

# **Free to Move but Nowhere to Go: The European Union and the Roma Population**

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## **Abstract**

According to the European Union (EU) official website, after the 2004 EU enlargement to “new members in central and eastern Europe, the Roma population living in the EU now numbers several million.” This deserves EU attention because Roma communities in Europe, defined by the EU as “including those describing themselves as Roma, Gypsies, Travellers and Sinti....” have long faced and still face discrimination and persecution. The European Commission and other EU institutions have addressed the exclusion and discrimination of Roma with policies and programs that attempt to reach them at the EU level. While the EU encourages and supports individual nations’ efforts to include the Roma and to stop discrimination, the nature of this traditionally nomadic people seems to capture the spirit of freedom of movement, a fundamental right of almost all EU citizens.

I argue that Roma can be an example of EU citizens who live, work, and study, or should be able to live, work, and study, across the EU territory, embodying the principle and practice of freedom of movement and representing the situation of people living beyond nations. Unlike other EU citizens, most Roma don't enjoy the protection, rights and benefits associated with national citizenship and even when they do, they are discriminated against and excluded from the opportunities available in both old and new EU Member States, where they reside. Based on my previous scholarship exploring the possibility of a residence-based EU citizenship not tied to nationality, I argue that EU institutions and diplomats are making important progress acknowledging the necessity to protect, respect and assist the Roma in their potential transition to EU citizens. However, these efforts and the assistance offered to Roma are, as of now, not enough to challenge and change years of discrimination and exclusion. EU funding, policies and activities stress the obvious necessity to protect Roma, who are state-less non-citizens who could and should be protected by and benefit from EU rights, particularly those of EU citizenship, and could and should be an example at the center of freedom of movement beyond nations, not at their margins.

## Introduction

In July 2008, two young Roma girls drowned while taking a summer swim in the sea near Naples, Italy. They had apparently been begging and wandering through the beach, when they decided to jump into the water. Unable to swim, the leisurely act turned deadly and it was soon too late to rescue them. The horror of their accidental death made worldwide headlines because of what happened after the girls were pulled out of the water. Covered by beach towels, they were left there for hours, waiting for the ambulance to pick them up. The picture of their bodies laying unattended on the beach became infamous, however, because of the careless picnic-ers who carry on as if nothing had happened (Popham 2008). This event was magnified by the fact that the Italian government had been vehemently gathering Roma to fingerprint them (Day 2008), even children like the girls on the beach, to monitor them in an effort to 'help' them.

The European Network of Ombudspersons for Children argued that "Italy is gripped by anti-Gypsy feeling. Since coming to office in May, Silvio Berlusconi's rightwing government has appointed three special commissioners to deal with the Roma," additionally ordering the controversial fingerprinting of "more than half of the estimated 150,000 Roma in Italy." Even after the Commission demanded more details on this census and the European Parliament "approved a motion condemning it as an act of discrimination banned by the European convention of human rights," (European Network of Ombudspersons for Children 2008 and Child Rights Information Network 2008) Berlusconi declared his Government was simply trying to "ensure" children attended school and had access to health care. The motion was later dismissed (Owen 2008) by the European Commission, even after several human rights organizations and leaders, including the Catholic Church (del Colle; *Famiglia Cristiana*: 'Si

*prendano le impronte agli ultrà, non ai rom'*), had spoken out against this apparent inflammatory and potentially racist act.

Laura Boldrini, UN High Commission for Refugees, was quoted in the Telegraph consoling the families of the girls and highlighting the need to reflect on the reasons why this could have happened, stating that “while we express our condolences we also express worry at the circumstances of how the tragedy unfolded” (Boldrini cited in Pisa 2008). She even asked if the same could have happened had the girls been Italian, and challenged the indifference that seemed to have engulfed the people on that beach, in Italy and throughout the European Union. The European network Against Racism (ENAR), a network of NGOs, called the situation in Italy “not an isolated example” and argued that it only made “the urgency of action to curb Romaphobia across Europe all the starker” (Press Release 15 September 2008).



Figure 1. Printed in *The Independent*. July 22 2008.

This dramatic example is only one of the many that highlight the perennial discrimination and marginalization of the Roma population in Italy and across the European Union (Malini and all 2008). While this event was captured on camera, many more go unnoticed. Roma people live and dwell at the margins in most European countries and as citizens of Member States have grown almost too comfortable accepting their own prejudices against them, the EU and its institutions have stepped in to halt this unquestionable problem. Nations have failed to address the Roma and their situation, so the EU has implemented several initiatives to address them and treat them as equals while understanding the magnitude of the negative stereotypes associated with what many see as people unwilling to help themselves.

