

# THE PLIGHT OF THE ROMA: THE ALMOST-FORGOTTEN ETHNIC GROUP

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## I. INTRODUCTION

I congratulate the Editorial Board of the *Global Studies Law Review* for celebrating Professor Leila Sadat by producing a special volume in recognition of her monumental contributions as a leading scholar in international and comparative law who has played a pivotal role in shaping the current dialogue in the critically important field of international criminal law. I'm honored to pay tribute to my friend, whom I have known and worked with for almost three decades.

Professor Sadat and I share a passion for human rights, we strive and act in furtherance of the promotion and protection of human rights of the underprivileged, and those with feeble or no voice. It is in that spirit that I am contributing this short essay on The Plight of the Roma.

The story of the Roma / Romani people (I will use these two terms interchangeably)<sup>2</sup> is a story of persecution, discrimination, oppression, bigotry, subjugation, and violence, not only in Europe where they are the largest and the most deprived and maligned ethnic minority there, but also in the United States and in many other countries. They indeed are unwanted everywhere.

This kind of pervasive mistreatment has created in them a fear and distrust of most governments, some Roma are hesitant even to self-identify. So many governments have treated them with suspicion and have not even allowed them to settle, forcing them to adopt a nomadic lifestyle.<sup>3</sup>

The primary focus of this essay is on the Roma situation in Europe and the United States. After recounting their history and mistreatment in general, which has spiraled especially since the onset of the COVID-19 pandemic in January 2020, I highlight the discrimination they have suffered in Europe and the U.S. This is followed by reviewing the responses by the United Nations and the European Union to ameliorate their conditions. I conclude with a few recommendations.

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2 The Roma people are known by many names, including Gypsy, Traveller, Tsigane, Astigani, and Gitano, among others. See ANGUS FRASER, *THE GYPSIES* 8 (2d ed. 1995). They migrated from the Punjab and Rajasthani regions of India sometime between the seventh and ninth century. See Fred Bertram, *The Particular Problems of (the) Roma*, 3 U.C. DAVIS J. INT'L L. & POL'Y 1, 3 (1997).

3 See, e.g., Mark Braham (U.N. High Comm'r for Refugees), U.N. High Comm'n for Refugees, *The Untouchables: A Survey of the Roma People of Central and Eastern Europe*, at 7 (Mar. 1993); Bertram, *supra* note 1, at 4.

## II. THE EARLY HISTORY OF THE ROMA PEOPLE

Although much of the early history of the Romani people remains a mystery, a 2016 study based on linguistic, cultural, genetic, and anthropological evidence finds that “the proto-Roma population is thought to have originated on the Indian subcontinent,” and dispersed through their migration routes through Persia, Armenia, and the Balkans, arriving in Eastern Europe around a thousand years ago.<sup>4</sup> While most Roma stayed in the Balkan Peninsula, some groups spread all across the European continent by the end of the fifteenth century. Some were forced into slavery in what are today Romania, Moldova, and parts of Hungary, while others either spread within the Austro-Hungarian Empire or moved into Central and Western Europe. After the end of Roma slavery, in the 19th century, the Roma spread worldwide, and most kept their endogamous rules and nomadic lifestyle.<sup>5</sup> Today, the majority of the estimated 11 million Romani live in Europe, concentrated in Eastern European countries.<sup>6</sup>

## III. PERSECUTION AND GENOCIDE OF THE ROMANI PEOPLE BY THE NAZIS

It is undisputed that ever since the Romani migrated from India, they have faced persecution from anti-Roma racism, which is often ignored. To illustrate, the Nazi persecution in pre-war Germany<sup>7</sup> and the subsequent murder of around 500,000 Roma and Sinti by the Nazis and their collaborators during the Second World War provides a vivid example of this tragedy being overlooked, even in Europe.

The curator of the Weiner Holocaust Library, Barbara Warnock, systematically documented the evidence about the Nazi oppression of the Roma and displayed it in an exhibition entitled “Forgotten Victims: The Nazi Genocide of the Roma and Sinti.”<sup>8</sup> The exhibits included unpublished

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4 Begoña Martínez-Cruz et al., *Origins, admixture, and founder lineages in European Roma*, 24 EUR. J. HUM. GENETICS 937, 937 (2016).

