

# Minority Rights in Central and Eastern Europe: Re-Examining the Roma

**RIDDHI SANYAL**

Ph.D. Candidate

Jawaharlal Nehru University, New Delhi (India)

## ABSTRACT

The European Union (EU) has acted as a major player in promotion of rights of minorities in countries across Europe. This paper evaluates EU's approach to minority rights in Central and Eastern Europe. It analyzes the impact of the 'Copenhagen Criteria' as a mechanism of promotion of minority rights and highlights its limitations in terms of implementation and monitoring. While many minority communities are present in Europe, the scope of the paper is restricted to the Roma – Europe's largest minority. The paper engages in brief country-wise assessments – covering two Central and Eastern European countries – namely, Bulgaria and Czech Republic, documenting the socio-economic and political exclusion of the Roma. Finally, the paper advocates for a shift from symbolism and exclusionary policymaking to participatory policymaking and social inclusion.

**Keywords:** Minority rights, European union, Right of minorities

## INTRODUCTION

Minority rights in Central Eastern Europe were seriously considered in 1993 when the European Union's (EU) political conditionality for membership required the fulfillment of the 'Copenhagen Criteria', one of whose clauses called for the "stability of institutions guaranteeing respect and protection of minorities" (Copenhagen Criteria 1993). Mechanisms for monitoring the progress of candidate countries were taken up through the publication of 'Annual Reports' by the European Commission as part of its Agenda 2000. However, the fact that older EU member countries did not themselves recognize minority rights for certain communities, such as the Roma, and the absence of a coherent prototype model to be followed affected the functioning of the monitoring process.

The EU member states are recommended to follow the Framework Convention on National Minorities (FCNM), 1995 and the commendations of the OSCE High Commissioner on National Minorities, 1992. With the exception of Estonia, programs for the integration of

Roma were undertaken by all the other countries in Central and Eastern Europe, including countries with relatively small Roma populations like Latvia, Lithuania and Poland. Under pressures from the EU, member-states instituted anti-discrimination legislation, ratified the FCNM and established government bodies for the protection of minority rights. The EU's "Race Equality Directive" prohibits discrimination on the grounds of ethnic identity or race in areas such as education, employment, social protection and public access to goods and services. This is particularly relevant in states like Bulgaria and Estonia where language rights are not available for the Roma/other stateless minorities. Grant of rights is dependent in these states on several factors like size, political bargaining, status and demands.

While the threat of withdrawal of EU membership was successful to a certain extent, the conditionality principle lost its leverage once these countries were admitted as members of EU. Initiatives have been more in terms of paper-work with the ground reality remaining unchanged. The persistent "anti-Roma racism" prevalent in these countries has been particularly troubling, with no

signs of its decline despite the EU conditional accession process. Societal prejudice and lack of awareness pose major obstacles. While other minority populations struggle to gain minority rights, the Roma continue to fight for acquiring basic human rights.

The paper, in this context, traces the origin of the Roma and analyzes their social and political status in two Central and Eastern European countries— namely, Bulgaria and Czech Republic, alongside an evaluation of the credibility of EU as an instrument for promoting institutional mechanisms for the development of the Roma.

### **Tracing the Origins: Who are the Roma?**

Formerly known as ‘Gypsies’, the Roma are a marginal community in almost every country in Europe. There has been increasing conceptualization of the Roma as constituting “a non-territorial European nation” (McGarry, 2010). Europe has 7 to 9 million Roma spread across its territories, with the largest being found in Central Eastern Europe and the Balkans (Rechel, 2009). The Roma are highly heterogeneous and have developed distinct characteristics based on the countries in which they reside. However, similar disadvantages and socio-economic conditions faced by the Roma populations post-communism have led to their categorization by the EU as a single homogenous community (Cahn, 2002).

Civilizations even before modern Europe perceived the Roma as the inferior ‘other’. While their condition was relatively better during the Ottoman Empire as compared to the Habsburg Empire, they have never been on an equal footing with the majority populations in any European territory (Pogany, 2004). Beginning in the 15<sup>th</sup> century, the Roma faced anti-gypsy legislation that ordered their expulsion and prescribed death penalty for non-compliance (Rechel, 2009). This was followed by their enslavement in the Romanian principalities like Moldavia and Wallachia. During the Nazi period and the Holocaust, approximately 500,000 to 1.5 million Roma were systematically killed (McGarry, 2010). The collapse of the Soviet-based Communist order and the subsequent transition to market economies has affected the Roma the most. Lack of skill-based education as a result of centuries of discrimination made them suffer in the competitive employment market (Cahn, 2002). Consequently, today, many Roma are poverty-stricken and face economic hardships. According to a report of the European Union Agency for Fundamental Rights

(FRA), 2016, 80% Roma are at a risk of poverty compared to 17% in the rest of EU (FRA, 2016).

