



# Around Europe

Quaker Council for European Affairs

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## Roma Rights: The decade of inclusion

If the human impact was not so serious, the recent high-level disagreements within the European Union would have been quite fascinating, making a change from the drab discussions that normally pass for diplomacy in Brussels.

President Sarkozy's 'war' on delinquency (which included the deportation from France of thousands of Romanian and Bulgarian Roma) has brought widespread criticism from human rights organisations, French government ministers, the Catholic Church, the UN, culminating in a high-level argument between the EU Commission and France, and diplomatic unease with Germany.

Since late July, over a thousand Romanian and Bulgarian nationals from the Roma community have been repatriated. Just over 150 of these were forcibly removed. Many accepted Euro 300 resettlement payments to leave the country quickly and quietly (payments that cannot prevent an immediate return to France). The deportation policy is not new (10,000 deportations took place last year), but following riots in July - including an attack on a police station in the Loire Valley's Saint Aignan by members of the Roma community - the political rhetoric has been cranked up.

Viviane Reding, EU Commissioner for Justice, Fundamental Rights and Citizenship, waded into the issue, calling the French actions 'a disgrace', enraging Paris by alluding to the horrors of the Second World War. Nevertheless, her previous statement, issued in less heady times, loses none of its legitimacy: 'all Member States [should] respect the commonly agreed EU rules on free movement, non-discrimination and the common values of the European Union, notably the respect for fundamental rights, including the rights of people belonging to minorities'. The Commission probably overplayed its hand threatening legal action. This is a reflection of France's size, not its actions.

French ministers have played a straight-faced defence thus far. The Interior Minister, Brice Hortefeux, cited skyrocketing crime rates as the primary cause; in the last 18 months crimes committed by Roma people have increased by 259 per cent in Paris, according to the Minister. The government is concerned that the camps are 'sources of illegal trafficking, of profoundly shocking living standards, of exploitation of children for begging, of prostitution and crime'. 'This is not about stigmatising this or that population', added the immigration minister Eric Besson, 'but we cannot close our eyes to reality'.

Monsieur Besson is not wrong. Europe's Member States have all too often had their eyes firmly shut, ignoring the plight of the continent's 'largest minority'. Europe's ten to 12 million Roma are disproportionately affected by discrimination, violence, unemployment, poverty, bad housing and poor health standards. However, discrimination and abuse in the countries people have left is no excuse for replicating it 'whilst slapping on a return to sender note'.

Roma from Bulgaria and Romania are EU citizens with the same fundamental rights to free movement and residence within all Member States. There are caveats to this. Transitional agreements are in place which allow

Member States to introduce the full rights of EU citizenship gradually. Freedom of movement and the right to seek employment without requiring a permit will not fully apply to workers from Bulgaria and Romania (both of whom joined in 2007) until 1 January 2014.

In fact, the right to move freely and reside anywhere in the EU is not unconditional, irrespective of where you are from. EU citizens staying for more than three months must be economically active, have comprehensive medical insurance or have sufficient

### 'Europe's largest ethnic minority'

Population of 10 to 12 million in the EU, candidate countries and potential candidate countries

Most recent census statistics for Roma populations  
Romania: 535,000 (2.5 million NGO estimate)  
Bulgaria: 370,000

In the Czech Republic and Slovakia Roma unemployment is as high as 70 per cent

By 2040, Roma are estimated to make up 40 per cent of Hungary's working-age population



resources not to become a burden on the state. A Member State has the right to remove an individual after three months if they fail to meet these conditions. Restrictions can be legitimately imposed based on public policy, security and public health.

Proportionality cannot be discarded on a whim (nor, for that matter, because an increasingly unpopular president is facing re-election soon). The decision must be made exclusively on the grounds of personal conduct; conduct that represents 'a genuine, present and sufficiently serious threat affecting one of the fundamental interests of society. Justifications that are isolated from the particulars of the case or that rely on consideration of general prevention shall not be accepted' (Directive 2004/38/EC Article 27).

Expulsion based on a greater statistical likelihood of someone from your particular social group or ethnicity committing a crime does not fall into this criteria. To put it bluntly, in the words of Viviane Reding: 'Nobody should face expulsion just for being Roma'.