In this paper, I discuss some of the initiatives the EU has advanced to promote the inclusion, acceptance, respect and ultimately the equal treatment of the Roma population, specifically focusing on the principle of freedom of movement as both one of the founding principles of the EU and one of the characteristics associated, or at times despairingly attached, to the Roma population. I focus on the similarities between the ideals of the EU and the practices of the Roma to argue that the Roma can be a great example for EU citizenship and should thus be granted full legal rights at the EU level. While many Roma are already nationals of a Member State, thus EU citizens, others are not, and often most are disenfranchised in ways that make their nationality meaningless. Because the nations where the Roma reside have not solved or at times even addressed their situation, EU wide efforts, including policies that force nations to provide the necessary means, have the potential to make an impact in the life of the Roma, because of the very principles the EU and its institutions represent. I will address some of the several efforts and policies that the EU has implemented with the dual goal of promoting acceptance of the Roma by other Europeans and of encouraging Roma to become participants in

those efforts, with a focus on education, employment, participation in civil society, health care, *inter alia*. I explore the arguments and the policies that EU institutions and organizations present in favor of the inclusion of Roma and in order to end discrimination. At a time when Member States and their citizens seem to solidify their negative stereotypes and perceive all Roma as criminals, my analysis of efforts of the EU and the NGOs to assist the Roma is a unique contribution to the understanding of a model of citizenship that is truly beyond the nation, particularly when combined with the freedom to move beyond nations.

### **The EU and the Roma Population**

The Roma girls drowned, geographically, in the midst of the EU, in an ‘old’ member state; chronologically, in the midst of the Decade of Roma Inclusion, 2005-2015; symbolically, in the midst of a tug-of-war between the EU and the Member States, who have long argued for the need to address the Roma situation, while waiting for the other to act and be held accountable. The EU institutions, particularly the Commission, have made efforts to tackle this century long debate over the status, the practices and the policies concerning those who describe themselves as “Roma, Gypsies, Travellers, Manouches, Ashkali, Sinti, as well as other terms” (*The European Union and Roma 2008*), but are usually referred to collectively as the Roma.<sup>2</sup> Numerous reports, working papers and even policies, while ‘taking the first step’ toward the inclusion of the Roma population, have also been criticized for their lack of commitment and a long-term, serious vision of possible, concrete solutions. Non-governmental organizations like the EU Roma Policy Coalition (2008) lament the lack of an “ambitious strategy,” “long term planning,” or “direct commitment for an EU Roma Strategy.” Responding to a 2008 Commission working document on Roma inclusion (to be discussed later), the Coalition argues that it reveals

“a clear signal that the EC is rather reluctant to get seriously involved” (EU Roma Policy Coalition 2008a). They add that often the Commission delegates responsibilities to the Member States and fails to monitor progress, while the Member States expect the Commission to implement EU wide initiatives. This cycle of non-responsibility and non-commitment leaves the Roma population behind, with no serious progress and change in their situation.

The EU wide ‘sensitization’ toward the Roma population culminated on September 16, 2008, with an EU summit held in Brussels. According to the Employment, Social Affairs and Equal Opportunities website of the European Commission, the event aimed “to promote a firm commitment to tackling concrete problems and to creating a better understanding of the situation of Roma across Europe,” in order to “identify "policies that work"” [quotes in the original text] to promote inclusion and to bring into focus “the plight of Roma communities” (Employment, Social Affairs, and Equal Opportunities 2008a). The summit was intended as an opportunity to bring about concrete solutions to the undeniable problems the Roma face across the EU, old and new Member States and even candidate and neighboring countries. The event was promoted as “the highest-level gathering on the Roma yet held by the EU,” a serious, joint effort for the Commission and the member countries “to bring Roma into mainstream society.” The Commission renewed its call for “national governments to step up efforts to help Roma access to schools, housing, jobs and health services” and publicized its ongoing work toward the integration of these “Forgotten Citizens,” with €275 millions spent between 2000-06 on “projects specifically geared to Roma” and an additional €1 billion “spent on disadvantaged groups in general, including Roma.” The Commission used the summit to reinforce their commitment to combat discrimination, to enforce laws and “to coordinate Roma policies between member

countries,” while looking ahead at specific actions for 2009 (Employment, Social Affairs, and Equal Opportunities 2008a).

The EU Roma summit drew larger than expected crowds, “with more than 500 representatives of EU institutions, member-state governments and civil society participating,” but also equally expected controversy. The event “produced little in terms of policy initiatives” and no consensus among several constituents arguing from their own perspectives and for their own interests (*EU's first 'Roma summit' draws crowds and controversy*). The EU Roma Policy Coalition and human rights NGOs called for a unified EU strategy, to bypass discrimination at the national level, but the attending policymakers hesitated to endorse an EU-to-Member-States approach (even if that is common practice on several other social, legal and economic matters). The then French presidency and the current Czech presidency responded differently at the “idea of creating a Roma unit within the European Commission, modeled on a previously created Council of Europe division.” While Czech Minister for Human Rights and National Minorities Džamila Stehlíková “welcomed the proposal,” France's Christine Boutin, the minister for housing and urban affairs, argued that the already “existing tools” were efficient and satisfactory. Echoing Boutin, Commissioner Špidla also argued that “existing solutions are already designed for the long term” and it would be “irresponsible to think that the European Commission might develop a centralized approach from Brussels.” Roma activist Rudko Kawczynski harshly “accused the organisers of lacking awareness of the issues at stake” and went as far as calling the “Roma in this conference room...at best, decoration.” Kawczynski added that the policies supposed to help the Roma, and even some NGOs, simply did not understand them nor their conditions.