5 *Id.* at 937–938.

6 *A Diaspora of 11 million*, N.Y. TIMES (Oct. 19, 2013), <https://archive.nytimes.com/www.nytimes.com/interactive/2013/10/20/sunday-review/a-diaspora-of-11-million.html?ref=romanipeople>.

7 See *Persecution of Roma (Gypsies) in Prewar Germany, 1933-1939*, U.S. HOLOCAUST MEM’L MUSEUM (June 3, 2021), <https://encyclopedia.ushmm.org/content/en/article/persecution-of-roma-gypsies-in-prewar-germany-1933-1939>.

8 See Barbara Warnock, *Nazis murdered a quarter of Europe’s Roma, but history still overlooks*

eyewitness accounts collected in the 1950s of the “Gypsy” camp at Auschwitz, where 21,000 of the 23,000 people there died of starvation, ill health, and in the gas chambers. Warnock laments that all this “is a little-known aspect of the atrocities committed during [World War II].”<sup>9</sup> The Nazis considered Roma, like Jews, to be of “alien blood” and a threat to the “Aryan Master Race,” and thus subjected them to forced sterilization and medical experiments.<sup>10</sup> They were forced first into labor camps and were eventually sent to concentration camps to die.<sup>11</sup>

#### IV. DISCRIMINATION AGAINST THE ROMA AFTER WORLD WAR II

Roma people continue to be marginalized. The following reports point to the gravity of their situation.

##### *A. Discrimination in Europe*

The following few examples illustrate the nature and scope of the problem.

The European Agency for Fundamental Rights (FRA) defines “anti-Gypsyism” as a “specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination.”<sup>12</sup>

The 2018 FRA report revealed that one out of three Roma people experienced some form of daily harassment – either offensive or threatening comments in person, threats of violence in person, offensive gestures, or inappropriate staring, offensive or threatening e-mails or text messages, or offensive comments about them online. Such harassment ultimately stems from the belief that the presence of Romani individuals results in stagnant housing prices, high levels of crime, and decreased motivations from

*this genocide*, CONVERSATION (Jan. 24, 2020, 4:59 AM), <https://theconversation.com/nazis-murdered-a-quarter-of-europes-roma-but-history-still-overlooks-this-genocide-128706>.

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> See Andrea Grunau, *Europe remembers Sinti, Roma murdered under Nazi rule*, DEUTSCHE WELLE (Jan. 8, 2021), <https://www.dw.com/en/europe-remembers-sinti-roma-murdered-under-nazi-rule/a-58705933>.

<sup>12</sup> Eur. Agency For Fundamental Rts., *A Persisting concern: anti-Gypsyism as a barrier to Roma inclusion* (2018), [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2018-anti-gypsyism-barrier-roma-inclusion\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2018-anti-gypsyism-barrier-roma-inclusion_en.pdf).

outside investors.

The FRA conducted two surveys of Roma and Travellers – one each in 2019 and 2020. The 2019 survey showed that 45 percent of Roma and Travellers in the six EU countries surveyed, felt that they were discriminated against in at least one area of life, and 44 percent of respondents experienced hate-motivated harassment in the 12 months preceding the survey.<sup>13</sup> Roma are also blamed for spreading the Coronavirus in Eastern European countries.<sup>14</sup> Findings also showed that almost a quarter of Roma people have no national health insurance. A third of Roma households do not have tap water, just over half have an indoor flush toilet or shower and 78% of Roma live in overcrowded households while 43% of Roma experience discrimination when trying to buy or rent housing.

