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The Roma Gypsies and their social reality as an ethnic minority: Specific analysis of the situation in France.

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*Duqué mulé yequí jendení,
Delto pupela yequí ujaripén.*

*Where an illusion dies,
hope always springs.*

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Abstract

The history of the Roma minority has been recorded since the fourteenth century. Unfortunately, there is not any research that provides information of gypsies' reality before that century. Romani Gypsies' history is full of diversity, but it has been marked by discrimination since its appearance, but it is difficult to accept that beyond its culture or its lifestyle, what has actually transcended within this community, even today, is daily discrimination due to stereotypes and prejudices, in addition to the abuses they have endured in every place where they were and where they are. They have had to adapt to a hostile environment full of injustice because of Western society. Specifically, in France, the violation of Human Rights is an everyday issue for Romani people, and that discrimination even comes from some authorities of the French government. Fortunately, many people and organizations are fighting for Romani gypsies' rights and are trying to expand the idea that diversity and difference are not synonymous with inequality.

Introduction

This is the reality of the Roma gypsies, nomadic people who came to Europe approximately in the Middle Ages. Their origin and history are full of mysteries. Their rich culture has caught the attention of quite a few, but the main conflict in their lives and reality as an ethnic minority is certainly discrimination. It is an ethnic group that has had to adapt and survive in a very hostile Western society which denied them the opportunity of equal rights. Why? Because they are Roma.

Currently, it is thought that discrimination was a thing of the past. That after Nazism in Europe or Apartheid in South Africa this situation would change due to the existence of many international instruments that protect us, so these atrocities do not happen again. However, these instruments which clearly establish the equality of all human beings are not being applied as they should be. In this case, they are not applied for the Roma minority.

Discrimination against Roma people has endured for centuries in all aspects of their daily living, becoming the visible reality of this minority especially in Europe. If we go back to the arrival of the Roma to Europe in the 12th Century, we can see that the present rejection of them is similar to the rejection experienced at that time. It means that Roma people have been historically shaped by discrimination.

Today, the struggle for their rights is getting stronger, although this has not much changed the reality of the majority of this population. Many Roma have gained access to the same opportunities as the rest of society, but the vast majority live in marginalization and social exclusion. Their lack of education, employment, housing and health care has placed this minority in a vicious cycle of marginalization that is difficult to escape.

In France the situation has become even more difficult because of the dismantling of Roma camps and the expulsion of Roma Gypsies to Romania and Bulgaria. These two countries are the main countries of origin of the Roma community. Since 2002, the

French government, regardless of its political ideology, seems to have started a campaign against this minority because it has eliminated the priority of integration for and instead it has launched a wave of expulsions of Roma people, even though they have the right to move through French territory or through any country of the European Union (UE) territory, because Bulgarian and Romanian people are citizens of the UE as well as the French.

The intervention of international organizations or the existence of many legal instruments of international law, have not been able to stop the actions of the French government against the Roma and unfortunately France is in violation of Human Rights. In addition, the behavior of the French government, probably caused by electoral interests, has caused the strengthening of prejudice and discrimination against this minority, increasing the stigmatization and marginalization of gypsy people.

Therefore, the objective of this research is to describe and analyze the social reality experienced by Roma gypsies, particularly in France. This reality is a consequence of the inequality and injustice that this society has lived throughout history, and it is a reality that is repeated today. For this purpose, in the first chapter I will describe the situation of this minority, as well as its origins, its arrival in Europe, its culture and the struggle they have taken against injustice from the beginning of time. Similarly, the second chapter tries to explain and discuss the issue of prejudice and discrimination against this minority, as a product of social learning. And to describe the impact and consequences that these events have had over the life of Roma people.

Finally, in the third chapter, I will cover the French political position towards the Roma, analyzing the policies and actions regarding Roma in the French government and also I will try to prove if international law and its legal instruments have had relevance in the decision making of this government, as well as the role of NGOs in the integration of the Roma minority, and in the fight against discrimination, knowing in advance that the first violation of Human Rights is ethnic discrimination.

This research does not intend to cause the rejection of French people because many are in favor of the rights of Roma minority, but it looks to create consciousness about the harsh reality of the Roma in Europe, particularly in France because it is a reality that

few people know. Most people worldwide are familiar with the word "gypsy" but few know their reality, their culture, and what they really are. Thereby, I hope to contribute to the understanding of this ethnic minority, whose rights are being violated.

CHAPTER 1: ROMA MINORITY

1.1.Roma gypsies: Traditions and Culture

1.1.1. Origins and early migrations

To know and to understand the current situation of the Roma minority in Europe it is necessary to know its origins, its past and the evolution of its culture. Although there is little documentation of the origin of the Gypsies, the gypsologists have argued that the best way to determine their origin is by studying their language, the Romani.

The first demonstrations of Roma language that were collected in Europe took place in a tavern in England, in the fourteenth century, it was considered an example of a “dialect of Egypt” that was gathered in the *Fyrst Boke of the Introduction of Knowledge* of Andrew Borde (Fraser, 2005, pp. 25-27) since this, gadzé¹ considered Gypsies as native of Egypt. As a matter of fact, the word "Gypsy" comes from the Egypt “Egyptian” (Salamanca Rodriguez., 2009, p. 2). However, this has changed through time and because of the development of research in this area and in the study of the Romani. Now, there are many dialects derived from Romani, but all of these maintain a similarity to each other, however, they are not the same.

Since the eighteenth century, three important dimensions for the study of the Romani language and for the study of Roma gypsies’ origins have arisen. Those three dimensions are based on studies of three authors: Alexandre Paspatis with “The true story of the tchingianée race is in the study of its language”, Sampson with “The Dialect of the Gypsies of Wales”, and O. Gerdman with “The language of the Swedish Gypsy, copper worker, Johan Dimitri Taikon” (Fraser. 2005, pp. 27). These three researchers have provoked the beginning of many other investigations about the study of the Romani and the Roma people. Through the history of this language we can explain in a better way the main migrations and the exodus of the Roma Gypsies into Europe.

¹ Term for non-Roma people.

The above authors did an investigation of Roma language according to the context of the societies in which the authors evolved. In this way, Paspatis based his work around gypsies in Constantinople, while Sampson was based in England and Gjerdman focused on Gypsies in Sweden. In a comparison they found that although the Gypsies of those three places speak Romani, there were substantial differences between them (Fraser. 2005, p. 28). When these differences were studied, an extensive investigation began which would lead to the first problem about the Romani. This problem is the lack of a written language, which can be the cause of gypsies' illiteracy. Secondly, a hundred years ago it was established that the Romani and all of the dialects derived from it had a linguistic base of Indian origin and by applying "three tests of evolutionary relationship (a common basic vocabulary, similarity of grammatical structure and regularity in sound correspondences) of Romani and some Indic languages, besides all findings around this language everything suggested a source unit (Fraser. 2005, p. 29-30).

Table 1: Comparison between Sanskrit, Hindi and Romani

English	Sanskrit	Hindi	Romani
Father	Tāta	tāt	dat
Hair	vāla	bāl	bal
Hot	tapta	tattā	tattó
Man	mānusa	mānusa	manús
Water	paníyá	pāni	paní

Source: Fraser, Angus. 2005, pp. 31.

This table shows the contrast between Sanskrit², Hindi³ and Romani, and demonstrates an analogy in those words. Also, reviewing a Hindi dictionary and a Romani one it is obvious to see the uncountable similarities between their words. It is worth emphasizing that Sanskrit is one of the oldest languages of India, so for sure Romani comes along with other languages after Sanskrit.

² According to the Royal Academy of the Spanish Language Dictionary, it refers to the last stage of the ancient literary language of India and leaves it all dialects of India. It plays a similar role of Latin in Europe.

³ Spoken language in India.

Two major theories about the origin of the Roma Gypsies appeared in the twentieth century. The first one, represented by John Sampson, argued that the Roma had a Dardic origin in the ninth century B.C (Hancock. 2002). It means that this theory stated the Roma belonged to Kashmir in the northern region of the Indian subcontinent.

The other theory holds that Romani belonged to the central part of India, ensuring that it presents a greater relation with the Dardic Hindi languages (Turner. 1926, pp. 145-189). Although Ralph Turner, chief representative of this theory, supported the statement that Romani is related to many Dardic features, he says that this relationship between Romani and Dardic languages is later than with Hindi, or in fact, Romani is a migration product from central to northwest India (Fraser. 2005, p. 35-36). However, we can see that both theories reach the same geographic point, which is the northwestern India region. In this respect, we can say this was the starting point of Roma Gypsy migration or exodus.

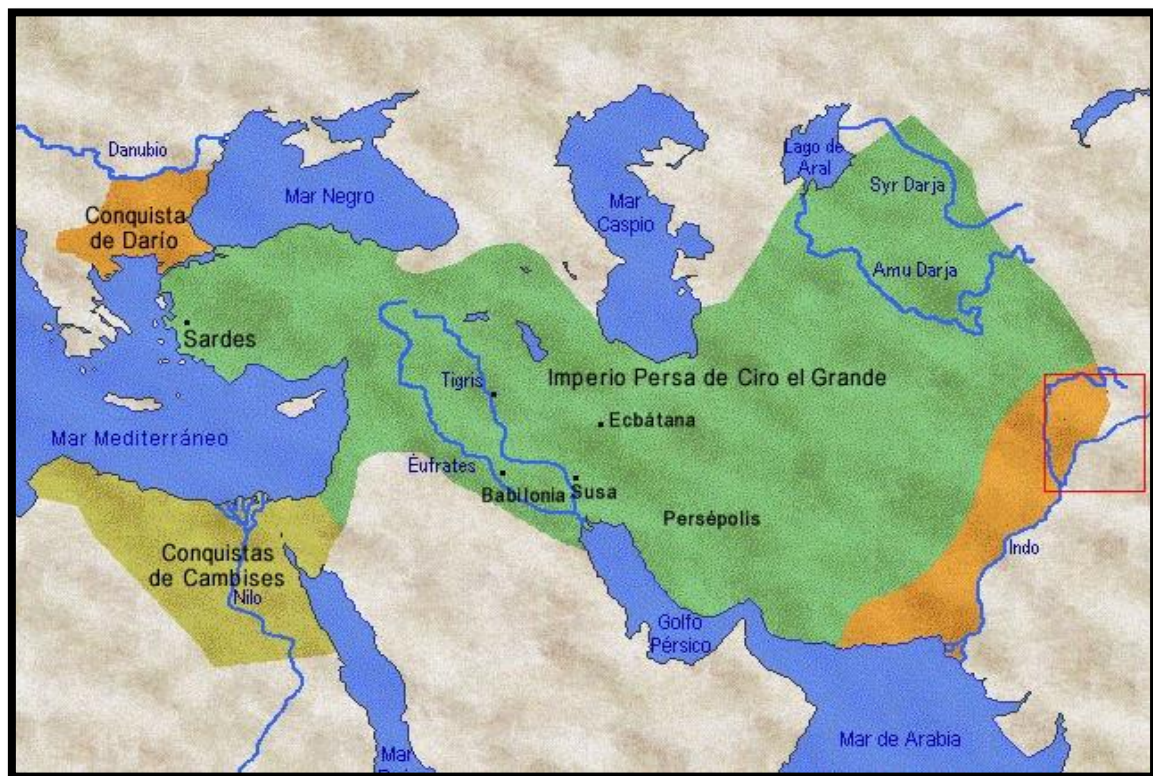
We cannot make sure that language is a key factor to identify the origin of an ethnic group, because historically there have been many ethnic groups that have changed language over time. For this reason, from the late eighteenth century, there was a study about Gypsies' physical features. One of the largest studies was led by Professor Eugene Pittard in 1932. Pittard focused on the Roma Gypsies of the Balkans. His research consisted of measuring Roma people in four body dimensions, five of the head, five of the face and ten of the factions, concluding that Roma Gypsies occupied a "highly honorable place in human esthetics. Often there are among them very handsome men and beautiful women. Their dark complexion, black hair, straight nose, white teeth, dark brown eyes, their poise agility and their movement harmony have placed them above many European people in terms of physical beauty" (Pittard, qtd. in Fraser 1932. 2005, p. 37). This was a wide study within physical anthropology yet despite it there was not any conclusive result.