The tension at the summit reached a high when Eugenia Maria Roccella, representing the Italian government, “was booed as she started speaking by a small but vocal group of Roma activists.” They actually “left the room in a sign of protest” for Berlusconi’s decision to fingerprint Roma. Shigeo Katsu, the World Bank's vice president for Europe and Central Asia, ended on a more positive note and argued that “some progress has been made” with the World Bank’s efforts to include Roma. He also conceded that, “we still have a long way to go. We need to push further and step up to the next level” (*EU's first 'Roma summit' draws crowds and controversy*).

On the eve of the summit, the European Network Against Racism (ENAR) had predicted with skepticism the lack of progress and the “empty words” that were to be presented. They had called for “real change” and “concrete ways” to address the Roma situation, including “common European standards” and coordinated efforts from both the EU and the Member States; “basic rights for quality education, adequate and affordable housing, effective health and social services;” ways to promote and ensure participation from the Roma and their involvement in policy making, and serious efforts to prevent and “challenge extremist groups” and negative stereotypes in the media (European Network Against Racism). ENAR echoed the frustration of other NGOs who also felt the summit had fallen short of achieving any agreement or commitment to tackle the Roma problem in a joint, serious effort from both EU institutions and Member States.

The September 2008 summit is one of the most recent, according to many, failed attempt, to unite institutions, organizations, Roma activists and governments, but it was definitely not the first. Already in April 2004, the European Commission had financed a conference on ‘Roma in an Enlarged EU.’ A Consortium of NGOs, including European Roma Rights Centre (ERRC) and

European Roma Information Office (ERIO) collaborated on a detailed report on ‘The Situation of Roma in an Enlarged European Union,’ commissioned by the Directorate General for Employment and Social Affairs of the European Commission. The purpose of this report was “to better understand the situation of Roma, Gypsy and Traveller communities in the EU-25” and to reflect on “existing and future...policies” to address their situation (European Commission 2004). The consortium focused on education, employment, housing, healthcare, and discussed the persistent lack of appropriate documentation among the Roma, who are often unable to access and benefit from basic social services and thus become, *de facto*, “stateless” (European Commission 2004, 3). They concluded that both at the EU and the member state levels, the Roma could benefit from coherent and organized policies that built on existing ones, (especially considering the founding principles and ideals of the EU), like “Article 13 of the Amsterdam Treaty.” They also promoted the ratification of new ones, like “Protocol 12 to the European Convention on Human Rights.” The consortium asked the Commission to coordinate efforts already in place through the European Council and various NGOs, and to monitor progress across the EU and in specific Member States. All the proposed guidelines, they argued, “should be presented in a way that encourages the involvement of Roma NGOs” (European Commission 2004, 3). The goals of promoting participation and enfranchising Roma were to be achieved while fighting prejudices and stereotypes and curbing the negative attitudes toward Roma. This dual and simultaneous task, the consortium warned, should not be accomplished by singling out Roma and making them a special case.

Stressing existing practices and working within the established framework seemed the most efficient way to empower the Roma population and make them part of their own solution. The report, however, maybe in an effort to navigate between an open invitation to the Roma and

a gentle reminder to the Member States that, while their sovereignty would be respected, they would be held accountable, concluded with cautionary words about the Roma. Arguments that could have been strong calls for action from the EU, the Member States, but also the NGOs and the activists who had participated at the conference, became cautionary reminders that Roma and their “organisations have a role to play in advancing their own welfare by participating in societies *to the extent they are able*” (European Commission 2008, 4, emphasis added). The report called for an end to the discrimination and the marginalization of the Roma, but at the same time addressed the subjects of the report as citizens-in-training and did not go far enough with a clear, forceful demand for EU wide policies and commitments, at times undermining their own message of inclusion and understanding. Moreover, the report asked the Roma to participate in “single-issue” demands and to consolidate their “differing views between various Roma, Gypsy and Traveller groups into a single, majority voice, with the objective of presenting policy-makers with clear and unambiguous proposals” (European Commission 2008, 4). Practically, this collaboration among various groups and ethnicities within the ‘Roma’ umbrella made sense, but coming from a consortium that had failed to persuade EU and its Member States to work together, this request seemed an attempt to blame the people they claimed to want to help and a potential disregard for the several cultural, historical, ethnic differences among the Roma.