The 2020 FRA survey found that about 7 percent of the 4,659 Romani respondents say that they were physically attacked because of being Roma in the 12 months before the survey, with most occurring in the Netherlands and Sweden.<sup>15</sup> The survey also revealed that 93 percent of hate-motivated harassment and 88 percent of physical attacks that happened in the past five years were never reported.<sup>16</sup> Even more alarming, about 4 percent of the survey respondents indicate that they were physically assaulted by a police officer because of their Roma background in the past five years.<sup>17</sup>

Currently, there is a high rate of unemployment among the Roma. They suffer discrimination in housing, education, and healthcare and are socially excluded. The European Parliament referred to the FRA survey to note that

61 % of EU citizens believe that discrimination against the Romani people is widespread in their country; whereas deeply rooted, persistent and structural and often institutional and governmental antigypsyism continues to exist at all levels of European society and manifests itself on a daily basis acknowledged as major barrier in achieving the full potential of Romani people as EU citizens enjoying fully fundamental rights, social inclusion and equality, in all spheres of life, including housing, education, healthcare and employment.<sup>18</sup>

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13 *Roma discrimination: MEPs call for stronger EU measures*, EUR. PARLIAMENT (Sept. 21, 2020, 2:09 PM), <https://www.europarl.europa.eu/news/en/headlines/society/20200918STO87401/roma-discrimination-meps-call-for-stronger-eu-measures>.

14 *Id.*

15 Eur. Agency For Fundamental Rts., *Roma and Travellers in Six Countries*, 33 (2020), [https://fra.europa.eu/sites/default/files/fra\\_uploads/fra-2020-roma-travellers-six-countries\\_en.pdf](https://fra.europa.eu/sites/default/files/fra_uploads/fra-2020-roma-travellers-six-countries_en.pdf).

16 *Id.*

17 *Id.*

18 European Parliament resolution of 17 September 2020 on the implementation of National Roma

In the European Commission's October 7, 2020, Proposal for a Council Recommendation on Roma equality, inclusion and participation, the Commission noted:

Today, the marginalisation of Roma persists, and many of the continent's estimated 10-12 million Roma continue to face discrimination, antigypsyism, and socioeconomic exclusion in their daily lives. These phenomena are intertwined. There is no equality when discrimination persists, and it is impossible to combat discrimination effectively without tackling antigypsyism and improving the socioeconomic inclusion and participation of the Roma population. Roma children's potential is hampered as too many of them do not enjoy equal access to education due to poverty, exclusion and discrimination.<sup>19</sup>

The European Commission referred to the surveys conducted by the FRA in 2011, 2016, and 2019 to emphasize that "overall **progress in Roma integration has been limited** since 2011, although there are significant differences across policy areas and countries."<sup>20</sup> According to two recent surveys from Norway, which has historically been unwelcoming to Roma and resisted their assimilation, the Roma are being discriminated against in Norway.<sup>21</sup>

Two U.N. officials recently spoke on the lack of progress made by the Roma. On April 20, 2021, Ferdinand de Varenne, a human rights expert who reports to the U.N. Human Rights Council, called for controlling the spread of inflammatory comments on social media, as he said that "online hate speech violate[s] international human rights obligations and can lead to violence against Sinti, Roma, and other minorities." He added, "Roma have experienced physical attacks because 'hate, bigotry and intolerance towards minorities has become almost normalised, and even politicised, in some countries.'"<sup>22</sup>

A former U.N. Resident Coordinator in Serbia, where at least 150,000

Integration Strategies: combating negative attitudes towards people with Romani background in Europe (2020/2011(INI)), 2021 O.J. (C 385) 104, 106 [hereinafter European Parliament Resolution].

<sup>19</sup> *Proposal for a Council Recommendation on Roma Equality, Inclusion and Participation*, at 2–3, COM (2020) 621 final, (Oct. 7, 2020) [hereinafter Proposal for a Council Recommendation].

<sup>20</sup> *Id.* at 3 (emphasis in original).

<sup>21</sup> Runa Falck, *Migration Studies*, 2020, *Discrimination against Roma: Evidence from two survey experiments in Norway*, OXFORD ACAD. (Dec. 2, 2020), <https://academic.oup.com/migration/advance-article/doi/10.1093/migration/mnaa026/6017393>.

<sup>22</sup> *Hate speech and violence still rising against Roma despite recognition gains, says rights expert*, U.N. (Apr. 7, 2021), [news.un.org/en/story/2021/04/1089232](https://news.un.org/en/story/2021/04/1089232).