While there is a general belief that the Roma hailed from Egypt, linguistic evidence shows significant similarities between Romani and Sanskrit languages (Hancock, 2002). This reveals that Roma had stayed in India for a long period of time before they left for Europe. Their arrival in Europe was met with mistrust by the settled European communities. Roma were commonly perceived as dirty and impure and were often accused of engaging in criminal activities, theft and black magic— stereotypes that led to repressive measures culminating in “sustained genocidal persecution and enslavement” (Cahn, 2002, p.45). Throughout European history, Roma communities were expelled from one or the other country. While Germany passed legislation on their expulsion in 1497, Spain, France, Denmark, Moravia, Scotland and Poland followed suit with orders coming in from the period of 1500- 1588 (Rechel, 2009). In some countries like England and Prussia, being a Roma was enough for sentencing them to death with warrants being ordered for all the Romani men and women above the age of 18 (McGarry, 2010). During this period, the Balkans offered a relatively safe refuge partly because many inhabitants shared Asiatic origin (Pogany, 2004).

From the 16<sup>th</sup> century, there were attempts of assimilation of the Roma. This was particularly evident during the time of Empress Maria Theresa, who replaced the term ‘Gypsies’ with ‘Neo-Hungarians’ and enforced policies to take Romani children away from their families to raise them in Hungarian households so that they adapt to the Hungarian culture and lifestyle. It was therefore ensured that the Romani culture remained dormant (Pogany, 2004).

Although the condition of the Roma marginally improved during communism due to certain welfare measures, the fact that prejudice towards the community remained was exposed during the post-communist period when Roma houses were burnt, forcing many to shift to the shanty towns with inadequate healthcare facilities, lack of sanitation and educational facilities coupled with racist attacks and violence.

Having examined Roma origins and their historical marginalization, the next section of the paper delves into the minority rights model in Central and Eastern European countries and country- wise assessments of the impact of the EU conditionality principle.

### **European Union and Conditionality: Country-Wise Assessments:**

Building on the context of historical exclusion, the focus of this section turns to how the contemporary structures of states have responded to Roma marginalization. This section examines the two predominant models of minority inclusion and assesses their implementation with an emphasis on the Roma.

There are two models that emerged in Central Eastern European Countries in the wake of EU enlargement- namely, the 'Minority Rights Model' and the 'Undifferentiated Citizenship Model'. The 'Minority Rights Model' involves granting minority groups special group differentiated rights in terms of culture, language, social and economic participation. Hungary has adopted this model in 1990s and recognized thirteen communities as 'historical minorities' apart from the recognition of twelve national minorities. Local minority self-governments are created with the elected leaders representing minorities at the national minority self-governments. Romania entitles one seat for the Roma in case the community fails to pass the 5% electoral threshold. This system, however, is criticized for ignoring the socio-economic conditions and promoting inequality instead of equality (Rechel, 2009).

Unlike the Minority Rights Model, the 'Undifferentiated Citizenship Model' involves general application of laws on all citizens and dissociation of problems of minorities from cultural domain. Problems are seen to be arising from class and socio-economic factors. However, the model has been criticized for its lack of acknowledgement of the structural discrimination faced by minority groups like the Roma (Cahn, 2002).

While all CEE countries did not adopt either model comprehensively, EU's conditionality principle triggered policy and legislative changes across the region. As a part of the "Decade of Roma Inclusion" (2005-2015), various action plans were undertaken by the CEE countries to improve the socio-economic conditions of the Roma. The following section critically evaluates the extent to which EU conditionality has influenced domestic Roma policies in CEE countries:

#### **Bulgaria:**

The Roma and the Turks are the largest minority in Bulgaria. Historically, the country's policy towards minorities has been coercive and assimilationist in nature. One of the notable examples is the 'Revival Process'

(1984-85), during which Turkish language was outlawed and ethnic Turks were asked to change their names to enforce Bulgarian identity (Rechel, 2009).

In the post-communist period, policy reforms were taken up under pressures from EU. 'Mother tongue education' was re-established in 1991 after severe protests from communities. Further, FCNM was signed in 1997 followed by the establishment of the 'National Council on Ethnic and Demographic Issues' by the Bulgarian government for looking after minority issues. Additionally, Anti-discrimination Law was adopted in 2003.