France has friends though, even if Germany balked at Sarkozy's suggestion that they were about to follow suit. Italy led the way in 2008 - expelling Roma mainly of Romanian extraction - in a phenomenon that is becoming increasingly widespread. Copenhagen has requested Danish government assistance to deport 400 Roma; the police in Sweden have expelled Roma, in breach of national and EU laws; and Germany is repatriating thousands of Roma children and

adolescents to Kosovo, amidst warnings from UNICEF of appalling living conditions and the Council of Europe's stated fear that Kosovo is not able to receive refugees 'in a way that protects their rights'.

Western European Member States are exacerbating a problem, the roots of which lie in the economic and social exclusion Roma communities face in their home countries. France should not have to pay for the national policy failings of other Member States. The European Union is not meant to be a charity. At the same time, a more cooperative position towards a Europe-wide 'problem' would be more conducive to development and change. In 2005, Europe kicked off the 'Decade of Roma Inclusion'. From the halfway point, it would be helpful if Member States started by at least not being so openly exclusionary.

The EU is trying to build a consensus to improve the social integration of Roma across European society. Significant sums have been committed from the European Social Fund. This would be to the benefit of France, as well as Member States where the money is spent. Many of the great benefits of European integration - such as the free movement of people and labour - also create difficulties. Cooperation and coordination is needed amongst Member States. European countries, big and small, would do well to heed Commissioner Reding's words: 'Europe is not just a common market - it is at the same time a Community of values and fundamental rights.'

*Joe Casey*

## Introducing our new Programme Assistant



*The QCEA office is getting a face-lift! Ben Jarman - the first of four new members of staff to arrive - introduces himself.*

I'll be starting at QCEA at the beginning of October, and come to the job from a very different background. For the last five years I have been working as a secondary school teacher in and around London. Before that I spent a year and a half

working in investigations at the Advertising Standards Authority, which was my first job after finishing my degree in History and Theology at the University of Cambridge. Over time I have come to realise that I wanted a job that allowed me to bring my Quakerism

more directly into contact with advocacy and political engagement.

I have not started my new job at the time of writing, and the area of QCEA's programme that I will be concentrating on has not yet been decided. Whichever it is, I am very much looking forward to contributing to QCEA's programme, and to gaining specialist knowledge of a specific area.

Outside work, I am a keen cyclist and am hoping that Belgium is as flat as they say, while doing some exploration of the countryside around Brussels. I'm very happy to be moving to Brussels and starting as a Programme Assistant. My email address will be [bjarman@qcea.org](mailto:bjarman@qcea.org), so please feel free to get in touch with greetings, suggestions, or questions.

*Ben Jarman*



## The Story of Budrus

A documentary about a tiny West Bank village, close to the border with Israel, has been making small but significant waves at international film festivals: from New York to Abu Dhabi; Rio de Janeiro to London; Ramallah to Jerusalem.

'Budrus' tells the powerful story of one village's dogged opposition to the construction of the separation barrier across their land. A struggle that unites disparate Palestinian factions, welcomes Israeli campaigners and citizens, and has women at the heart of its resistance.

'Where is the Palestinian nonviolence movement?', was the question frequently posed by Western audiences to filmmaker Julia Bacha as she toured with her previous film, 'Control Room'. 'The follow-up statement often [said] if the Palestinians adopted nonviolence there would be peace,' explained Ms Bacha, 'we knew the situation was a lot more

complicated than that'. Three years in the making, the joint Israeli-Palestinian produced film pulled together footage documenting the village's fifty-five demonstrations (action which includes people lying under construction equipment) that forced the Israeli army to take a 'political' decision: they changed the course of the wall.

'We chose nonviolence because it is in the best interests of the Palestinian people to follow this path', the local Fatah leader tells the camera. Their example is already providing further impetus and inspiration to other communities. 'Budrus' is a film that challenges the viewer, and leaves neither side entirely satisfied. For this reason Julia Bacha feels she must be doing something right.

*Budrus is available on limited release in the UK from Friday 24 September and is in Brussels on 30 October.*

To view the trailer and find out more visit:

[www.justvision.org/budrus](http://www.justvision.org/budrus)

## Votes in Prison: An opportunity for social reintegration

'Imprisonment is by the deprivation of liberty a punishment in itself', so state the 2006 European Prison Rules. Whether the 'deprivation of liberty' includes the freedom to vote in democratic elections remains contested ground.