Roma are said to be living, found that: “Roma communities face multiple risks of discrimination and marginalization: Roma women and girls are traditionally engaged in early marriages, social and family neglect; Roma children consistently work in informal, dangerous labour, and Roma Internally Displaced Person (IDPs) are amongst the most destitute people in the region.”<sup>23</sup>

A recent Associated Press report describes a “kind of slavery” in Romania, “because the people living here have no opportunity for school, to get a job in the city, which is very close, they don’t have infrastructure . . . and that is destroying their perspective on life.”<sup>24</sup>

In April 2020, *Margareta Matache and Jacqueline Bhabha* wrote that “there is a frightening escalation of populist and racist voices intent on blaming the Roma community for this pandemic.” Among their findings,

From Slovakia to Romania and Bulgaria, states have enacted disproportionate or militarized measures targeting Romani neighborhoods or towns. Some of these measures are driven by a racist narrative that casts Roma as a collective health and safety threat. The Bulgarian government has imposed particular measures, including road blocks and police checkpoints, on several Romani neighborhoods despite no evidence of COVID-19 positive test results there. A Bulgarian Member of the European Parliament, Angel Dzhambazki, speculated that Romani “ghettos [could] turn out to be the real nests of contagion.”

They noted that, along with politicians, “uttering racist falsehoods,” “[a]cross Europe, a range of media outlets have been broadcasting similar narratives blaming Roma, especially those returning from other countries, for spreading COVID-19.” They added:

Forced evictions and force migration in search of survival both result in high levels of homelessness for many Romani people in many EU member states, including Romania, Italy, Sweden, and Denmark. According to the Institute of Global Homelessness, across Europe

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23 Françoise Jacob, *Leaving no Roma behind during a pandemic, and beyond: a UN Resident Coordinator blog*, U.N. (Aug. 2, 2020),

<https://news.un.org/en/story/2020/08/1069331>; see also Orla Barry, *Roma People are fleeing Romania for US-Mexico border to escape persecution*, WORLD (June 21, 2021, 4:15 PM), <https://www.pri.org/stories/2021-06-21/roma-people-are-fleeing-romania-us-mexico-border-escape-persecution>.

24 Stephen McGrath, *In Romania, “modern slaves” burn noxious trash for a living*, ASSOCIATED PRESS (Apr. 22, 2021), <https://apnews.com/article/world-news-health-romania-environment-and-nature-business-74bc8c9f72d2dbe21e10282c722779dc>.

“Roma populations have been shown to be more at risk of homelessness than non-Roma groups.” They do not have the option of sheltering in place.<sup>25</sup>

Overly harsh police responses have been widespread. An August 2020 report recounts heightened tensions due to the pandemic:

As the virus spread to eastern Europe in early March, authorities in Slovakia and Bulgaria quarantined large Roma neighborhoods. Residents were barred from leaving without a valid work contract or other urgent reason. Bulgarian Interior Minister Mladen Marinov said police checkpoints at the entrance and exits of Roma districts were necessary to protect the rest of the population.

But a Roma rights activist said “the impact on some communities was devastating. . . . Most of the Roma residents lost their jobs as a result.”<sup>26</sup>

### *B. Discrimination in the United States*

Romani people in the United States, numbering approximately one million, face discrimination just as in Europe. A November 2020 study was conducted by the François-Xavier Bagnoud Center for Health and Human Rights at Harvard University, and Voice of Roma,<sup>27</sup> a non-profit organization based in California. The research team first conducted literature research, then interviewed 363 Romani Americans, finally Romani people and non-Romani academics, community leaders, and other experts. Among other discriminatory practices, they found that the Roma are stereotyped as criminals. The interviewees discussed health, education, employment, and housing, and racial profiling by the police. They saw these defects in their services as illustrating “the transatlantic migration of racist ideas,” which had migrated from Europe and showed that institutional discrimination of the Roma is prevalent in the United States. It called Roma “a large invisible community which, when focused on, is often described by simplistic and racist stereotypes.”<sup>28</sup> On the Romani immigration to the

<sup>25</sup> Margareta Matache & Jacqueline Bhabha, *Anti-Roma Racism is Spiraling During COVID-19 Pandemic*, *HEALTH & HUM. RTS. J.* (Apr. 7, 2020), <https://www.hhrjournal.org/2020/04/anti-roma-racism-is-spiraling-during-covid-19-pandemic/>.