Later, in the twentieth century, there were studies about the Roma Gypsies' blood groups with a comprehensive analysis of the gypsy genetics. In these studies, there was a frequency of blood type "B" much higher than those of other European groups. This frequency was consistent with people of Indian origin (Mourant. 1983, p. 98).

Unfortunately, despite many theories, none of these studies have definite results about the conditions, circumstances and the source of the Gypsy migration. Currently, even the majority of Roma gypsies do not know their origin and the reason for their exodus.

Many researchers about Gypsies starting out from the linguistic base have established that Roma Gypsies left India about 1000 years ago and after that they went to the Middle East, always organized and separated in different groups, so it is clear that not all Gypsies took the same route (McGarry. 2010, p. 8). One of the first indications that exist with respect to Roma exodus is located in Persia in the late tenth century.

Figure 1: The Persian Empire



Source: Universidad Complutense de Madrid. Available in: <http://www.ucm.es/>

The hypothesis that gypsies migrated mainly from northwestern India, makes the probability higher that they first went to Persia because northern India and Persia were border empires. In this regard, it is important to mention the testimonies given by the Arab historian Hamza of Ispahan, and the poet Firdausi about a Persian monarch, named Bahram Gur. Both narrated that the king Bahram Gur ordered his subjects to

work half a day and the rest of the day they must dedicate to music and drink, but there were not enough musicians, so he asked his counterpart, the king of India, to send him the best musicians, consequently 12.000 men and women were sent, who were named “Luri” and were distributed throughout the empire and multiplied (McGarry. 2010, p. 8). Firdusi said the order from the king angered the wealthy in the Empire, so the king had to send all these musicians throughout the kingdom to take part in agriculture and play music for the poor, dealing between them cattle and wheat, which were wasted in a year. Therefore, the king ordered them to go out with their donkeys and their belongings, earning a living with his music. According to this, these musicians, who apparently are gypsies, now roam over the world (Fraser. 2005, p. 49). From this time gypsies are always related to any wandering group and even at present time, the Persian term "Luri" is still used to refer Gypsies in Iran.

The first Roma Gypsy migrations can be determined and related either as a result of their musician lives or as a product of deportations as some chroniclers and geographers claimed. It is very likely that the Roma left India under different circumstances, in different times or dates (Hancock. 2002, p. 6). This can be explained by some events that were occurring in India at the time of Gypsies departure. There were several struggles inside India like military invasions besides the following intention to expand Islam. Also, they were conquered by the Turks, who took many gypsies as slaves after the war and carried them to Turkey. Thereby, was recorded the Roma Gypsy movement through the Silk Road, especially to Persia and Armenia (McGarry. 2010, p. 9).

Gypsies in Persia were seen as intruders, so they were forced to learn the Persian language. Persian, after the Arab invasion had undergone several changes and influences from Arabic. The number of elements of Persian in Romani dialects shows a more or less prolonged stay of Gypsies in this empire (Hancock. 1993). Likewise, it is not considered that the stay of the Roma in Armenia has been short. Even though it is unknown how long the gypsies were there, many researchers assert that now the Romani contains “lendings” of the Armenian and many other languages because there are many Romani words with the influences of other languages.

Since the Roma Gypsy departure from India, they have never had an established destiny, continuing on its errant path. Therefore, they are in so many places around the world and over time they have forgotten their history and origins.

1.1.2. Evolution of gypsy culture through time

Probably, we all have heard of gypsies at some point, but not all know their way of living, their traditions and culture. The Roma Gypsies, as a group that has moved around a lot of places and regions, have changed their traditions as time goes by. The gypsies always were involved in hostile environments so often they were forced on adapting to new cultures and places. Nevertheless, they have never stopped being gypsies and their strongest traditions have lasted until now.

As seen, on their arrival to Persia in the tenth century, Gypsies were known as “Iuris”, who were considered as musicians. Centuries later when they reached the Byzantine Empire, which arrival will be discussed later, it is said that Emperor Constantine Monomachus witnessed the riot of many wild animals that were devouring the hunting animals of the place, so he asked for help from "Samaritans, descendants of Simon the magician, who were called “adsincani”, and were well known for divination and sorcery"(Fraser. 2005, p. 60). "Adsincani" was the term used in the Byzantine Empire to refer to gypsies. In this context, it is claimed the Gypsies were demoniac people as they divined the future, so there was a prohibition of any job related to this group, jobs like taming bears, divination and sorcery. Shortly after, superstitions invaded the empire at all levels, even within the nobility. Gypsies took this opportunity, and made, fortune-telling, taming animals, acrobatics and juggling, the main ways to earn a living, even though they were not well regarded by the empire people, hence the Gypsies used to settle on the peripheral areas of the cities to avoid any problems with these people.

Later, in the sixteenth century, the Roma had reached the Peloponnese and Modon in Greece and they worked mainly in blacksmithing. Here they were considered as Egyptians and were repeatedly sentenced without evidence for espionage and betrayal because of their nomadic lifestyle, because their comings and goings.

Their stay in Modon was important because in this place there were several travelers documenting the Roma Gypsies lives. The story of Arnold von Harff is the most complete recording of it in 1497:

“Subject, we went outside, where many poor black and naked people lived in houses thatched with reeds, around three hundred houses, we call them gypsies (suyginer): we call them pagan from Egypt when they travel to these lands. They perform all kinds of activities, such as shoemaking, paving, and blacksmithing, which was very strange to see how the anvil was on the floor and the man sitting in it was like a shoemaker in this country. Beside him, also on the floor, his wife was spinning... Subject, these people came from a land called Gyppe, which is located about forty miles from the city of Modon. This district was conquered by the Turkish emperor in the last sixty years, but some of the lords and earls refused to serve the Turkish emperor and fled to Rome, to look to our Holy Father, the Pope, looking for consolation and support from him. So he gave them letters of recommendation addressed to the Roman emperor and to all the princes of the empire, consequently they must have to give the Gypsies safe-conduct and support, since they were expelled by the Christian faith. They showed these letters to all the princes, but no one helped them. They sank into poverty, leaving the letters to their servants and children, who to this day roam in these lands claiming that they are from Minor Egypt. But this is false because their parents were born in the land of Gyppe called Suginien... Therefore these wily vagabonds are just exploring these lands”. (Von Groote., 1860, pp. 67-68 qtd. in Fraser, 2005, pp. 67).

The stay of Roma Gypsies in the Greek region also influenced the Romani language and Roma customs. Romani was affected significantly by the long stay of the Roma in the Greek speakers' territories. That influence was reflected particularly in the pronunciation of Romani. Moreover, their stay in Byzantium and Greece meant the entry of Roma people into a whole new world for them, Christianity (Fraser. 2005, p. 68).

In the fourteenth century when the Gypsies entered Bulgaria, Moldova and Romania they were taken as slaves or sold as that, and those who did not have an owner,

belonged to the State (Gheorghe. 1983, pp. 12-27). The case of the Roma Gypsies in Romania was particularly different from other European countries, in this country any gypsy slave had to cultivate the land of their masters, but they were also given the opportunity to do other jobs as well. Many Roma slaves worked as barbers, tailors, bakers, bricklayers. Likewise, women were employed in the fishing industry and in domestic chores, they used to make clothes and decorate them, too (Kogălniceanu. 1837, qtd. in Fraser 2005, pp. 72).

They were always considered bizarre and ill-mannered people, mainly in the Middle Ages where religion had invaded every aspect of people's lives in Europe, and where cultural particularities of Roma Gypsies were complained about. However, as mentioned, many of them had already ventured into the world of Christianity because of the influence exerted by their long stay in this region. "It is said that they followed Christian morals as far as regards baptism and burial traditions. Their clothes were poor, but they had lots of gold and silver, they used to eat well, drink well and pay well"(Fraser. 2005, p. 81). Even though they had a wandering life, they earned a lot of money as a result of their common practice in palmistry and sorcery because there were so many superstitious people (even during in the Middle Ages) willing to pay large amounts of money just to know their future. This is contradictory because the Christian church was reluctant to accept Gypsies as it considered their practices as pagan and witchcraft.

Later, Gypsies began to practice many other Christian rituals like gypsy weddings as long as they found a priest willing to marry them. When there were weddings and celebrations, according to Gypsy customs, they always had very large and flashy celebrations. For example, gypsy brides always wore their best clothes, and gypsy men went to the churches playing guitar and making a buzz, but they have never had a greater devotion to the mass.

During the same time, the Roma Gypsies could be found in the Netherlands, where many people stated that among their main customs and activities were theft and divination by women and horse trading by men. It is important to say that music was a feature that has been always present in Gypsies' lives. Gender division of labor is very important and still lasts.

Similarly, aspects such as their dress and their appearance are important elements of the Roma Gypsies' culture and tradition. Men and women are dark-skinned. Men have long hair and beards. Women have clothes rolled around their heads like turbans and they used to wear coats over their shoulders. Also the women used big earrings, and children, too (Fraser. 2005, p. 133).

Although, the customs, traditions and the identity itself of an ethnic group are very consistent, it is impossible to keep those traditions intact through time, above all, in the case of Roma people who have faced an unwelcoming environment, they have had to change their habits, but their identity as Roma Gypsies has endured over time. As Antonio Carmona said in the magazine "Gypsies" of the General Secretariat for Gypsies Foundation, their identity is something built throughout history, it is dynamic, open and alive.