The stateless, powerless and disenfranchised Roma were then called into action to help themselves, but the report offered little in terms of EU efforts to help them. In December 2007, the European Commission, working along the European Council, the European Parliament, the European Economic and Social Committee and the Social Committee of the Regions, presented a working document on “Non-discrimination and equal opportunities: A renewed commitment” subtitled “Community Instruments and Policies for Roma Inclusion” (COM(2008) 420). The

challenge facing EU institutions, the document argued, is that “Roma are particularly exposed to high rates of poverty, unemployment or are largely operating in the informal economy.” The challenge is magnified by the fact that a quarter, in some counties half, of the population “would feel uncomfortable to have a Roma as their neighbour” (European Commission 2008, 4). The document is a detailed and comprehensive summary and overview of all the EU initiatives, efforts, even directives, including country-specific examples and projects, with the innovative segment named ‘lessons learned.’ In these sections, reflections and suggestions are presented after discussing larger issues like education, employment, and infrastructure development and more specific ones like gender mainstreaming and free movement of persons. The document concludes that the “inventory and analysis of policies and instruments presented show that a framework exists at EU level for promoting Roma inclusion. It also demonstrates that the different tools available are being increasingly used by Member States, regional and local authorities, NGOs, social partners and individuals to promote inclusion and combat discrimination” (European Commission 2008, 56). This optimistic outlook is accompanied by the acknowledgement that joint, concrete and serious commitment from both the EU and the Member States will be necessary to combat the Roma situation.

The document, which accompanies the policy Communication “Non-Discrimination and Equal Opportunities: A Renewed Commitment” (COM(2008)), like other papers before it, was attacked by NGOs for underscoring “the numerous shortcomings resulting from the EU’s and the Member States’ misguided approach to Roma issues.” The EU Roma Policy Coalition comments on feeling a “sense of déjà vu,” and calls the document a “reflection of the passive stance that the EC adopts when it comes to Roma inclusion.” The Coalition conceded that there are a few positive outcomes related to the details of the report, including “a comprehensive inventory of

‘off the shelf’ available instruments” and “some indication of possible solutions, acknowledgment that improvements across the board are needed,” but concludes that while “the findings of the paper do make the case for an EU Roma Strategy even more stronger, unfortunately the conclusions do not match that” (EU Roma Policy Coalition 2008b). The coalition had already presented similar criticism in another press release, stating that “the European Commission once again chose to defer responsibility to Member States rather than focusing on forward-looking initiatives to empower Europe’s largest minority group. The Commission should assume its key role in launching, coordinating and supporting an EU Roma strategy” (EU Roma Policy Coalition 2008a).

The summit and the reports only reflect a small segment of the EU efforts toward an EU Roma strategy. The larger debate about what to do and how to do it encompasses numerous other interlocutors from various institutions, organizations, EU and national bodies and Roma activists. All of the initiatives, however, are not enough and, as *The Economist* reports, “the EU is tottering forward.” In anticipation on the document discussed above, the magazine argues that it “is likely to say that formal equality before the law is only a starting point, and that American-style positive discrimination will be needed.” This, however, is controversial, and *The Economist* defines it “a risky course” in a continent where, unlike America and its “history of slavery,” there are problematic and “entrenching stereotypes and attitudes on all sides.” The article urges not to analyze the problem only as a racial-ethnic or even poverty-related issue, nor to see it as the “‘Roma industry’, as the campaigning groups are sometimes derisively known.” The risk of turning all initiatives into “a theoretical, nit-picking discussion about politically correct language,” and “feuds between different lobbies” alienates already unsympathetic voters, who “already tend to blame the Roma for their own misfortunes.” *The Economist* reports staggering

numbers of people who are still suspicious, to say the least, of Roma. This was made evident in Italy, unfortunately again in the news when people in Naples falsely accused a young Roma of stealing a baby and almost stoned her (Biagio 2008). Such negative attitudes and their dramatic increase in countries like Italy, the author argues, have actually contributed to a heightened awareness of the Roma and their “misery,” bringing it out of the shadow of “the slums and ghettos of eastern Europe” (*Bottom of the Heap* 2008). *The Economist* cites Andre Wilkens, “a thoughtful Brussels-based observer of the region who heads the Open Society Institute's Roma efforts,” stating that “the new Member States of the EU have a chance to derive advantage from the Roma by finding an economic niche for them--for example, by turning their tradition of scrap-dealing into the basis for a modern recycling industry” (*Bottom of the Heap* 2008).

This semi-optimistic, even if limited and potentially limiting, vision of what Roma can do resides in the belief that the EU and the Member States can team up with the “Roma industry” to advance and better the situation of the millions of people who live, work and travel and the margins of the European society. The institutional efforts are coupled with a bottom-up approach that centers on the Roma themselves, overcoming the almost insurmountable prejudice and stereotypes to demonstrate that they have a stake in their success and they believe in a better future. *The Economist* reminds us “that Roma lobbyists tend not to notice that the Roma's own habits and attitudes may aggravate their plight” with what they call “self-decapitation.” Stories of young girls being forced to marry, young boys kept out of school to beg are the background for the few success stories of “a handful of Roma politicians” who have managed to enter the national and European public spheres, including the Flamenco dancer turned EU Ambassador (Keeley 2007) and members of the European Parliament.

Vermeersch reports that numerous Roma activists argue that “the Roma are a `European nation”” thus “the international and European level should carry responsibility for `solving the Roma problem”” (Vermeersch 2002, 97). He argues, specifically describing Slovakia, that often politicians struggle in their effort to balance support for Roma policies and even Roma political parties with the need to appease voters who are often anti-Roma by blaming the Roma for all their problems. Like the reflective and calculating politicians, the EU struggles in Janus-like fashion as it promotes the inclusion and acceptance of the Roma but fails to acknowledge the tremendous anti-Roma feelings. The policies and initiatives are sprinkled with questions about the Roma involvement and their willingness to help themselves, so that when the EU, the nations and their citizens fail, the fault is never completely theirs.