<sup>26</sup> Orla Barry, *Roma persecution intensifies during the coronavirus pandemic in Europe*, *WORLD* (Aug. 24, 2020, 1:15 PM), <https://www.pri.org/stories/2020-08-24/roma-persecution-intensifies-during-coronavirus-pandemic-europe>.

<sup>27</sup> FXB Center, *Romani Realities in the United States: Breaking the Silence, Challenging the Stereotypes* (Nov. 2020), <https://cdn1.sph.harvard.edu/wp-content/uploads/sites/2464/2020/11/Romani-realities-report-final-11.30.2020.pdf>.

<sup>28</sup> *Id.* at 5.



United States, the study notes:

The first Romani people were reported to have arrived in the Americas on Christopher Columbus' third voyage in 1498, but 'began to reach the Americas in any numbers in the 16th century shipped here to work as slave labor in the plantations.'<sup>29</sup>

This immigrant community has "a long and complex history in the U.S. and very little public visibility, recognition, or voice,"<sup>30</sup> and the American public is largely unaware of this minority.

The Center has documented anti-Roma racism, both past and present, as well as other challenges the global Roma diaspora faces or has faced. The study explains the current narrative:

The scarce literature on Romani people in the US emphasizes its invisibility. To avoid stigma and leave behind a long history of oppression in Europe, . . . Romani Americans 'learned to hide and blend in.' Because they share similar physical characteristics with other groups, it seemed easier to hide their ethnicity.<sup>31</sup>

Margareta Matache, Director of the Roma Project at FXB Center for Health and Human Rights, Harvard University, and Jacqueline Bhabha, Professor of the Practice of Health and Human Rights at Harvard's T.H. Chan School of Public Health, and Director of Research at the FXB Center for Health and Human Rights, observed in January, 2021, that "Romani Americans have long been rated as having the lowest 'social standing' among ethnic groups in the US," and that "the extent to which anti-Roma discrimination pervades education, employment, housing and, most of all, policing, is as noteworthy as it is unreported."<sup>32</sup> They said that though the Romani are only "one million people, . . . their exposure to daily discrimination should disturb us as much as the larger-scale phenomena generating public soul searching."<sup>33</sup>

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<sup>29</sup> *Id.* at 11 (citing Ian Hancock, *The Roma: Myth and Reality*, PATRIN (Sept. 5, 1999); Claire King, *Invisible No More. Romani Americans are challenging harmful assumptions about Gypsies*, TEACHING TOLERANCE (1999)).

<sup>30</sup> *Id.*

<sup>31</sup> *Id.* at 9.

<sup>32</sup> Margareta Matache & Jacqueline Bhabha, *Why is discrimination against American Roma ignored?*, OPEN DEMOCRACY (Jan. 13, 2021), <https://www.opendemocracy.net/en/why-discrimination-against-american-roma-ignored/>.

<sup>33</sup> *Id.*

## V. THE UNITED NATIONS, THE COUNCIL OF EUROPE, THE EUROPEAN PARLIAMENT, AND THE EU COMMISSION'S RESPONSES

### A. United Nations

The United Nations has often addressed the Roma question. For example, in 2014 the Human Rights Council adopted a resolution recognizing that the Roma have faced widespread discrimination for over five centuries. This resolution invited the Special Rapporteur on minority issues to prepare a study on the human rights situation of the Roma worldwide, which was submitted to the Human Rights Council in 2015.<sup>34</sup>

This study used a questionnaire to determine the situation for the Roma, directed to states and national human rights institutions. It showed that there was widespread discrimination impacting all Roma people, and especially women and children. The Roma faced particular difficulty in housing, education, medical care, and violence. The widespread discrimination also led to increased migration by the Roma.<sup>35</sup> Additionally, the UN report was concerned with ensuring the protection of the Roma identity and self-determination.<sup>36</sup>

In 2019 Fernand de Varennes, the U.N. Special Rapporteur on minorities, urged governments to take immediate action to end discrimination and combat racist rhetoric against the Roma people and comply with their international human rights obligations to protect and promote their rights.