On the other hand, with respect to the Roma cultural structure, the main elements within this structure are the family relationships and the moral values and organization system. Even if this structure varies according to the gypsy group, in all groups the family relationship is very important because it ensures that family represents cooperation and mutual assistance in times of need. The link between the people of the same Roma clan or group (vitsa, Roma), is strengthened by the union of two people of the same clan. That is to say by marriage (Fraser. 2005, p. 241). The marriage between Roma people from different clans may also occur, so they create bonds and obligations between those two clans, forming a "Kumpania". The Kumpania is an alliance between two Roma Gypsies' clans, tribes or families of, which its main goals are to solve problems in work, act as a political unit and make decisions in the social, political, family, moral, etc., levels.

The Kumpania can proceed as a mandatory court if there is some crisis or conflict within the clans (Cohn. 1973). In this way, it is important to mention the role of women and men when getting married. The woman has the duty to take care of her home and her husband, do the housework and look after the children, who commonly are many. Similarly, divorce and adultery are considered very serious problems, and are dealt with in a kris (trial) within the Kumpania because Gypsies consider these

problems as problems that affect the whole group as always the collective rather than the individual interests prevail. These Gypsy elements, like many others, have been changing and probably there are gypsies who practice these habits and others who do not practice them anymore.

There are two elements in the Roma minority that have undoubtedly continued since before the arrival of Roma in Europe. "One of these elements is the terror of the inseparable or persecuting presence of someone disembodied spirit who has died and who is at the basis of their funeral rites" (Fraser. 2005, p. 244). For example, in ancient times when someone died, the family of the deceased burned all his belongings, including his mobile home (Thompson. 1924, p. 5-38). Currently, the family sells the belongings of the deceased. For example, the family usually sells the motor home to gadzé people, and sometimes they even make the dead person's horses disappear.

The second widely practiced Gypsy element is the taboo about getting "contaminated". Gypsies have a code of gypsy purity, which is the main line that divides the gadzé from Gypsies. A Gypsy who has been considered as contaminated or impure may represent one of the biggest embarrassments in Roma Gypsy life. The state of impurity of a Gypsy persona can only be revoked by the convocation to a kris.

Regarding "contamination" taboos, they are present in daily gypsy life. These taboos refer to people, objects, food, and even conversations. There is a particularly sensitive issue for Gypsies, and it is the impurity of women with regard to a woman's private parts and everything related to it being potentially "tainted". Because of this, women must have extreme care in their cleanness, so they must wash separately their body parts, their underwear cannot ever be mixed with other clothes and even worse with a man's clothes. Thereby, they are segregated in most stages of life, especially from puberty. According to this "contamination" principle, the relationship with gadzé people is fully constrained, since anything that comes from a gadzé or from someone who has had contact with one of them is highly tainted. Men, for example, are used to getting jobs that do not involve greater contact with gadzé people (Fraser. 2005, p. 247).

At present, traditions have been changing and being a gypsy, does not mean to practice all the traditions of old times, because these will always be changing, but "being a gypsy

is to feel as one, to be part of a moral values system that all Gypsies have to accept and respect, a system that cleans the outside perception, and is founded on an ancient culture"(Gypsy General Secretariat Foundation, 2010).

1.1.3. Main gypsy groups

Gypsies are a very wide ethnic group in terms of population and they are divided into subgroups. There is a variety of Roma subgroups and there is not a specific classification, many groups or types of Gypsies have not even been documented or registered because of the lack of resources. However, it is important to mention the main Romani speakers' subgroups.

According to Sir Angus Fraser, an expert on Roma Gypsies studies, the family of Romani dialects can be divided into three geographical points: Europe, Asia and Armenia. These three branches refer to Rom in Europe, Lomavren or Lom in Armenia, and Dom or Domari in Asia (Turner. 1926).

All the people that belong to one of these groups are Roma Gypsy people, but each group always tend to ensure that they are the real and original gypsies. Nevertheless, many gypsyologists have agreed that the group Rom, especially the Rom Valachs or Gypsies from Romania, are the most attached group to the oldest traditions of Roma Gypsies from India and they are considered the most exotic of all gypsies.

We will focus on Roma Gypsies from Europe; the Rom people. Within this group also there has been a classification. In many cases they have been classified by tribes and in other case by their occupations or professions. In the first case, Kalderasá, Maćvaya, Lovara and Curara have been established. These clans are called, natsia (nation) by the Kalderasa, and rása (race) by the Lovara. On the other hand, in terms of their professional occupation classification, agree in most cases with the above tribes. They have been divided into: copper workers or Kalderasá, horse dealers or Lovara, manufacturers or Curasa, gold diggers or Boyas, miners or Rudari and bear tamers or Ursari (Fraser. 2005, pp 229-240.).

They have also been divided between Muslims Gypsies or xoxarané and Christians and Catholics Gypsies.

Further, there is a Gypsy classification according to their location. They have been divided into Sinti and Romá (Farnen. 2004, p. 224). The Sinti gypsies are those who belong to the German-speaking region of Europe and generally it refers to Gypsies in Western Europe, while Romá are those from Eastern Europe. The Romani has been greatly influenced by German through the Sinti people (Biester. 1973, pp. 108-165).

In France, the Sinti are known as Manouches. A third classification apart of Sinti and Romá in Europe are the Calés in Spain, the Ciganos in Portugal and the Gitans in southern France.

All these gypsy groups differ from each other either by their occupations, their way of life or their language itself, because although they all speak Romani, this may vary according to the gypsy group and can be influenced by the languages of the places where the Gypsies reside. Despite this, the differences do not mean they cease being gypsies because they are all under the same moral values and coexistence system.

1.2. Brief history of Roma Gypsies in Western Europe.

The arrival of Roma Gypsies to Western Europe has had a major impact for both, Gypsies and for the western society. Next, I will describe and analyze how the Gypsies life in history within Western Europe was and how this history has marked the past and present of this ethnic group in the middle of a hostile society.

1.2.1. Roma gypsies arrival to Western Europe

When most of the gypsies left northwestern India, they went to the west, so they first arrived in Persia and then Armenia. After the Turkish invasion, it is assumed that many Armenians and gypsies fled to the Byzantine Empire in the eleventh century, where they moved mainly towards the Balkans and the rest of Europe (Soulis. 1961, pp. 142-165).

Later, when the Byzantine Empire was reduced to Constantinople, the Gypsies were surrounded by the Ottoman Empire, so they spread from Thrace (Bulgaria, Greece and

European Turkey) to continental Greece and to the north, i.e., to the territories that later would become Yugoslavia (now Bosnia and Herzegovina, Croatia, Slovenia, Macedonia, Montenegro, Serbia, Kosovo) and Romania. The advance of the Roma to the west was gradual to the expansion of the Ottoman Empire (Fraser. 2005, p. 61-62). Gypsies have always been recognized for their adaptability to such hostile societies, adaptability that has allowed them to survive and be present in many places of the world.

In the fourteenth century they had crossed German lands and in the fifteenth century they had already reached Bologna and Rome. In Rome the Pope gave them an audience (McGarry. 2010, pp. 11-12). Then, they continued with their nomadic life, and spread throughout Europe. In the late fifteenth century many gypsy groups arrived in Spain. In 1501 there was already a fairly large number of Roma in Poland, Sweden and even in Russia. The migration of Roma in Europe during the fourteenth and fifteenth century included farmers, blacksmiths, soldiers, musicians, fortune tellers, artists and animators (Kenrick. 2004, p. 2).

When the Gypsies were already spread all over Europe they went to northern Britain, where they found a similar nomadic community called "travelers". The Roma gypsies had the opportunity to cross the continent as nomads or many others as "pilgrims" since many people believed they were real pilgrims and since they called themselves as such because of the famous laissez-passer given to them by emperors and by the pope.

1.2.2. Passes

In the story of Von Harff quoted before, many safe-conducts were given to gypsies with the assumption that they were sent on a pilgrimage as penance for their sins, mainly because they had abandoned the Christian faith.

This began in 1416, when the hard life and rejection towards gypsies took a big shift, but later it would reverse again. At this time the migration of Roma in Europe was widespread, so they were seen as a real phenomenon in this region. Roma people appeared here as pilgrims, and because of the religiosity of the time, people had to receive them and help them on their journey. People helped them because they claimed

that if they helped a pilgrim, the grace of God would touch them like as their good deed. For example, the western emperor, Charlemagne, had imposed in his legislation that if any pilgrim crossed the empire, people would have to give him a roof, home and fire (Fraser. 2005, p. 75-76).

Sigismund, king of Hungary since 1387 and later King of Germany, granted the so-called “letters of protection” or safe-conducts in the mid-fifteenth century. Sigismund, concerned about the level of “sin” existing in his region, began a religious campaign for the reconciliation of all people with the Christian Church, but this campaign failed to stop the heresies of Bohemia city (2005 Fraser. p. 76). Most of the Roma people, who lived in this city, went to King Sigismund in Constance to ask for letters of protection, so he was a kind of precursor of what are now passports. The cards were made with the name of a specific person. However, the Roma made a lot of copies.

Even in 1550, long after Sigismund death, the important cosmographer, Sebastian Münster, told that he had seen a copy of one of those letters granting free passage through the empire signed by the King Sigismund. Münster in one of his notes, wrote down for that purpose that “the Roma had previously abandoned the Christian religion and had turned to the pagan error and after their repentance they had imposed on them as a penance that, for many years, some members of their families would wander the world and stay in exile because of their sins” (Münster. 1550 qtd. in Bartlett. 1952). Thus, the Gypsies traveled around Europe, led by men who called themselves dukes of the land of "Minor Egypt" arguing that they should wander through the world for seven years as pilgrims, so they were greeted kindly in contrast to the past.

Sometimes, in some places, the alms of the churches were collected exclusively for the so-called “pilgrims”. They were received and helped, but generally they were regarded as people without remedy, and they were considered thieves and heretics because of their lifestyle and their physical appearance. Although, sometimes they were welcomed warmly, for example, Gypsies who appeared in France in the early fifteenth century named “Saracens” were greeted with wine, oats and money, and likewise, they got food for the trip and for their horses. A chronicler of the time said: “these Egyptians have a king and lords who they obey, and they also had privileges, so nobody could punish them but themselves” (Fraser. 2005, pp. 83). Despite allegations of stealing and

generally because of their wandering life, the authorities could not judge them since the conflicts arising around the minority had to be told to Roma, so the justice faculty was reserved for them. Thus any problem was resolved by a *kris* or a Gypsy trial. This kind of system can be regarded as a precedent for what now is known as parallel justice systems.

Later, when the letters of protection were nearing expiration, the Roma needed a new way of being able to travel freely without fear. According to the prevailing religion power in the early 1400s, the best way of protection they could get was the one certified by the Pope.

The chroniclers say that the first gypsy group arrived at the Vatican, was one led by a Duke called Miguel, who had subsequently traveled to Switzerland, where he introduced the first letter of protection signed by the Pope. Many people have tried to find some irrefutable precedent regarding the papal letters, but the research conducted in 1932 in the Vatican archives, found no conclusive results of these letters of protection for Roma people (Macfie. 1932, pp. 111-115). Therefore, it can be assumed that these papal letters were false, an assumption that many people defend, because in the Middle Ages the presence and circulation of counterfeit papal documents was not uncommon. In any case, true or false, the Gypsies got multiple copies of these documents because it was the only way to stay immune to the rejection by western society.