Despite the formal commitments, the Roma continue to face systematic exclusion. Although 'Mother Tongue' education was reinstated, it benefited the Turkish minority. The Roma continued to be excluded from linguistic and cultural rights frameworks. State policies towards the Roma have been described as "immigrant multiculturalism", indicating that the Roma are treated as outsiders (McGarry, 2010). While the Decade of Roma Inclusion saw increased EU influence in shaping Bulgarian policy on the Roma, the gap between legislation and implementation continues to remain wide. In as late as 2025, Amnesty International reported the decision of a local municipality to demolish Roma settlements and the resultant forced eviction and homelessness of around 200 Roma (Amnesty International, 2025). Thus, institutionalized racism continues to exist, necessitating stronger enforcement and monitoring mechanisms alongside community-led participation.

#### **Czech Republic:**

The policy of Czech Republic towards the Roma can be analyzed through 4 distinct phases:

- *Phase I: Initial Recognition (1990-1992):* Roma were officially recognized as a national minority in 1990. Government departments previously overseeing the "Gypsy affairs" were disbanded. This was followed by greater role of the NGOs in policy making. Roma Civic Initiative, a major political party of the Roma played an important part in bringing about reforms along with the Roma representatives in certain organizations. Resolution No.619 (1991) set out a comprehensive integration program titled "Principles of Policy towards the Roma minority of the government of Czech and Slovak Federal Republic". However, growing political instability

from the dissolution of Czechoslovakia proved to be a backlash towards adoption of policies on minorities (Rechel, 2009).

- *Phase II: Rise in Hostility (1992-1997):* Racial violence against Roma intensified during this period. The Czech Democratic Party (CDP) adopted neo-liberal policies with disregard for welfare of the minorities. Connections between the Roma civil society organizations and government were cut off coupled with exploitive measures adopted for perceived criminality of the Roma. There were calls for protection of the Citizens from the “Gypsy disorder” along with restrictive access of the Roma to the public places (Cahn, 2002).
- *Phase III: Institutionalization (1997-2003):* This phase was characterized by institutionalization. Many Roma migrated from Czech Republic to the United States and Canada in 1997. With the number of asylum seekers reaching to about 1300 in Canada, there was acknowledgement of refugee status being granted to Roma and the emergence of a ‘Roma issue.’ In response to mounting criticism, the Czech government established the “Inter-Ministerial Commission for Roma Community Affairs” and commissioned the “Bratinka Report” in 1997, providing comprehensive information regarding the situation of the Roma. The government proposed policy recommendations on the same and carried out regular assessments.
- *Phase IV: Implementation Gaps (2003-2009):* While the government drafted the “Act on Equal Treatment and Legal Means of Protection against Discrimination” in 2009, many provisions of the Race Equality Directive including clauses regarding employment, access to goods and services and social protection remained unimplemented.

Following the dissolution of Czechoslovakia, there were issues of re-application for membership to the Organization of Security and Cooperation in Europe (OSCE) and Council of Europe, both of which the country achieved in 1993. Despite reports from Amnesty International, Helsinki Watch and media outlets across Europe, the worsening conditions faced by the Roma were categorically ignored at the policy level. In order to minimize external scrutiny over rising anti-Roma racism,

the Czech government sought to delimit outside influences.

Under sustained international pressure, the Czech government adopted a final amendment to its Citizenship Law in 1999, addressing issues of statelessness faced by the Roma. Further, As Rechel (2009) argues, “The Czech state oscillated between an attempt to return to Europe and Czech provincialism, which exacerbated nationalist tendencies” (Rechel, 2009 p.142). The focus of the government on economic indicators during the post-communist transition led to stagnation in development of policies related to the minorities, including the Roma. While applying for the EU accession process in 1997, the European Commission strongly criticized the state of Roma treatment in the country with integration of Roma communities stated as an explicit accession conditionality. Although some positive developments have taken place since then, significant gaps remain.