On April 8, 2021, in his message to the International Romani Union, U.N. Secretary-General António Guterres said

The United Nations is strongly committed to working together with Roma civil society and other partners in strengthening the protection of human rights and freedoms. We stand with you and all Romani

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<sup>34</sup> Rita Izsák (Special Rapporteur on Minority Issues), U.N. Hum. Rts. Council, *Comprehensive study of the human rights situation of Roma worldwide, with particular focus on the phenomenon of anti-Gypsyism*, ¶ 12, U.N. Doc. A/HRC/29/24 (May 11, 2015); G.A. Res. 26/4, Protection of Roma, U.N. Doc. A/HRC/RES/26/4 (July 14, 2014).

<sup>35</sup> Izsák, *supra* note 33, ¶ 12.

<sup>36</sup> Protection of Roma, G.A. Res. 26/4, U.N. Doc. A/HRC/RES/26/4 (July 14, 2014). G.A. Res. 26/4, *supra* note 33.

women, Romani LGBTI, Roma from minority religious communities, and with all Roma who stand up to combat multiple forms of discrimination, including stereotyping and hate speech. We will continue to speak out against anti-Gypsyism and support efforts to secure the -- genuine inclusion of Roma in societies across the globe.<sup>37</sup>

### *B. Council of Europe*

Just as the United Nations, the Council of Europe, the European Union, and the European Parliament have also been concerned with the Roma situation. For example, in 1969, the Council adopted a recommendation on the “situation of Gypsies and other Travellers in Europe.”<sup>38</sup> In 1983, the Council organized a training for teachers on working with Roma children.<sup>39</sup> In 2009, the Council recommended to the Committee of Ministers on the education of Roma and Travellers in Europe.<sup>40</sup> In 2013, the Council adopted a Recommendation on Effective Roma Integration Measures in the Member States.<sup>41</sup>

In 2020, the Council forwarded to the European Union its Proposal for a Council Recommendation on Roma equality, inclusion and participation.<sup>42</sup> On the impact of the COVID-19 on the Roma communities, it stated:

The COVID-19 pandemic brings an extreme exposure of excluded and marginalised Roma communities to both negative health and socioeconomic impacts, which risks further aggravating existing inequalities. This Recommendation strives for reducing structural inequalities faced by Roma by tackling the limited access to clean water<sup>43</sup>, sanitary infrastructure and healthcare services, lack of

37 U.N. Secretary-General, Message to the International Romani Union (Apr. 8, 2021), <https://www.un.org/sg/en/content/sg/statement/2021-04-08/secretary-generals-message-the-international-romani-union>.

38 EUR. PARL. ASS. DEB. 9th Sess. 563 (Sept. 30, 1969).

39 *Education of Roma Children*, COUNCIL OF EUR., <https://www.coe.int/en/web/roma-and-travellers/education-of-roma-children>.

40 *Recommendation of the Committee of Ministers on the Education of Roma and Travellers in Europe*, COUNCIL OF EUR. (Jun. 17, 2009), <https://rm.coe.int/09000016805b0a1c>.

41 Council Recommendation of 9 December 2013 on Effective Roma integration measures in the Member States, 2013 O.J. (C 378) 1, 24.

42 Proposal for a Council Recommendation, *supra* note 18, at 17.

43 See Proposal for a Directive of the European Parliament and of the Council of 24 February 2020 on the quality of water intended for human consumption, COM(2017) 753 final (Feb. 24, 2020) (recast) (requiring Member States to take the necessary measures to improve or maintain access to water intended for human consumption for all, in particular for vulnerable and marginalised groups (Article 16) and

facilities and digital skills that would enable people to participate in distance education, the high levels of economic precariousness, overcrowded households, segregated settlements or camps.<sup>44</sup>

In its proposal, the Council recommended that the Member States should adopt national Roma strategic frameworks and suggested 39 specific recommendations,<sup>45</sup> and recommended that the European Union Agency for Fundamental Rights should conduct regular Roma surveys in 2020, 2024, and 2028 “to provide the data necessary for baseline, mid-term, and end-term results, reflecting any change in the situation of Roma.”<sup>46</sup>