Similarly, it was recorded in 1423 that a priest from Bavaria granted to the Roma gypsies new letters of protection. In this case it is known that they were true because the priest recorded his meeting with the gypsies in his diary, and he said:

“... They set up their tents in the fields because they were not allowed to stay in the cities because cunningly they took what did not belong to them. These people were from Hungary, and they said they had been exiled as remembrance of our Lord's fled to Egypt when Herod wanted to kill him. The ordinary people said they are spies in the country” (Andreas. 1763 p. 21 qtd. in Fraser. 2005).

This statement is unusual because never before it was mentioned that the flight of the Holy Family as one of the reasons for the movement of Roma. However, the granting of safe-conduct was widely spread across Europe. There were several cases of delivery of safe-conduct, one of these being recorded in Spain in 1425, when Alfonso the fifth of Aragon granted a safe-conduct with a duration of three months to Sir Johan of Minor Egypt and to his people, so they could travel and move freely within Spain. Then a few months later the King did the same with “Earl Thomas of Minor Egypt” (Fraser. 2005, p. 88). In many other countries the same thing happened because of Church power, so other countries were forced to practice charity with them, even the begging of gypsies turned into a legal process due to the status of Christian pilgrims that they had. These letters of protection and safe-conduct moved to an unprecedented number of Roma across Europe.

1.3. Roma Gypsy migration to France in the last fifty years (1960-2013)

France is one of the most important countries when we talk about gypsies. While it is not the country with the greatest number of them, currently it represents a major change in the lives of Roma gypsies in this country. The estimate of Gypsies in France is between 250.000 and 300.000 and most of whom are Romani Gypsies (González, Elcano Royal Institute. 2010).

It should be emphasized that there are many Roma who have been in France for years, but they still migrate to France and other Western European countries from Eastern Europe. In fact, during and after the Second World War a large exodus of Gypsies came across Europe, produced by the escape of this community because of the persecution they were involved in, the Gypsies had to blend in with Western society, leaving behind their clothing and trying not to look like gypsies so they could avoid any sort of violence against them.

However, the main reason to migrate, regardless of their nomadic life was the economic element, sparking a new wave of Roma migration in 1960, especially from Eastern Europe to Italy, Austria, France and the Netherlands. Many Gypsies, attempted to reach the United States, but just a few succeeded (Lockwood. 1986, pp. 63-70).

Most Roma Gypsies who migrated to France at that time and even today come mainly from Romania and Bulgaria. The main problem that France found is that most Roma gypsies from Romania and Bulgaria are nomads, while in other European countries there are more sedentary gypsies recorded (Digne, European Commission, 2009). Although migration to France is not the most representative, gypsies had to face discrimination in all areas, so again they had to appeal to the services of divination or in many cases to begging.

On the matter of housing, they were excluded so they went to slums where before the arrival of the Romani people, the French gypsies (*Manouche* and *gitans*) had already settled, and where a new problem arose, the bulldozers and their usefulness in the issue of evictions. On the immigration issue, the role of the phone is important because when gypsies arrived they took it as an effective tool to communicate with their families and form a contact network that would later serve to assist the migration of many other gypsies to France (Fraser. 2005, p. 274).

The migration to France increased when in 1970 the French Interior Ministry granted a circulation license to all Roma people that made their stay legal in France. Even in the late eighties this Ministry had taken measures concerning the major problem over the gypsies' camps, establishing many areas as places allowed for Roma and other nomads to camp. However, these areas soon got filled and Roma gypsies and camping turned to be a problem again.

Another important element in gypsies' migration to France and other European countries like Spain is the emergence of a lot of missionary and charitable activities given by the Evangelical Church, which was very successful because their actions were based on taking up gypsies as lay preachers, and they did not try to assimilate them as in many other cases. To assimilate means to mold Roma culture to the majority culture, or make them give up their customs and languages of origin, taking the language and the behavior of the dominant culture, but in the case of the Evangelical Church the Roma culture was respected. It is said that from 1960 to the eighties, the Gypsy Evangelical Church converted and baptized around seventy thousand gypsies and attracted many more, many Roma became preachers and pastors (Acton. 1979, pp. 11-20).

The Evangelical Church in France has a radio station, a mobile school, special classes in camping sites, among other benefits, which has drawn the attention of many Roma, leading them to migrate to France. This is because in this country and in Spain, the Gypsy Evangelical Church has several achievements for this community. Similarly, the Roma in France are pioneers in the attempt to form an organization to ensure Roma rights, forming in 1965 the International Gypsy Committee, which worked closely with the Gypsy Evangelical Church, whose purpose was “to preserve the economical and geographical flexibility, the right to continue traveling, and the use of the Romani language and Roma culture in formal education” (Fraser. 2005, p. 314-316). This organization since 1970 has conducted several conferences and has had great achievements in the international community and in changing many Roma gypsies’ lives. The fight for Roma rights in France should continue as the reality of this group is becoming more difficult in this country.

CHAPTER 2: CONFLICT OF PREJUDICE AND DISCRIMINATION

2.1. Historical prejudices against gypsies

2.1.1. Anti gypsy legislation through history: Expulsion and Assimilation

In this section we will briefly study the cases of European countries. A focus will be on the case of France.

Despite the “favorable” reception the gypsies had, for a short time, due to the letters of protection, the rejection to them by the population was obvious again because of the resurgence of repudiation attitudes towards them. Some decades later, though there still were large groups of gypsies carrying the letters of transit and led by dukes or earls saying they arrived from Minor Egypt, the safe-conduct began to quickly lose weight and the gypsies again were widely excluded and discriminated against by western society, either because it was thought they were all thieves, they had the plague and sin on them, or just by their appearance. To the eyes of western people, gypsies were people very “ugly” as a result of the color of their skin and fashions.

This rejection did not occur only between civil society in Europe, but also among the highest authorities of the time. Thus, this rejection was recorded even positively within the legislation of almost all European countries.

One of the first cases recorded in this matter was in the early sixteenth century when Maximilian the first, Emperor of the Holy Roman Empire, issued three orders deciding the expulsion of Roma with the accusation of espionage (Vaux Foletier. 1970 qtd. in Fraser. 2005). However, Germany being the first country where the attitude against Roma got tougher, there were still many cities in this country that accepted the letters of protection, i.e., despite the orders given by the German authorities, those orders were not fully met in certain cities. For example, in Hamburg the alms from the church were still given to gypsies without any opposition, while in Bavaria the desire to expel Roma gypsies was so significant that accusers made up any excuse to do it, so there was a very curious argument wielded when in 1456 Dr. Johann Hartlieb, persuaded the authorities

to expel gypsies because their way of reading hands or their palmistry practice, was not based in any scientific method (Kappen. 1965, pp. 107-115 qtd. in Fraser. 2005, pp. 98).

Although the negative attitude began only in certain places, it was expanding slowly all around. In this way gypsies could only support themselves through the existing loopholes. However, in the late fifteenth century the Holy Roman German Empire decreed that Gypsies had to be expelled due to spying.

In 1551, all passes, letters of protection or any document similar to the safe-conduct were declared null (Macfie. 1943, pp. 65-78). It was established that in case of breach of these decrees, the Roma should be judged according to the law of the Empire, and if in the case they were seen across the borders they would be sent back with passage interdict. Nevertheless, at the beginning of the decrees, when gypsies broke those orders they were still known as pilgrims, so they would be released without any punishment.

In Spain, in the late fifteenth century, the Roma gypsies were still protected even by the nobility, because they issued further letters of protection, even if they did not have validity any longer. The requirements to grant it was that Roma should get other jobs. However, a few years later, it was established that gypsies should opt for a sedentary life or on the contrary they would be thrown out or taken as slaves forever.

In Portugal the case was very similar, with the difference that gypsies born in this country were sent to forced labor in the African colonies, because they could not be expelled.

In the Netherlands, the gypsies got several gifts on the condition that they must leave the territory and also it was determined that Roma leaders from Minor Egypt did not have any type of noble title. Similarly, in Hungary, the Roma did not have a bad reception and it was established that they could stay in this territory only if they served as royal servants or if they engaged in honest jobs like music. On the other hand, in Italy, England and Scotland they were not so lucky. In Italy, Roma gypsies were declared as a threat in every respect, so their expulsion was decreed and if they did not obey they would receive the penalty of hanging (Fraser. 2005, p. 106-120). While in England the expulsion of Roma was ordered and they were prohibited from traveling

through the kingdom. The violation of these decrees would make gypsies go to jail or be marked with a V in the chest and enslaved, so their masters could beat them, chain them or use them in the way that better suited them. When not relied on any of those punishments, the masters could appeal to death penalty. However, it is said that these decrees were not carried out completely (Davies. 1966, p. 534).

This story was repeated in many other countries such as Scotland, Bohemia, Poland, Ukraine, in the Scandinavian countries, etc., where the expulsions and punishments orders toward gypsies were replicated. The level of exclusion for gypsies was so high in these countries, they were even forbidden to have contact with civil society or with the Catholic Church, and thus all priests were prohibited to perform or celebrate Roma baptisms or funerals.

In France, in the mid-fifteenth century the political power was highly fragmented, so any decree would not have greater impact on gypsies' life. However, the decay of hospitality towards them was remarkable. In this way, the Roma had to find something else to not be rejected because the safe-conduct no longer had much importance. Therefore, in 1494 the gypsies, whose children were to be baptized, chose as godparents *gadzé* people, hence they could have greater protection from violence and rejection against them because the godparents chosen usually belonged to powerful families in France. This was recorded by Jean Aubrion, who wrote in his diary that in Metz (city in northwestern France) not less than two hundred "Egyptians" pitched their tents on the banks of the Moselle between September tenth and twentieth in 1494 and later another somewhat similar people arrived led by a man who called himself "duke". Then, when the duke's wife had given birth, the baby was baptized with three *gadzé* godfathers and two godmothers that belonged to the principal families of Metz (Aubrion. 1857, p. 348).

The relative harmony that gypsies had in France continued for many years, even in the mid-fifteenth century they got safe-conduct signed by the king himself. Moreover, among the population of France, there were countless people who appealed to gypsies to cure diseases or to have their hands read. This kind of activity forced the church to reject the gypsy community and it persuaded the rest of the population to do the same.

Another factor that contributed to the rejection of Roma people in France was that after the Hundred Years War there were a lot of social problems, such as the increasing of crime by vagrants, who very often were confused with gypsies, so the stereotype of the “gypsy thief” was strengthened. Henceforth all the cases of theft recorded were directly related to Roma people, so the authorities decided to give them a certain amount of money with the condition to leave France. This practice was quite normal in many places. Later, in 1539 the King Francis I established:

“This is the time to apply special measures against some unknown persons who call themselves bohemians and who wander under the guise of a mock religion or some claim to be doing penance for the world. From now on, any of the companies and meetings of these Bohemians can enter, go or stay in our kingdom or countries that are subjected to us” (Francis I, qtd. in Fraser 1539. 2005, p. 105).