In 2023, videos were widely circulated in social media showing police violence in Brno against a Roma teenager. This prompted mass outrage and condemnation from the Council of Europe’s Commissioner for Human Rights. FRA’s annual review (2023) revealed instances of segregation of Roma children and placing them in school for children with special needs. The fact that this instance was repeated despite a 2007 European Court of Human Rights (ECtHR) ruling against the practice, is particularly alarming. Previously, in the case of *D.H. and Others vs. Czech Republic* (2007), the ECtHR found that Czech Republic had violated Article 14 (prohibition of discrimination) and Article 2 of Protocol 1 (Right to Education) of the European Convention of Human Rights. The judgment came in light of Roma children being disproportionately placed in special schools. Apart from this, ERRC reported a surge in hate speech in media platforms and political discourse during election campaigns in 2024. Thus, the gap between lived realities and legal framework highlights the need for stronger enforcement mechanisms and political will.

### **Conclusion:**

Marginalization of Roma across the states of Central and Eastern Europe highlight significant gaps between the lived experiences of the Roma and the policy commitments of states. This has led to a ‘deep-rooted’ alienation of these communities from the mainstream. While the EU’s conditionality principle, ‘Race Equality Directive’ and FCNM ratifications have prompted the countries to undertake legislation, there are

inconsistencies in the way policies are implemented at the grassroots level. Partly, the issue is structural in character with limitations at both the national and supranational levels.

The cases of Bulgaria and Czech Republic highlight the persistence of socio-economic exclusion and marginalization of Roma in the sectors of education, housing, employment and political representation. Formal commitments by the countries have not translated to substantive change. Roma exclusion in these countries is not a result of legal oversight alone. It reflects a broader environment of deeply entrenched discrimination and lack of institutional will. Roma inclusion demands a shift from the existing top-down approach to an approach that involves participatory policymaking.

EU's credibility depends not just on entry-level commitments but on continuing political pressures post-accession through regular reporting, conditional funding and political pressures. Inclusion policies should involve Roma voices in every step of the way- from budgeting, policymaking to implementation. Inclusion additionally involves anti-racist civic engagement and awareness campaigns, aiming at dismantling the structures that normalize Roma exclusion. The future of minority rights in Europe is much more than a policy challenge that needs to be resolved. It is a litmus test for the democratic integrity of EU.

## REFERENCES

(\* indicates primary sources)

- Amnesty International (2025, May 9). *Bulgaria: Roma families left homeless after evictions (Index No./ EUR 15/9364/2025)*. Amnesty International. URL: <https://www.amnesty.org/en/documents/eur15/9364/2025/en/?utm>.
- Buzan, B. (1983). *People, states and fear: The national security problem in international relations*. University of North Carolina Press.
- Cahn, C. (2002). *Roma rights: Race, justice and strategies for equality*. The International Debate Education

Association.

- \*Council of Europe Commissioner for Human Rights (2023). *Statement on Police Violence against Roma in Czech Republic*. <https://www.coe.int/en/web/commissioner/-/concerns-over-police-violence-against-roma>.
- \*Czech Ombudsman Office (2024). *Annual Report on Housing Discrimination*. <https://www.ochrance.cz/en>.
- \*European Council (1993). *Conclusions of the Presidency: Copenhagen European Council—21-22 June 1993*. European Communities. [https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A51993XG0705\(01\)](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A51993XG0705(01)).
- \*European Court of Human Rights (2007). *D.H. and Others v. The Czech Republic*, Application no. 57325/00, Grand Chamber Judgment, 13 November 2007. <https://hudoc.echr.coe.int/eng?i=001-83256>.
- European Roma Rights Centre (2024, January 24). *Challenging Digital Antigypsyism in the Czech Republic*. ERRC. <https://www.errc.org/reports—submissions/challenging-digital-antigypsyism-in-the-czech-republic>.
- \*European Union Agency for Fundamental Rights (FRA). (2016). *Second European Union Minorities and Discrimination Survey: Roma – Selected findings*. Publications Office of the European Union. <https://fra.europa.eu/en/publication/2016/eumidis-ii-roma-selected-findings>
- \*European Union Agency for Fundamental Rights (2023). *Fundamental Rights Report 2023*. <https://fra.europa.eu/en/publication/2023/fundamental-rights-report-2023>
- Hancock, I. (2002). *We are the Romani people*. University of Hertfordshire Press.
- McGarry, A. (2010). *Who speaks for Roma?* The Continuum International Publishing Group.
- Pogány, I. (2004). *The Roma Café: Human rights and plight of the Romani people*. Pluto Press.
- Rechel, B. (2009). *Minority rights in Central and Eastern Europe*. BASEES/Routledge Series on Russian and East European Studies. Routledge.
- Roychoudhury Maitra, S. (n.d.). State securitization and internal ethnic conflicts in India. *Jadavpur Journal of International Relations*.

\*\*\*\*\*