### **Freedom of Movement VS Freedom to Move**

Immediate results, especially shifting the wrongly long-held assumptions toward Roma, are unrealistic, but the EU has the framework and the foundation for policies based on values and practices that the EU and the Roma actually share. There are many similarities between Roma and other Europeans, not only because of basic human characteristics and rights, including their differences, but the most striking aspect that seems to be the common denominator between the EU way of life and the Roma lifestyle (whether by force or by choice), is a focus on freedom of movement. The right EU citizens have to move is very different than the unregulated freedom to move as ‘stateless’ people searching for a home, but I turn back to one of the founding principles of the EU in order to consider the Roma population as the quintessential example of EU citizens, beyond nations rather than at their margins.

The Roma can be an example of EU citizens, included as full-fledged EU citizens regardless of their nationality. Their heritage as travelers, historically, has made them free to move, but with nowhere to go. Member States often shun them, so why should the EU take them under their jurisdiction as EU citizens? How can the EU overcome centuries of discrimination and marginalization? The efforts thus far have focused on them as different, rather than human beings who ought to be treated like others and respected as post-national citizens. The Roma as post-national people can be an example for all the theories of post-nationalism and EU citizenship, to test the EU ideals and principles of unity, respect for diversity and human rights and freedom of movement.

This process, as I have argued elsewhere (Beasley 2007), requires revolutionary, unorthodox arguments to stop and block associations of Roma as ‘others,’ substitute the arguments for division with those of inclusion and finally accept them for what we have in common as EU citizens and human beings, not separate beings we can simply hide under beach towels to forget their presence.<sup>3</sup> Freedom of movement is a common denominator, a principle and a practice that challenge our thinking about mobility to question how this right of (almost) all EU citizens becomes a negative more for the Roma. If it is a cultural characteristic to be respected and promoted, maybe emulated, how can the EU and even more so the Member States use the fact that Roma are free to move as an excuse not to help them based both on ‘their way of life’ (Henrard 2004) as innate inability to root themselves among others, and as a reason not to address the plight of people who are only temporary residents, not nationals?<sup>4</sup> Instead of asking whether the Roma want to move or are forced to move, the EU and the Member States play a game of ‘hot potato’ among themselves, in a reciprocal and ongoing pattern of shifting blame.

The EU is then supposed to balance the respect for cultural differences with opportunities to assimilate, without diluting the Roma identity into a generic EU format. While difficult, these are the dilemmas the EU ought to be familiar with because of its very own past dealing with the mutual respect for diversity of all Member States and the promotion of unity through their universal commitment to equality, human rights and the four fundamental freedoms of goods, labor, capital and services. Ever since its origin as the Steel and Coal Community after War World II, and its eventual transformation into the European Economic Community and then the EU, economic, political and social ties among the Member States have been and are still in the making.

#### *Brief History of Freedom of Movement*

As a symbol of the EU ‘united in diversity’ motto, EU citizenship was established in 1992 as a unique concept for an international (super-national, inter-governmental) organization, a representation of the supposedly *sui generis* character of ‘ever-closing’ union. EU citizenship is granted to all Member States nationals, who are EU citizens in addition to being French, Italian, Polish, Hungarian, and provides some additional rights and benefits at the EU level. The very purpose of a form of membership that promises to be beyond the nation is to welcome and encourage a form of European identity, a sense of belonging that does not replace nationality, but adds to it so that all EU citizens can share in the goals and purposes of the EU and its institutions, while still keeping their ties to their homeland.

One of the most striking outcomes of EU citizenship is freedom of movement. The idea and practice of freedom of movement date back to the beginning of the European Economic Community, when nations that had fought one another had to negotiate ways to promote cooperation and encourage solidarity. Especially in devastated economies, promoting labor

movement made sense. Citizens who could not find employment in their country were encouraged to move to an area where they could find jobs, eventually settling and becoming part of the community, regardless of nationality. All the founding treaties of the EU stressed the necessity for mobility, along with the accompanying necessity for tolerance, so that discrimination would never move in as foreigners made their way across neighboring, and supposedly welcoming, EU nations.

One of the most basic needs all Europeans had was employment, so the European Coal and Steel Community Treaty, signed in Paris on April 18, 1951, stressed, in Article 2 that, “growth of employment and a rising standard of living in the Member States” were among the goals for increased cooperation. All consumers were to have “equal access” to products in a common market and all citizens were to enjoy “improved working conditions and an improved standard of living” across their nations, in an effort to “harmonize” working standards. While freedom of movement did not take shape in the Treaty, the idea of equality among workers was already a step toward common European citizenship, as Article 69 called for Member States “to remove any restriction based on nationality” and to “draw up common definitions of skilled trades and qualifications.” The Treaty allowed for some restrictions to be imposed “by the basic requirements of health and public policy” (Chapter 8, Article 69, paragraph 1), but also considered the need for non-nationals or non-EU citizens in times of necessity. Strictly focusing on steel and coal production, the Treaty granted Member States the right to “adjust their immigration rules to the extent needed” in case of labor shortages. The Treaty called on states to “facilitate the re-employment of workers from the coal and steel industries of other Member States” and prohibited any form of discrimination “between nationals and migrant workers” (Chapter 8, Article 69, paragraph 4).