Throughout Europe and even in the following centuries, gypsies were considered criminals of the worst kind, a prejudice that has been fed and strengthened with the passage of time, generating more discrimination either by prejudice, by the position of the Gypsies in society or by their “race” and their lifestyle, making their integration with western society null. However, despite the punishments, the expulsions and all the antigypsy legislation, it is clear that this attempt to eliminate their culture failed because if it would have succeeded most gypsies would have been eliminated in Europe, which did not happen and on the contrary, currently Roma gypsies are the largest ethnic minority in Europe.

Angus Fraser (2005, p. 138) states that if the legislation of that time against Gypsies had been implemented effectively, the gypsies would not have resisted and he says that this may be due to a silent protection of civilians or indeed because of the deficiency of the responsible institutions of law enforcement. However, the laws were increasingly becoming harsher and gypsies often had to rely on the help of the church, so it would give them asylum. This is an important fact within international law as it is a background of what today the right of asylum is. Though, the laws began to prohibit the church to provide any assistance to gypsies and if they did, the church had to face big fines and the gypsies would get tougher punishments.

In the United Kingdom, it was decreed that no person could dress or act like a gypsy or otherwise they would be punished even with the death penalty. Thus, countless executions of Roma were performed because simply they were gypsies. It is important to note that despite the above, certain decrees were discarded because they were considered extremely cruel. "The last time someone was punished with the hanging penalty in England for the crime of being a wandering gypsy seems to have been in 1650, when the court in Bury ST Edmunds convicted and executed by that infamy thirteen people" (Hoyland. 1816, pp. 86-87).

In France, the repressive measures came later than in other European countries, but when they settled in this country, they were much more effective than in other countries. Even though there was a lot of violence and decrees against gypsies in several countries, the decrees were never fully complied with. In this country, the sanctions on the gypsies consisted of sending men to the galleys, young people to shelters and women were shaved of the hair on their heads. If all of them, both men and women persist in being called Roma gypsies they were beaten and expelled. Until the French Revolution, the gypsies were persecuted relentlessly, so they begged to be placed on a farm or even they were willing to serve and submit to the French government, thus it was considered to send them as settlers to French Guiana, a thing which never happened due to the outbreak of the Revolution (Vaux Foletier. 1961, pp. 211-214 qtd. in Fraser. 2005. pp. 152-153).

With the crackdown many families chose to be sedentary, but they never lost their gypsy identity. However, they were rejected by most of society. In this country they opted for illegal paths, as almost every job or activity was denied or banned for them. Despite this, many Roma decided to stay in France because of the situation of gypsies in other countries was much worse. In the Netherlands, for example, "Gypsy hunting" was organized with military aid, therefore, in this region the majority were executed, fled or hid to avoid punishment for the crime of being gypsies.

In Germany the largest number of anti-gypsy decrees were registered, both in antiquity with the Holy Roman Empire as centuries later. Although it is difficult to name every decree or the entire legislation against gypsies, Angus Fraser provides the most

representative decrees of this type in the Holy Roman Empire, which would influence future legislation:

- **1577:** Frankfurt: Prohibition of business or granting of safe-conduct to gypsies. They had to be rejected as a result of their “betrayal” to Christianity.
- **1652:** Saxony. Let gypsies outlaw, so they lost all rights.
- **1686:** Brandenburg. Prohibition of no contact or providing shelter for gypsies.
- **1711:** Frankfurt. If any of the *Zigeunergesindel* (gypsy mob) stayed more than four weeks in this territory they could be beaten or marked on the back with brand and expelled forever. Many punishments signs against gypsies were placed all over the cities.
- **1711:** Saxony. Any gypsy could be arrested anytime, and if they struggle they could be shot or punished with death penalty.
- **1714:** Mainz. If any gypsy has not been convicted for any crime, anyway they had to be whipped and expelled because of their forbidden life style.
- **1725:** Prussia. Any adult gypsy had to be hanged without any trial.
- **1734:** Hesse-Darmstadt. Those gypsies who did not depart in a month would be killed and would lose their possessions. Any person had permission to shoot them and they would get 6 *Reichsthaler*⁴ for one alive gypsy and three for each death one. Also, they could have grabbed their belongings.

While these measures occurred between the fourteenth and fifteenth centuries, they influenced and were repeated in the seventeenth and eighteenth century. After the Thirty Years War, Roma gypsies were benefited, as the population of Germany had fallen, thus many gypsies were accepted as soldiers for many conflicts that remained, especially conflicts against France, consequently those decrees turned into just paper.

Roma gypsies began to be considered as human beings and finally some alternative proposals arose for them in terms of education and work. These matters were not effective due to the lack of organization of the institutions in charge to fulfill those proposals. Gypsy decrees became quite ambiguous because in some places they were accomplished and in others even the authorities became concerned about preserving

⁴ Currency of the Holy Roman Empire.

Roma people because of their multiple skills as soldiers and also as blacksmiths and musicians (Fraser. 2005 pp. 159-161).

Certainly, at this time the fate of the gypsies had changed somewhat. Although, the relative acceptance of gypsies was not because the authorities mediated their situation or they wanted equality between all people, but it was politically convenient for them. A clear example of this occurred in the Thurzó mandate in the seventeenth century in Hungary, where Gypsies were allowed to stay in this territory and perform freely their activities as farmers and blacksmiths besides the order prohibiting that no one may harm them. Plus, with the conflict between the Habsburgs and the Turks there was a major change in gypsies' lives because the deportations returned, except for the gypsies who were dedicated to music, as they had earned an important place in society. The warlike atmosphere in Hungary had unleashed a wave of deaths that had left this country ruined and with a small population, so in 1758 it was decreed that the Gypsies had to settle and to contribute paying taxes as everyone else and if they wanted to leave Hungary they must have a special permission. Also, a new decree determined the word "gypsy" had to be eliminated and instead people should refer to them as "new Hungarians". In addition, every gypsy had the obligation to learn different jobs and to attend military service. Further, the typical gypsies dress was banned and the Hungarian government tried to outlaw their identity as an ethnic group (Gilliat-Smith. 1963, pp. 50-53 qtd. in Fraser., 2005. pp. 162-163).

As a result of this violent assimilation, there was resistance from the Gypsies who refused to give up their identity. Roma people declined and did not recover until the mid-nineteenth century, when a large influx of gypsies from Romania was received in Hungary (Feher, et al. 1993, p. 4).

The case of other European countries was very similar, except for Spain, where it attempted to eliminate definitely the word "gypsy" and any similar aspect of their lifestyle. They were rejected even by their language and they were forbidden to perform any work unless it was within agriculture or livestock. Spain carried out a program for the extinction of the gypsies because it considered them as a hopeless race, hence many Roma opted for settling again to reduce violence against them, but the discrimination was always the same (Fraser. 2005, pp. 166-169).

Despite the antigypsy laws, the social discrimination, the desire to eradicate their identity and culture, Roma gypsies have remained strong due to their ability to adapt to hostile western society. Gypsies often used the loopholes existing in the places they were to protect themselves and even the killing and violence did not extinguish them.

2.1.2. Gypsies in the Holocaust

The Holocaust was an event that left an indelible mark on the history of mankind. The advent of Nazism to power in Germany in 1933 represented the greatest genocide of all time. We all know about the six million Jews death in the concentration camps, but few know about the other victims of Nazism, along with Jews, gypsies were also chosen for annihilation by the National Socialist Party of Germany. This event represented a precedent for the United Nations to join in favor of Human Rights, as we are all confident that an event like this cannot be repeated ever again.

The National Socialist Party came to power with its leading exponent, Adolf Hitler, who believed in the superiority of the Aryan race, or the superiority of anyone descended from Indo-European races. When the Nazis came to power they inherited the legislation of the State, and in this case the contradiction in the constitution practice became evident because according to the Article 104 of the Weimar Constitution, all Germans were equal in law (Burleigh. 1991, pp. 113-114).

However, Roma gypsies born in Germany or *Zigeuner*⁵ would not have the same treatment as the so-called “Aryan”. The Nazi Germans did not have a clear focus on the characteristics or conditions that a person must have to be considered a *Zigeuner* or to be distinguished from the other people in the Reich. Both Jews and Gypsies were regarded as a dangerous *Fremdrasse* (alien race) whose blood was a big threat to the racial purity of the Aryan Germans.

For this reason, the Nazis began an ethnic cleansing campaign with violent harassment towards Gypsies. It could be seen as inconsistent by the Nazis to not expel Gypsies, but

⁵ Gypsy in German, however, the gypsies do not like to be called as that because it is always used in a derogatory manner. Usually in Germany the word for them is “Gypsy” as in English, too.

in contrary they harassed them to settle in Germany, obviously, after a while the reasons for this were known as they wanted gypsies to stay and settle in their country to make scientific tests on them and eradicate them.

It is said that initially, the Roma were not a concern for the Nazis, but the issue came out when the civilians press the authorities to attack the gypsy community because of the hostility that the population of Germany had against Gypsies. Moreover, the substance of the superiority of races could not accept the physical appearance of the Roma, who were vastly different from the German prototype.

Hence, the siege against Gypsies began. First, there was an excessive control of every movement by them. Secondly, in 1935 all gypsies were deprived of their civil rights according to the Nuremberg Laws, in which it was established as a duty to protect German honor and German blood. In these laws the Gypsies, Jews and black people were determined as racially impure, and this is when gypsies began to be transferred to the concentration camps (United States Holocaust Memorial Museum, p. 4-5).

When Roma gypsies arrived at the concentration camps it became easier for the Nazis to begin their research of the gypsy blood, so blood samples of countless gypsies were taken and also their fingerprints were registered. This research was conducted by Dr. Robert Ritter, who was the director of the “Center for Racial Hygiene Research and Population Biology”, located in Berlin; the object of the investigation was to determine the relationship between the blood of gypsies and crime, as they were sure that the impure blood people tended to commit more crimes.

Figure 2: Gypsy victim of Nazi experimentation



Source: United States Holocaust Memorial Museum. Available at: http://www.ushmm.org/wlc/en/media_ph.php?ModuleId=10005149&MediaId=917

Thus, in 1938 a decree from Heinrich Himmler, called *Bekämpfung der Zigeuner plage* or “Fighting the Gypsy Scourge” concluded that the mixed blood gypsies committed more crimes and that it was urgent to send a detailed report of each Gypsy to the Central Police Office of the Reich (Döring. 1964, pp. 58-60 qtd. in Fraser. 2005, pp. 259-260). Thus the prejudice against Gypsies increased radically, and they were neither safe in the concentration camps nor outside of them. In fact, when the National Socialist party was in power, there were about 24,000 Gypsies in Germany, and nearly all of them were eliminated.