### *C. European Parliament*

On September 17, 2020, the European Parliament adopted a resolution recommending to the Commission “EU legislative proposal for Equality, Inclusion, Participation of Romani people and Combating Anti-Gypsyism; post-2020 EU strategic proposal, priorities and adequate funding.” The proposal includes recommendations regarding equal participation of Romani people in decision-making processes, National inclusion Strategies; Anti-Gypsyism and intersectional discrimination; health; quality and affordable housing; environmental justice; and quality employment services.<sup>47</sup>

### *D. European Commission*

The European Commission had adopted on April 5, 2011, the “EU framework for national Roma integration strategies up to 2020.”<sup>48</sup> It was designed to address the socio-economic exclusion of Roma by promoting equal access to equal education, employment, health, and housing, and called on member states to design national Roma integration strategies and set national goals.

The Commission acknowledged that

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specifies that it would be important that such groups include minority cultures such as Roma and Travellers (Recital 31), [https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST\\_6060\\_2020\\_REV\\_1&from=EN](https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CONSIL:ST_6060_2020_REV_1&from=EN).

<sup>44</sup> Proposal for a Council Recommendation, *supra* note 18, at 17, ¶ 12.

<sup>45</sup> *Id.* at 19-29.

<sup>46</sup> *Id.* at 29, ¶ 39.

<sup>47</sup> European Parliament Resolution, *supra* note 17.

<sup>48</sup> An EU Framework for National Roma Integration Strategies up to 2020, COM (2011) 173final (May 4, 2011), [https://ec.europa.eu/health/sites/default/files/social\\_determinants/docs/com2011\\_173\\_en.pdf](https://ec.europa.eu/health/sites/default/files/social_determinants/docs/com2011_173_en.pdf).

The **COVID-19 pandemic** has revealed the extreme exposure of excluded and marginalised Roma communities to both short-term negative health impacts and to medium-term socioeconomic impacts. Roma children living in marginalised communities are among the hardest hit by the pandemic. Distance learning has been impossible for too many Roma children living in households without IT facilities or electricity. The crisis has also revealed **the urgent need for a more efficient policy response at European level**. [Emphasis in original.]<sup>49</sup>

It described the content of the proposal, divided into five chapters:

1. Chapter on three horizontal objectives designed to prevent and combat discrimination by promoting: (i) equality, (ii) inclusion and (iii) Roma participation;
2. Chapter on four sectoral objectives: education, employment, health and social services, and housing and essential services;
3. Chapter on partnerships and institutional capacity;
4. Chapter on funding;
5. Chapter on monitoring and reporting.<sup>50</sup>

It added that the proposal was aimed at ensuring “synergies with new initiatives developed at European level for the period up to 2030 and with the use of Union funds, to improve implementation at national, regional and local levels.”<sup>51</sup>

## VI. RECOMMENDATIONS

The U.N., the Council of Europe, the European Union, and the European Parliament have all been concerned about the plight of the Roma for several decades. However, there has been little, if any progress. The post-2020 EU Roma Strategic Framework is a clear and demanding document aimed at ensuring that the Roma do not suffer from discrimination and enabling them to access their rights as equal citizens. The Commission aptly focused on education, health, housing, and employment, but also added a new priority – to combat anti-Gypsyism. However, it does not mandate that member

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<sup>49</sup> Proposal for a Council Recommendation, *supra* note 18, at 6.

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

states implement effective policies and provide adequate funding, and it lacks an effective monitoring mechanism.

Among specific recommendations to bring about an enduring change, it is imperative that each member state has a free and non-segregated education system. It is equally essential that in decision-making the Roma should be a key partner, and that Romani culture should be preserved and protected.<sup>52</sup>

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<sup>52</sup> See ROMANI COMMUNITIES AND TRANSFORMATIVE CHANGE: A NEW SOCIAL EUROPE (Andrew Ryder, Marius Taba, & Nidhi Trehan eds., 2021).