The Treaty promoted labor mobility among Member States and, when needed, from non-Member States. While not imposing on the six original members “international obligations,” the common policies clearly paved the way for a common market with freedom of movement. While still restricted to some citizens, the idea of migrant workers prepared Europe to think in community terms, using a new vocabulary to erase national protectionism and immigration fears and replace them, even if slowly, with European themes of unity, equality and diversity. To guarantee and legitimize the Community, institutions were formed to explain and enforce the Treaty. The Commission could then present “appropriate recommendations” to the concerned Member States if they found practices of discrimination. But national governments could also consult the Commission for assistance and even workers, consumers, and dealers could present suggestions or comments (Title III, Chapter 5, Article 63). This first Treaty was then essential for a common vision for the European Community. Even if limited to the trading of coal and steel, the principles behind it already traced lines that connected the dots among nations, industries, and the workers-soon-to-be-citizens. From the early days of the Community, the status of workers was one preferably limited to citizens of other Member States. But as the work force needed to rebuild Europe was more than what the six members could offer, the articles of the Treaty addressing diversity and discrimination became more salient as citizens came from multiple places and nations realized they needed more than economic ties.

After Paris, the European Coal and Steel Community leaders met in Rome, to sign the Treaty that would come to represent the birth of the European Economic Community. On March 25, 1957, the founding documents came together in the Rome Treaties,<sup>5</sup> signed by nations “Determined to lay the foundations of an ever closer union among the peoples of Europe,” (The Treaty of Rome 1957). The heads of state and their representatives agreed that the Community

had to “eliminate the barriers which divide Europe” and make more efforts toward “the constant improvements of the living and working conditions” of the people. While still stressing economic objectives such as “steady expansion, balanced trade and fair competition,” the Treaty really tackled the idea of unity “to ensure the harmonious development” of the Community “by reducing the differences existing between the various regions and the backwardness of the less favored regions.” Still combating restrictions and tariffs on international trade, the leaders promised to “confirm the solidarity which binds Europe,” including overseas territories and following the Charter of the United Nations. With all these and many more goals in mind, the Treaty was signed “to preserve and strengthen peace and liberty” as the Member States called upon “the other peoples of Europe who share their ideal to join in their efforts.”

The solemn preamble introduced and refined some of the themes of the previous Treaty and “affirmed the political objective of a progressive—integration” (*The history of the European Union: The European citizenship* 2005). Although free movement of persons remained “subject to numerous limitations” (and would remain limited until the Single European Act of 1987), including restricting employment in public service to nationals, more emphasis was placed on “the abolition of any discrimination based on nationality between workers of the Member States as regards employment, remuneration and other conditions of work and employment” (Title III, Chapter 1, Article 48). The seeds of European citizenship were then planted in Rome, as progress toward more integration among Member States trickled down to their citizens. As Europeans, or at least as citizens of one of the six founding members, inhabitants and workers enjoyed limited rights, as they were now invited to work and take residence in countries where not even a decade before they would have been considered enemies.

The difference in status was huge for Europe, even as the six nations negotiated ways to maintain some control over their borders. The Treaty allowed the members to limit immigration when “justified on grounds of public policy, public security or public health.” But it also allowed citizens “to stay in a Member State for the purpose of employment in accordance with the provisions governing the employment of nationals of that state laid down by law,” thus placing nationals and non-nationals on almost equal terms. The Commission retained the power to implement regulations for employment, along with the Member States, but the Treaty made official the prerogative of freedom of movement for European citizens. This might have been a simple gesture in a continent where mobility was not a common trend, but the necessities made drastic by the war pushed people to move (usually northbound) and take residence in a different nation, not as aliens, but as community citizens.

Article 49 of the Treaty addressed the problem of citizens entering a European workforce with multiple backgrounds and encouraged “close cooperation between national employment services” to ease the transition from nation to nation and to abolish “those administrative procedures and practices” and qualifying periods for eligibility. The Treaty aimed at eliminating all obstacles “to liberalization of the movement of workers” and all restrictions under either national laws or previous agreements between Member States. The conditions of employment were then supposed to be equal across nations and the Treaty encouraged states “to facilitate the achievement of a balance between supply and demand in the employment market” in order to avoid “threats to the standard of living.”

The Treaty, in Article 50, also called on Member States to “encourage the exchange of young workers,” in order to improve relations among nations, learn about each other cultures and to teach new generations to think of all six nations as potential employers. Article 51 encouraged

freedom of movement for migrant workers and their dependants, promoting the reunification of families. All the necessary steps seemed taken to erase “restrictions on the freedom of establishment of nationals of a Member State in the territory of another Member State.” The Treaty, however, recognized that this process would take time and it would only be accomplished “by progressive stages” (Title III, Chapter 2, Article 52).