Within the Himmler decree it was established that any similar way to the gypsy lifestyle was forbidden and it declared that pure blood gypsies were less likely to commit crimes, but nevertheless, they would be treated as mixed blood gypsies because of their folly to abandon their identity and customs since their antisocial behavior was considered a threat to German society. Subsequently, it was stated that the country needed to take more radical measures to abolish these “parasites” of the country (Lewy. 2000, pp. 20 - 27.).

Also, on January 20th 1940, Dr. Ritter reported about the research about Gypsies. Although the investigation was not finished yet, and even though there wasn't any conclusive results, he determined:

“We were able to establish that 90% of the so-called native gypsies are mixed blood ... Further results of our studies show that Roma are an ethnic group of a very primitive origin, whose mental retardation makes it impossible for them to adapt to society... The gypsy matter can only be considered resolved when the main group of asocial, good-for-nothing, mixed blood gypsies are sent and kept in large labor camps, and when this mixed blood population is interrupted once forever” (Ritter, 1940 qtd. in Müller-Hill. 1998, p. 57).

Within the “results” of Ritter’s investigation about racial and biological Roma gypsies features, Himmler classified them into racial groups as: pure gypsies, partial or mixed gypsies, and nomads who behaved like gypsies (United States Holocaust Memorial, p. 7).

In the research a classification nomenclature for the Roma was determined, using the letter “Z” from *Zigeuner* for pure gypsies, the letters “ZM” from *Zigeunermischling* for mixed gypsies, adding the sign “+” or “-” to determine if Roma blood dominated more or less, for example: “ZM+” or “ZM-”, and finally there were the “NZ” from *Nicht Zigeuner* for non-Roma people, but who behaved as them. It is said that if a person had at least two gypsy grandparents it was enough reason to not be included in the NZ group and “if it had applied the same standards to the Jews, the excluded number would have been much smaller”. Thus, in 1939 identity documents were issued to all Gypsies according to their level of gypsy blood, the “Z” got brown identifications, Gypsies of mixed blood got brown with blue stripes identifications and other nomads and vagabonds got gray identifications (Fraser. 2005, p. 260-262).

Many measures were taken against Gypsies in the Nazi Germany: many Roma children attending school were sent to schools for mentally retarded children. Nationalism was so impregnated into the lifestyle of Germans that Roma gypsies were not safe anywhere, any argument, valid or not, was enough reason to take them to concentration camps for scientific tests, for forced labor or to kill them.

Gypsies were sent to concentration camps in Austria and Poland by Himmler orders. Thus, in 1940, Himmler ordered the deportation of about 2.500 Roma from west and northwest Germany to Poland and later to Austria and Czechoslovakia, where they would be murdered in gas chambers (United States Holocaust Memorial Museum, p. 9).

Figure 3: Gypsy women forced to hard labor in a concentration camp (1941–1944)



Source: United States Holocaust Memorial Museum. Available at: http://www.ushmm.org/wlc/en/media_ph.php?ModuleId=10005149&MediaId=761

When Roma arrived at concentration camps, they were used initially for forced labor, but when the situation between Germany and the Union of Soviet Socialist Republics (USSR) became more difficult, Germany considered it necessary to end any problems that could affect the direction of the Germans plan and among these problems were gypsies and Jews. Because of this, Himmler had the responsibility of carrying out the “final solution over the Jewish and Gypsy matters”, so he undertook in 1941 a wave of killings and massacres. When Roma gypsies were inside trucks they were asphyxiated by carbon monoxide emission, many others died through starvation, typhus and other

diseases, although it is said that the most commonly used method was the execution by shooting and by gas chambers (Turner. 1983, pp. 174-179 qtd. in Fraser 2005, p. 263).

Gypsies lived terrifying situations in Germany, Austria, Poland, Croatia, Romania, France, Holland, Bohemia, Slovakia, etc. Gypsies were captured and sent to concentration camps. Rüdiger Vossen (1983) asserts that the number of Gypsies killed because of “racial cleansing” in Europe as around 275.000 to half a million. However, in the following illustration, by Martin Gilbert (1982) about two million twenty eight thousand gypsies were murdered by the Nazi party.

Figure 4: Persecution of Gypsies (1939-1945)



Source: United States Holocaust Memorial Museum. Available at: http://www.ushmm.org/wlc/en/media_nm.php?ModuleId=10005149&MediaId=353

In Nazi Germany around 24.000 Gypsies were registered, of which 15.000 were killed. Gypsies who survived were those who had married an Aryan person before the Nazi party came to power, those who were in the army and a few who were Sinti because they were seen as purebred.

According to Ritter, only a 10% of Roma were purebred, it means that only a 10 % of Roma people were 100 % pure blood Roma gypsy. Of this 10 % just a few were

preserved as Ritter wanted to have a small sample of what he considered an Indo-Germanic prehistoric life example, although those gypsies who were “pure blood” had many restrictions over their rights, too.

After the end of World War II and its Allies victory, major changes happened. While survivors, both Gypsies and Jews, retained the trauma of their experience as an indelible imprint that would affect them the rest of their lives and the psychological damage was never compensated, even though international law was changing positively because as a Holocaust’s consequence, the Nuremberg Tribunal (now International Criminal Court) prosecuted those responsible for crimes against humanity. In its statute states:

“Article 7: “crime against humanity” means any of the following acts when committed as part of a widespread or systematic attack directed against any civilian population, with knowledge of the attack: Murder; Extermination; Enslavement; Deportation or forcible transfer of population; Imprisonment or other severe deprivation of physical; Torture; Rape; Persecution against any identifiable group or collectivity on political, racial, national, ethnic, cultural, religious, gender...; Enforced disappearance of persons; The crime of apartheid; Other inhumane acts of a similar character intentionally causing great suffering, or serious injury to body or to mental or physical health” (International Criminal Court, 1998).

Similarly, the international community condemned this terrible event through the Universal Declaration of Human Rights issued by the United Nations (UN) in 1948, which declared that all human beings are equal and have the same rights regardless of race religion, ideology, etc. (Davis. 2003, pp. 37-38).

Although these courts have tried to compensate the affected people materially, the psychological damage was not remedied, and unfortunately for Gypsies it was even more difficult to obtain benefits after the end of the war since the access to damages compensation was very hard because in order to get it they had to obtain a lot of documents and evidence they could not access. Currently, the gypsies, both Sinti and Roma are still affected by discrimination from a majority of the western population.

2.2.Romani gypsies social image: stereotypes, prejudice, racism and discrimination

2.2.1. Stereotypes and prejudices

The exclusion problem of Roma gypsies, like many other minorities, is usually due to the perception that the other people have about them because of their belonging to a certain group, that is, due to the creation of stereotypes which often triggers prejudice and this turns into discrimination. These phenomena are not attitudes or behaviors created individually, but have been generated by indirect experiences and social conditions.

Thus, the stereotype, according to its Greek etymology, *stereos* (solid) and *types* (*print*), "solid print", was first studied by Walter Lippmann in his book *Public Opinion* (1922) and since then, the study of prejudice is based according to what Lippman established as the four basic characteristics of a stereotypical prejudice:

- Be Homogeneous.
- Be false than true.
- Have been acquired by second hand, than by experience.
- Being resistant to change (Malgesini and Giménez., 2000, p. 147).

The stereotype is generated by a social conditioning that judges a person by the perception it has of the group to which the person belongs. In this sense, it can be said that the most common stereotypes are those generated by belonging to a "race" or a culture.

A stereotype has a great impact on society, but especially in the stereotyped person of some group because a person is judged as a whole. In the attempt to summarize the reality of a whole group, there has been a major social impact on an ethnic minority. "A stereotype, no matter how right it may be, it can never be applied to all members of a group. Whether it has emerged from a direct experience as if it is the result of a social conditioning, the stereotype dismisses the group internal variability and it does not

satisfy the need to articulate the relationship between the universal and the particular”. (Allport. 1954 qtd. in Zanfrini. 2004, pp. 72).

Hence, we can understand in a better way the stereotypes generated against Roma Gypsies. The Gypsy Secretariat Foundation (GSF) in 2004 conducted several studies on secondary sources about the social image of Roma and the permanence of stereotypes over time and it found that some stereotypes have remained for more than five centuries, because despite the development and evolution of the Roma community, gypsies are still seen in most cases as asocial, marginal, racist, inbred, criminals, illiterate, lazy, dirty, liars, etc., stereotypes that have transcended over time. Likewise, there are stereotypes that came up recently, for example, they are considered as social resources hoarders and addicts. On the other hand, it is also considered that there are positive stereotypes, for example, Romani people are seen as people with great art skills and as a caring group in the family and community.

Stereotypes play an important role in society because they are so ingrained in people’s minds, that they might even be considered unquestionable. This is why it is determined an irrational phenomenon, since the background to establish the stereotype conditionings are emotions like love or hate towards a certain group or certain characteristics of the group. When a person is not equal to the average persons somewhere, it is a contributor to create a stereotype. According to Laura Zanfrini (2007), this is due to ethnocentrism that exists in almost all societies, phenomena that leads us to judge other cultures or other people from our own perspective, believing that our behavior, our beliefs and our customs are the correct ones, denying other people the opportunity to practice theirs, because “ethnocentrism certifies the intention to impose on the “strange people” our cultural schemes and an asymmetric order in the social labor division as well as the distribution of social roles and the access to social rewards, it means that differences are transformed into inequality”. This phenomenon is evident throughout the world because there will always be cases where our attitude is not the same for people from our own culture than to people from another cultures, which are the most vulnerable groups for becoming victims of prejudice and discrimination.

Stereotypes create prejudice, some often believe that these two phenomena are the same thing, but as stated above stereotypes originate prejudices and they are closely

related. “The stereotype is a positive or negative belief and prejudice is a judgment, which means the act of judging, to reject or disapprove” (Malgesini and Gimenez. 2000. p. 149).

Ethnic prejudice has also been defined as a negative attitude toward a person because of belonging to a certain group, so we assign to a person negative characteristics irrationally attributed to the group (Allport. 1954. pp. 6-10). The rejection attitude occurs when people are unconsciously forced to seek an object to vent their fear or hostile feelings, and ethnic minorities are often the perfect target for these attitudes to be discharged. Attitudes toward the object of fear are shaped by three different elements: cognitive, affective and behavioral (Zanna and Rempel 1988 cited in Haddock 1993, pp 315-318).

The cognitive element states that prejudice is supported by the stereotype, and it is explained by an indirect experience, also, the affective component is composed of a fully emotional attitude toward the prejudice object, so that has come to define the prejudice as “a rigid emotional attitude toward a certain group of people” (Simpson and Yinger. 1987, pp. 20 qtd. in Malgesini and Giménez. 2000, pp. 331-333). Prejudice attitudes are distinct from any other attitudes because of their affective elements. Finally, prejudice has a behavioral element; it is that prejudice always carries some negative behavior toward a particular group. That is why, prejudice besides being a judgment on something you do not know first hand, is also always a wrong judgment.