At least, it remains contested ground in some quarters. In its 2005 ruling *Hirst versus the United Kingdom*, the European Court of Human Rights was quite emphatic: 'Such a general, automatic and indiscriminate restriction on a vitally important Convention right must be seen as falling outside any acceptable margin of appreciation'. The 'Convention' in question is the 1950 European Convention on Human Rights. Let's not mince our words: the UK's blanket ban preventing all prisoners from voting irrespective of the nature of offence committed or length of sentence is both unreasonable and illegal. The Council of Europe's Committee of Ministers has (again) this month expressed its deep regret at Britain's continuing failure to implement the ruling of the Court.

The UK is not, however, the only Council of Europe member state to disregard international treaty obligations and European case law. As the table indicates, the international picture varies quite dramatically, and no clear pattern is discernible by

either geography or political tradition: the UK and Russia both exclude all prisoners from voting; Ireland and Ukraine do not.

Countries that allow prisoners to vote (without restrictions):	Albania, Bosnia & Herzegovina, Canada, Croatia, Denmark, France, Finland, Iceland, Ireland, Latvia, Lithuania, Kosovo, Monaco, Norway, Serbia, Montenegro, Slovenia, Sweden, Switzerland, Ukraine
Countries that allow prisoners to vote (under certain conditions):	Austria, Czech Republic, Germany, Greece, Italy, Japan, Netherlands, Malta, FYR Macedonia, Moldova, Slovakia, Spain, Turkey
Countries that do not allow prisoners to vote:	Azerbaijan, Bulgaria, Cyprus, Estonia, Georgia, Hungary, Portugal, Romania, Russian Federation, United Kingdom
Countries that do not allow prisoners to vote and continue to impose restrictions after release:	Armenia, Belgium, Luxembourg, United States (differs among states)

The issue remains contentious, and 'some' judge ruling 'somewhere' that prisoners should be given the vote is just not going to convince the naysayers. Proponents of penal reform need to win the intellectual (and emotional) argument. I hope to put down a few markers in what follows.

The British government's argument in court that 'removal from society means removal from the privileges of society, amongst which is the right to vote for one's representatives' may not hold legal



sway, but there is certainly some emotional logic to the defence. However, it is in society's interest to reintegrate offenders back into the community upon release from prison; to encourage ex-prisoners to become productive members of said communities; to reduce the likelihood of reoffending, ensuring there are fewer victims in the future. Social exclusion is a key driver of criminality and continued reoffending. Political inclusion can play a part in countering the perverse effects of this exclusion.

The European-based AIRE Centre argued convincingly that the Committee of Ministers' recommendations regarding the management of 'lifers' provide a justification for allowing prisoners to vote.

The justification is not explicit. However, the

*Recommendation Rec(2003)23 of the Committee of Ministers to member states on the management of life sentence and other long-term prisoners*

General principles:

3. Consideration should be given to the diversity of personal characteristics to be found among life sentence and long-term prisoners and account taken of them to make individual plans for the implementation of the sentence (individualisation principle).
4. Prison life should be arranged so as to approximate as closely as possible to the realities of life in the community (normalisation principle).
5. Prisoners should be given opportunities to exercise personal responsibility in daily prison life (responsibility principle).

'individualisation', 'normalisation' and 'responsibility' principles support 'the extension of the vote to prisoners by fostering their connection with society, increasing their stake in society and taking into account their personal circumstances and characteristics'. The psychological impact of involving prisoners in the 'normal' workings of society should not be underestimated. To take the even more seemingly mundane example of bank cards, the reaction of an ex-offender to being symbolically part of society is telling: 'I know it seems a bit trivial but sometimes it seems important also [because] you just feel like everybody else. It's been years and years since I ever imagined using a card in a shop'. The research evidence suggests that this emotional dimension is part of a matrix of reasons (both practical and psychological) as to why enabling prisoners to access basic financial services has a positive impact on the rate of reoffending experienced.

Hopefully Britain's coalition government will not drag its feet in the way the previous incumbent managed to, with seemingly endless consultations and statements. At the very least, denying convicted prisoners the option of fulfilling their democratic obligations serves no purpose in either protecting the public or reforming the offender. At worst, it damages democracy. In the words of a Canadian high court judge, the limiting of the franchise 'undermines the legitimacy of the government, the effectiveness of the government, and the rule of law'. That is not a particularly favourable outcome either.

**Joe Casey**

*This article is based on research undertaken for an upcoming report investigating the social reintegration of ex-prisoners in Council of Europe member states.*

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