The Treaty of Rome also protected the freedom of establishment, as “the right to take up and pursue activities as self employed persons.” As Article 53 stated, Member States could not “introduce any new restrictions on the right of establishment in their territories of nationals of other Member States.” All the institutions were called upon to eliminate discrimination and intervene in case of unfair or unequal treatment, while allowing the Member States to retain sovereignty in matters of national interests. The Treaty of Rome was then extremely important for giving a name to the European Economic Community, but also for introducing the ideas that would solidify in later years in the concept of citizenship, as grounded in the ideas of freedom of movement.<sup>6</sup>

The spirit of freedom of movement, years after the first treaties were signed, remains at the core of EU citizenship and often even the most oblivious citizens who barely know what the EU is, do know they need not wave their burgundy passport to bypass lines at the airport, or can speed through borders without even showing an id card. Even when not as many citizens actually move to relocate and work in another Member State, they are familiar with an idea that, if nothing else, is supposed to remind them that all EU citizens are equal and all should work together toward peace and prosperity throughout the EU territory.

The ideals of EU citizenship, particularly tied to freedom of movement, have not harmonized relationships among EU citizens and have generated numerous debates about the treatment (or mistreatment) of old and new EU citizens and the differences between EU and non-EU citizens. From friendly dislike to bitter resentment, examples of intolerance among various EU citizens and particularly non-EU citizens test the goals of EU citizenship and really question the principles behind freedom of movement. While harmonious most of the times, especially among rather homogenous groups, EU citizens co-exist across the EU but still hold on to their nationalities in ways that seem to justify the mistreatment of ‘others.’

In the spirit of freedom of movement, EU citizens are still encouraged, just like after War World II, to travel and relocate to wherever they can find employment or opportunities, so that, in theory, the entire EU territory is a welcoming ‘home’ land. While still bound by geographical borders, the politics of the EU encourage a larger vision of what EU citizens may consider a dwelling place (Hyde). But while EU citizens are free to move, others are not. The very spirit of freedom of movement seems to welcome people who make the often difficult decision to uproot their life and take the chance to form new bonds to un-known people and places. It also captures what has long been a way of life for groups like the Roma, known travelers or ‘gypsies’ for that specific reason. For centuries, long before the EU drafted treaties encouraging freedom of movement, never directly mentioning the Roma, they have been wandering throughout the EU territory. As nomadic people, the question about their situation is not whether they select their life style or are still looking for a dwelling place. Although the distinction is essential to a possible solution, they embody the idea of freedom of movement and as quasi or non-citizens of EU Member States, they could represent the ideal of post-nationality of EU citizenship. Their membership no-where ought

to test the goals of EU citizenship and its relationship to freedom of movement, the principle of equality and the acceptance of diversity. In this vision, freedom of movement is not just based on labor needs, as it has been historically, but also on equality and respect for those willing to seek opportunities beyond the nation, especially when not one specific Member State is 'home.'

This political, EU wide over-hauling of our view of the Roma as EU citizens representing and embodying freedom of movement for their creativity, inventiveness, adaptability and resistance, would be a revolutionary change in the language and the policies toward Roma. It would unite both Roma and EU citizens as 'travelers,' without differentiating between EU mobile professionals in search of better, post-national opportunities and EU Roma as inherently nomadic people in behavior and identity, with a different relationship to space and time (Simhandl 2006). This difference is important because it separates 'free to move' EU citizens, as adult professionals, with documents like degrees and passports, from simply 'free' Roma, as irresponsible, child like, paper-less people who must be looked after, monitored, fingerprinted and controlled.

## **Conclusion**

The Roma population is spread across Europe and their origins, while mostly linked to a few Eastern European countries, are largely ignored. Their past does not matter as much as their present situation as non-citizens and wondering vagabonds nobody wants to acknowledge. Roma live and embody the very spirit of freedom of movement and have long been mobile, even before the EU treaties promoted unity and diversity. However, thus far, their situation has not been embraced as a possible example of the very nature of EU citizenship as a mode of membership that goes beyond the Member States and grants rights

and benefits additional to those of nationality. I have argued that Roma are a potential example of the spirit of freedom of movement and the ideals of EU citizenship, even as they remain a non-part of either the nations where they ‘reside’ (temporarily, tentatively, precariously or even illegally) in the EU territory. In the 2008 working document, the Commission had stated that in “regards the free movement of persons, Roma people who either have the nationality of a Member State or are family members of EU citizens benefit from all the rights conferred by the EC Treaty upon EU citizens (with the exception of free access to the labour market where transitional measures apply” (Employment, Social Affairs, and Equal Opportunities 2008a, 9). The Commission stressed their “transnational efforts” (Employment, Social Affairs, and Equal Opportunities 2008a, 23) to assist the Roma based on an EU wide model that would, potentially, unite all, but that has not happened.