Generally, prejudice has been considered as an element arising from human nature, though, it has been determined that prejudice in all societies arises because of socialization and social learning, i.e., it is transmitted from generation to generation like any other learned subject. Thus, the social psychologist Otto Klineberg says this can be demonstrated in young children, since most of them do not have the prejudice factor within, but they learn through their parents, teachers or society itself (Malgesini and Giménez. 2000, pp. 333).

Prejudices are deeply rooted in societies, so the task of integration of ethnic minorities or the path to good ethnic relations cannot be as effective as it should be, also the attempts at integration are poor or do not generate any positive results. In fact, prejudice

contributes to increased discrimination, segregation and violence between the majority society and the minority. “Prejudice is the basis for racism and discrimination, so the theories that try to explain how intergroup conflicts and discrimination occur are often prejudice theories” (Willemsen and Van Oudenhoven. 1989, pp. 16 qtd. in Sánchez – Muros. 2008, pp. 80).

In this sense, Roma gypsies in their social reality as an ethnic minority are faced with daily prejudices. For these reasons, it is necessary to cover the issue of prejudice against the Romani minority through a clear perspective to help us understand this phenomenon, for this, I will treat this phenomenon according to the Social Representations Theory.

2.2.2. Prejudice against Romani gypsies from Social Representations Theory approach

Social Representations Theory determines that these Representations are collective consensual illustrations which make so certain complex and unknown phenomenon as to turn them into the opposite; it means it turns them into a familiar and simple phenomenon through social processes or through social interaction (Hogg and Vaughan. 2008, pp 102).

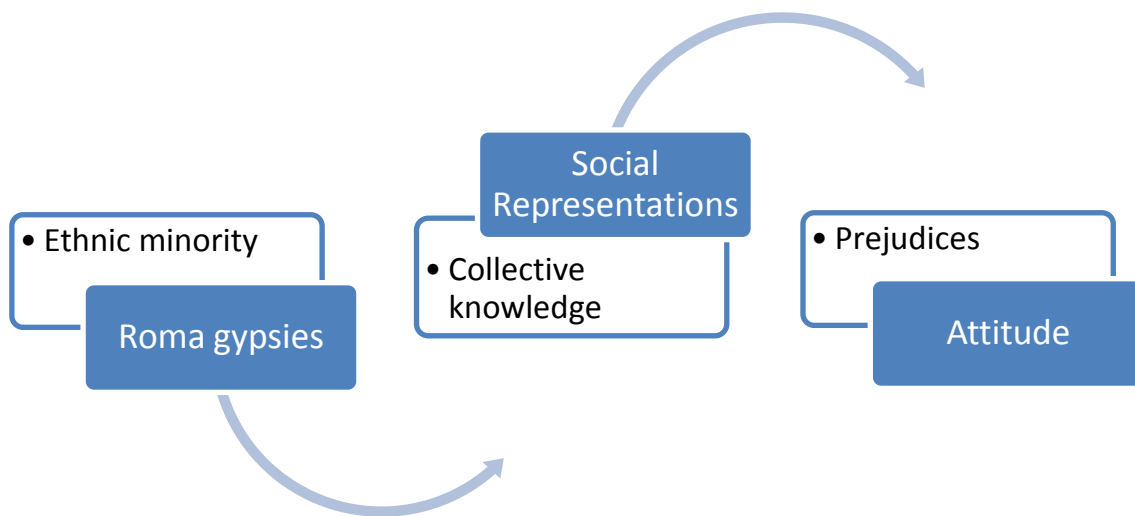
This theory accepted in France and exposed by Serge Moscovici created countless definitions in an effort to make this complex theory more understandable within the framework of sociology and social psychology. In one of its concepts, Moscovici defines social representation as “a set of concepts, statements and explanations originated in daily life during inter-communication processes. They are the equivalent in our society to the myths and belief systems of traditional societies. It may be said that they are the contemporary version of common sense”. “They have to do with the contents of everyday thinking and ideas storage that give coherence to our religious beliefs, political ideas and connections we create as spontaneously as we breathe. They may classify persons and objects to compare and to explain behaviors, objectifying them as part of our social scene” (Moscovici. 1981, pp. 181; 1988, pp. 214 qtd. in Sánchez-Muros. 2008, pp. 85).

In the same way, another important representative of this theory is Denise Jodelet, who indicates that social representation refers to the collective knowledge of a particular object. She claims that it is a social knowledge form, or individuals' and groups' mental activity used to maintain a position on certain events or objects. One of its features is duality, since on one hand the representation categorizes objects, i.e., events that we find with owning peculiarities of the group which acquired them in order to predict, and on the other hand, they affect the way we think and interpret the behavior of the group members. Social representations are conceived not only as a way of understanding a supposed reality, but also they transmit it in society, so this knowledge is socially transmitted. It is a socially developed and shared knowledge (Jodelet. 1988, pp. 473 qtd. in Neighbor. 2009, pp. 19-20).

It means that social representations are a set of collective images or knowledge on a particular object, this knowledge is transmitted through social learning, which transforms a complicated issue into a simple fact that can be understood within the collective group or the major group. Although it arises from the inter-individuals relationships, it must be seen as a collective phenomenon.

For the subject of our interest we can reflect what was said in the relations between ethnic minorities and major society, because the prejudices that arise towards minorities are based on a very deep rooted agreement in society and the object of their "knowledge" is the minority. In this way we can reflect on what is said in the following table:

Chart 1: Gypsies within the framework of Social Representations Theory



Developed by: Belén Cando. 2013.

While there is a close relationship between stereotypes and social representations, it must be clarified that stereotypes, images, ideas, etc., are not the same thing as social representations, as these last go far beyond because social representations are a theory based on an everyday social context, which is learned through inter-individual transmission and social communication, so the individuals explain their reality and their environment in an understandable way to themselves.

In this sense, Moscovici in his theory provides three dimensions of social representations: information, attitudes and representation field.

- Information: Quantity and type of knowledge about the question object. The knowledge sources can arise from various social contexts.
- Attitudes: This element is the initial dimension of social representations. It is also considered as a posture towards the object (Vecina. 2009, pp. 23-24).
- Representation field: It refers to the information organization. The representation field is “the elements management and prioritization which set the content of it (information)” (Ibáñez. 1988, pp. 47).

Thus, the three dimensions can be applied to the study of the Romani gypsies. The stereotypes can be located in the information dimension which are the beliefs or the information that society has over them and are a result of social learning. In the attitudes dimension, we can place the prejudices or attitudes of society towards the gypsies, whether favorable or unfavorable to them. And finally the representation field can be expressed in the scenarios in which the two other dimensions occur and besides in the elements involved for the stereotypes and/or prejudices elimination.

According to this, it can be seen that prejudice is clearly contained within social representations, so the fact of being a social phenomenon has social consequences. Thus the problem of prejudice against gypsies can be studied from the perspective of social representations, understanding these both phenomena as closely related.

This relationship can also be demonstrated according to data from a qualitative research conducted by the company Salvetyi- Llobart for the General Secretariat for Gypsies Foundation (GSGF) in 2004 in order to determine the social image of Romani gypsies in Europe as part of the campaign “know them before judging them” which showed the broad rejection to this community. Moreover, in this research we can see the relation of the case with the three social representations dimensions. The investigation took as a sample, a group of Romani people between eighteen and forty years old and another group of people from the major society in the same age range and these last ones had not had previously direct experience with gypsies. The study of the gypsy group aimed to recognize the values that the Romani community wanted to transmit to society to change its image and understand what image they want to have transmitted about them. On the other hand, the objective of the study of the non-gypsy group was to identify the group stereotypes against the gypsy community and know the origin of them. The results of the research in the gypsy group were demonstrated on the basis of certain aspects:

- Tradition vs. Modernity: They quickly adapt to modern society, maintaining their main customs and folklore, and despite their adaptation they think that modern societies are missing their values and are full of superficialities.

- Opening vs. Prejudice: They think modern society in Europe is a multicultural society, but it has failed in tolerate and worse to integrate minorities because it is full of prejudices.
- How the gypsy community is: They consider themselves as part of the mainstream society, although, it is full of obstacles for their integration. They think they can be mixed with the rest of society, but within their community their values and customs will always be present. For this reason, they seek to integrate as long as their culture is accepted because they are not willing to lose their identity. That is, they do not want to be like the majority society or make them like gypsies, but they want equality and respect for their culture, as they respect the other cultures. For these, the gypsies ask society to hear and to know them, not as victims but as equals (General Secretariat for Gypsies Foundation. 2004).

Furthermore, the results obtained from the non-gypsy group indicated that prejudices are deeply rooted in society (information dimension: stereotypes) as most consider gypsies as:

- Marginal people.
- In positive terms, people believe they are deeply rooted in the tradition and with respect to the family and in negative terms they think gypsies are sexists and out of date.

There are also results that claim that gypsies have many qualities because there are registered incidences about gypsies being good merchants, good artists and very efficient at what they do. Also, the media plays a very important role in the image and information transmission of the Roma (information dimension).

The creation of a gypsy general image takes place since all of them are considered thieves or artists. It means that it has created a fully stereotyped social image about this community generated by the ignorance over the Romani culture and mainly by the social learning that transcends from generation to generation. Everything would be different if the majority society would be willing to meet truly and directly with the

gypsy community as all that is known about them is the product of the stereotypes which always originates prejudices and discrimination (attitudes dimension) within the mainstream society, making a non-possible integration (representation field).

2.2.3. Racism and discrimination

Prejudice produces racism and discrimination. These factors are important elements in the social context experienced by Romani gypsies in all European countries, in some countries stronger than in others, but which are unfortunately latent phenomena in the daily lives of the Romani gypsy community. To understand these phenomena, like prejudice, it is necessary to deepen the investigation into the fundamental theoretical concepts of both racism and discrimination.

Racism, according to its etymology is obviously related to the concept of race, but it has been defined from several perspectives according to the area of study. One of the most consensual definitions is the one stating that “it is the unequal treatment of individuals because of their membership in a particular group” (Katz and Taylor. 1988 qtd. in Agulló, et al. 2004, pp. 37). Similarly, it has been defined as “an ideology that sets a hierarchical stratification system with the following characteristics: a). based on physical somatic appearance elements, b). consider inferiority of certain human groups as their belonging to categories defined by nature and by inferior nature c).with inferiority domination is justified as well as the exploitation of certain groups” (Boileau. 1992, pp. 113 qtd. in Zanfrini. 2007, pp. 87-88).

The term “racism” emerged in the interwar period in the twentieth century, but its importance and its main concept itself originated after the Holocaust (Agulló, et al. 2004, pp. 37). This is not to say that before this event there was no racism, but the term as such appears at this time, the phenomenon has existed for centuries, although most studies and research are based on modern racism. One of the greatest representatives of this subject, Michel Wieviorka (1998), states that modernity is commonly the best scene to study racism because racism is a special attribute of modern societies. In this sense, he supports the idea that “racism responds with a new form to an old function. Everything happens as it is represented, in an equal society, a resurgence of what was expressed differently, more directly in the hierarchical society. So, delete the

old distinction models, and you will have the racist ideology” (Louis Dumont. 1966 qtd. in Wieviorka. 1998, pp. 14).

