat für das Bundesamt für die Anerkennung ausländischer Flüchtlinge, 27.08.1996.

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Note [51] Innenministerium Nordrhein-Westfalen, 25.02.1994, Abschiebungen von Ausländern aus Restjugoslawien (Serbien und Montenegro) auf dem Luftweg, Bezug: Erlaβ vom 08.01.1994 - AZ I C 5/4.3.

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Note [54] Der Innenminister des Landes Nordrhein-Westfalen, 01.02.1990. Aufenthaltsrechtliche Situation ausländischer Roma in Nordrhein-Westfalen, AZ I B 5/44.42.

Note [55] Mr Goris, Staatskanzlei Nordrhein-Westfalen. 27.08.1996

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Note [60] Reemtsma, Katrin, October 1993. Roma in Rumänien. Berdohte Völker Menschenrechtsreport Nr. 9 (Gesellschaft für

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Note [61] Secretariat of the Inter-governmental Consultations on Asylum, Refugee and Migration Policies in Europe, North America and Australia, August 1994, Working paper on readmission agreements.

Note [62] Costache, p. 7, Reemtsma 1993, p. 37.

Note [63] ibid. This, however, is strongly denied by German officials.

Note [64] Costil et al. p. 19; Patrin 2, p. 8-9; Reemtsma 1993, p. 37.

Note [65] Director of Hamburg Aliens Department Schiek to “SV” (Staatsrat Reimers), Betr. Roma aus Osteuropa, 21.05.1993, p.3.

Note [66] ibid., p. 3-4.

Note [67] E.g. Reyniers, CDMG.

Note [68] CDMG, p. 25.

Note [69] Cf. ARD (German Television) report on illegal immigrants at the German-Polish border, 14.08.1996.