The appalling picture of the bodies of the two Roma girls laying on an Italian beach, dead and ignored by the nearby picnic-ers or the distant authorities, were strong reminder of the two main problems with the Roma situation. EU citizenship has the potential to reach Roma at a level most Member States have knowingly by-passed because Roma often are non-citizens of the nations where they reside, often in status and always in practice. Even when Roma are legally citizens of the nation where they reside or of another EU Member State, their status often does not guarantee access to rights, benefits and service similar to other non-Roma. Often the Roma themselves do not seek those services due to the incredible amount of discrimination, so their legal status hardly matters. Moreover, their practices as citizens represent their situation at the margins of societies that isolate them as different, dangerous and to be purposely kept at a distance.

The second problem resides in the ‘hosting’ Member States’ treatment (or mistreatment) of Roma. Fueled by their citizens’ discriminating and exclusive attitudes toward all Roma, governments gain popularity and support by ‘cracking down’ on the criminal Roma, segregating them to squalid camps at the margins of cities and societies, and ignoring their human rights with the excuse of securing the well-being of their own citizens and protecting them from the perceived threat of the ‘gypsies.’ These discriminatory practices and exclusionary behaviors vary across EU nations, with countries like Italy making headlines more often than others for the consenting views that the Roma are a problem (McDougall 2008).

These two problems suggest that thinking of EU citizenship as the potential grantor of rights and benefits at the EU level is important because it could demonstrate the relevance and necessity of a post-national citizenship that tests the ideals of unity and diversity. The Roma, in particular, really challenge these EU ideals and principles as a case-study for the treatment of all those perceived as ‘others,’ regardless of EU or non-EU status. As similar tensions and conflicts develop across the EU, among new and old citizens and against immigrants, as well as in other regions of the world, non-membership or non-nationality becomes an excuse for denying all rights and non-acknowledging others. Therefore, the situation of Roma in the EU calls for an urgent look at the real possibilities of legal, political, social and economic rights granted at the EU level, particularly relevant at a time when Member States maintain their sovereignty in internal affairs, even when dealing with universal issues like human right, respect for minorities and the dignity of all. Freedom of movement is then both a founding EU principle and a potential EU starting point toward an understanding of Roma as EU citizens who show us that only when the EU, its Member

States and all the citizens create a post-national, a-divisional and un-conditional all-inclusive space, we can all finally settle, and we ought not to settle for anything less.

## Notes

<sup>1</sup> This paper is part of a larger project on the Roma and EU citizenship and is still in its nascent stages.

<sup>2</sup> *The Economist* reports that “Some prefer not to use the word Roma at all, arguing that “Gypsy”, sometimes thought derogatory, is actually more inclusive. The impressive catalogue to the Roma Pavilion at the 2007 Venice Biennale insists that Roma is too narrow a term, excluding as it does “Sintis, Romunglo, Beas, Gitanes, Manus etc”. Even ethnographers find it hard to nail down the differences and similarities between such groups” (“Bottom of the heap”).

<sup>3</sup> This process requires political imagination to bring together separate elements for what they have in common, even when they appear different (Vico’s *ingenium*) and a focus on universal rights. In *Universal Right*, Vico suggests our universal rights are discovered via religion (our inspiration into a God that has created us and given us what we have, knowledge, will and power) to get to jurisprudence, laws and policies that regulate our behaviors toward others until they become habits, common practices (Aristotle), like those that are now unfortunately permeated by discrimination.

<sup>4</sup> In *Perpetual Peace*, Kant discusses world citizenship and he limits it to the “condition of universal hospitality,” as a question of right (Kant 1957, 20). He defines hospitality as the “right of a stranger not to be treated as an enemy when he arrives in the land of another.” He adds reservations for the conditions in which a visitor must be welcomed, and he notes that it is only a “right of temporary sojourn” (Kant 1957, 22). Kant, however, posits that hospitality is a duty because “originally, no one had more right than another to a particular part of the earth.” So, just like different parts of the world can come together peacefully, humans must follow the example and “can be gradually be brought closer and closer to a constitution establishing world citizenship.” Kant recognizes the hostile nature of people from different and distant places and argues for the necessity of a law that binds them and forces them to become a community.

<sup>5</sup> The Rome Treaties include the historical signing into existence of the European Economic Community and the European Atomic Energy Community (Euratom). The signatories of the agreements were Christian Pineau of France, Joseph Luns from the Netherlands, Paul Henri Spaak from Belgium, Joseph Bech from Luxembourg, Antonio Segni from Italy, and Konrad Adenauer from the Federal Republic of Germany.

<sup>6</sup> George McGhee, former American ambassador to West Germany, suggests that “the Treaty of Rome which brought the European Common Market into being was nurtured at Bilderberg meetings,” which supposedly are private meetings of all the politically powerful world elites. Mike Peters, a British academic, also believes that “Virtually all the European institutions we take for granted today, or treat as if they ‘emerged’ as a matter of course, from the European Coal and Steel Community, EEC and Euratom down to the present European Union, were conceived, designed, and brought into existence through the agency of the people involved in Bilderberg” (Baffour 2004).

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