Racism has been studied from many perspectives. Thereby, this last author has divided racism into scientific racism, institutional racism and cultural racism, and he defines them as:

- Scientific Racism: This type of racism states that the individuals’ biological and physical features affect their psychological and intellectual abilities, and those abilities affect their societies and communities. For these, the people who defend the superiority of the white race theory, superiority in physical and cultural terms, and those who state that the only people able to rise up a society are white people are within this kind of racism.
- Institutional Racism: This type of racism unlike the others is implicit and it keeps racism subjected at individuals in a subordination position by non-visible mechanisms. It focuses in the practices which reproduce racism. For example, in France, many parents request repeals, so their children do not have to go to public schools since in these schools there are a bigger number of immigrant students, thus they enroll their children in private schools. Although their argument is to seek, as any parent, the best education for their children, they create segregation and they make an unequal education system, one for the immigrants and one for French students. This type of racism is useful in the theory to demonstrate the discrimination and other problems which arose from racism phenomenon.
- Cultural Racism: This kind of racism is called “new racism” or “differentialist racism”. This represents the transition from biological racism to cultural racism. It means that now racism is not based into individuals’ physical-biological or natural features, but on their customs, language, tradition, etc. It is based on the theory which claims that individuals’ culture is a big threat to the identity of the dominant group (Wieviorka. 1998, pp. 15-26). Cultural racism argues that they must avoid mixing with the others because they are a threat to their culture and they state that in support of their right to be different and to keep their identity they request that the entrance of the racialized group must be limited or even in

many cases they demand that the “threat” be expelled (Zanfrini. 2007, pp. 89-90).

Romani Gypsies have suffered all types of racism as discussed above, in old times they were physically, institutionally and culturally rejected. Over time, the type of racism that has endured is cultural racism based on the differences between gypsy customs and major society customs. In this sense, racism is considered a fully modern phenomenon because unlike the old times, it implies the coexistence of many different groups in a same political, economic and mainly social system. “That is why the concrete study of racism involves the examination of the researchers’ contribution to study the function of certain societies, whether for example the United States of America, where the Black people question is structural or in European countries where anti-Semitism and gypsies rejection have played an important role” (Wieviorka. 1998, pp. 34).

Racism is deeply rooted in modern societies, and despite being so widespread throughout the world, it’s not well regarded in society. Because of this, racism is not demonstrated by overt ways, but rather it is shown through subtle racism, generated by the presence of “subtle prejudice” as Martínez Veiga stated (2001 qtd. in Agulló, et al. 2004, pp. 42). This is demonstrated by implicit forms of racism, one of the best known is the famous phrase “I’m not racist, but...”, when a person says it, they’re trying to not look bad in the eyes of society, but it is a potential form of racism. In our case, the fact of saying “I’m not racist, but I will not send my children to a school where there are Romani children” is a latent form of racism and generates countless social impacts on gypsies’ lives.

As Dworkin (2000) states “racial discrimination expresses disdain and is deeply unfair ... it is completely destructive to its victims’ lives... it does not simply deprive them of opportunities which are open to others, but it hurts them in almost all projects and hopes they can conceive” (Agulló, et al. 2004, pp. 44). Stereotypes, prejudice, racism and discrimination are closely linked, and as well as racism, prejudice and stereotypes can be manifested through discrimination.

Discrimination is defined as “a conduct which denies equal treatment between persons or groups” (Allport. 1954 qtd. in Agulló, et al. 2004, pp. 40). Also, within the

International Convention on the Elimination of All Forms of Racial Discrimination, in its first article, first paragraph, states that racial discrimination shall mean:

“... any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life”.

Despite negative discrimination is the most common and studied discrimination, the negative discrimination to a group is a positive discrimination to another, however, the focus of this study is on negative discrimination because it has most consequences for gypsies. In this sense, Romani Gypsies suffer widespread discrimination because according to the definition of discrimination given by the European Union, discrimination is: discrimination exists when a person or group of persons because of their ethnicity is conditioned to receive less favorable treatment than another person from the majority group in a similar situation.

The discrimination experienced by gypsies in Europe is substantial. It is the most rejected minority by non-Roma people, and it is the largest minority in Europe. Based on data collected by General Secretariat for Gypsies Foundation (GSGF) for the “Pilot Project on Multicultural Integration” of the European Commission, the discrimination experienced by Roma gypsies is registered in all social spheres. There is discrimination against this group in the areas of education, health, employment, housing, health and citizen participation.

The Agency of Fundamental Rights of the European Union and the United Nations Development Program conducted a study about the reality of gypsy community within all its Member States. The research also showed that Romani gypsies lived in precarious conditions because of high level discrimination against them. The study was made with 12,000 Romani gypsies and other similar number of non-Roma people in the eleven member states of the European Union. Within this study the surveys stated that one of three gypsies is unemployed, and only 20 % have health insurance and 90 % live in extreme poverty. Also, it was stated that many Romani gypsies are victims of prejudice,

intolerance, discrimination and social exclusion in their daily lives. They are marginalized and they mostly live in poor socioeconomic conditions. “About half of the surveyed Romani gypsies said they have been discriminated in the past year because of their ethnic origin and 40% of gypsies do not know the laws that prohibit discrimination against ethnic minorities ...” (European Agency for Fundamental Rights, UNDP, European Commission. 2012, p. 12).

For these reasons, the communication and broadcasting of ethnic minorities rights are obviously poor and deficient and not only in regard to the broadcasting and knowledge of rights, but also an appropriate institutional system that guarantees these rights be respected is needed, because despite the existing laws and the international instruments against discrimination, discrimination against the gypsy community has not faded away, which makes gypsies life a daily struggle due to the discrimination that is reflected in the lack of basic services and the rejection in everyday living. The aforementioned study establishes the situation of the gypsies surveyed related to the basic needs satisfaction such as employment, health, education, housing and poverty. Determining:

- Education: Half of the children in preschool age attend to school. Nine of ten children go to school mandatorily. And only 15 % of young people go to high school.
- Employment: Less than one of three Romani gypsies has paid employment. And one of three is unemployed.
- Health: One of three surveyed gypsies between thirty-five and fifty-four years old presents a health problem which limits its daily activities. On average, 20 % of the respondents did not have health insurance.
- Housing: On average, in the surveyed gypsies' households more than two persons live in a room. 45 % of Romani gypsies live in houses without at least one of the following needs: shower, electricity, kitchen or bathroom.
- Poverty: Around 90 % of the surveyed families live with incomes below the poverty lines and near a 40 % live in households where at least one person had to go to bed hungry (European Agency Fundamental Rights, UNDP, Commission or European n 2012, p. 12).

This study is a clear example of the discrimination experienced by Romani gypsies due to the lack of access to basic needs and to the inefficiency over the fulfillment of their rights. Romani gypsies face extremely difficult situations on a daily basis, so it is very important and necessary that governments take urgent action to guarantee the full compliance of gypsies and all fundamental rights.

2.2.4. Roma gypsies and the mass media

The role of the media in the transmission of Romani gypsies' social image is essential because it is one of the most influential when it comes to showing the minority social image.

In the media discourse the ethnic prejudice departs from the interpersonal and social relationships and from more complex systems, for example, a conversation. "Individuals who belong to the majority hardly interact with minorities, so what they know about those minorities comes to them through two communication types: interpersonal and public" (Zanfrini. 2007, pp. 95). Therefore, the speech content to be transmitted to the major society is very important. Although it cannot be generalized, there are a significant number of media outlets in France and also in Europe showing Romani Gypsies as different people and unable to integrate and worse, the media has created a relationship between minorities and illegal acts, as will be shown later in some examples. When the majority group is the one who ignores the minority and its culture, it tends to accept what is transmitted by the media and it broadcasts this misinformation, leading to serious consequences for the minority and for its integration with mainstream society. Hence, Laura Zanfrini in 2007 in her book "*La Convivencia Interétnica*", says that the discursive media practices which serve as a tool to produce and broadcast ethnic prejudice, have the prerogative to make invisible the consequences of their actions because what is transmitted is considered by the majority group as a reality reflection of society, when in fact it shows a partial or incomplete reality.

In today's globalized society, the mass media are vital because they are the ones who insert into public opinion about any information or subject. Also, like the information, news and opinions that are transmitted, either in written or audiovisual ways, a key set

of discourses, which originate values, attitudes and judgments about our social, cultural and political environment are constituted (Nash. 2005, p. 15).

Similarly, Teun van Dijk studied and researched social discourse and their role in society and in the media, contribute substantially to the study of the discourse influence and role in the media regarding to ethnic minorities. Van Dijk (1997. p. 29-30) states that “most of our social and political knowledge, and our beliefs about the world, come from the wealth of information we read or hear daily. It is likely that there are no other discursive practice, besides everyday conversations, that are practiced as that often and by many people as the press and television news”.

It is noteworthy that the content news that is televised or published is relevant not only for its substance or content but also for its form, i.e., by how it is transmitted. In the case of the Romani Union (2001), headquartered in Spain, that the main source of information that people have about the “reality” of Roma community are established by the media based exclusively on a picture full of stereotypes. As stated by Melucci (2001) media information and broadcasting represent the creation of new models of power structures and a means to lead to new discrimination and conflict patterns, for this reason, the media is a fundamental element in social processes design (Nash. 2005, p. 16-17).

In this regard, the importance of the media can also be studied from social representations theory perspective, as it is an essential means to create shared or public opinions and it also is essential to the social transferring and social learning of cultural values. Indeed, information processing is based mostly on speeches and communication (Van Dijk. 1997, pp. 77 qtd. in Nash 2005, pp. 17). For these reasons, the inclusion of the gypsy community or any particular excluded minority may be largely determined by the mass media communication function, i.e., the media may represent an integrative role of the minority or on the other hand it can create a hard border to break. For this, media discourse, such as the news discourse, both written and audiovisual is so important. Van Dijk (1997) claims that we refer to news discourse when we talk not only about informative news, but also about opinionated articles, editorials, images and illustrations, information and media reporting in general. “The importance of journalistic discourse lies not only in its textual expression, but in the fact that implies

interpretation and understanding by awarding meaning to social processes and thought patterns” (Nash. 2005, pp. 19).

Thus, we can directly relate social representations and the media role in society because social representations clearly contain discursive elements. This means that it is constituted by language, words or communicative action, label creation and experience transmission (Aróstegui. 1995 qtd. in Nash 2005, pp. 20).

As a result, analyzing the case of the Romani gypsies in the media will be more understandable. For the media it is much more comfortable in conveying an image that they claim is known and accepted in mainstream society, so nothing is done to change that. In the Magazine Gypsies, in its dossier Adalí Calí, edition 1, the performance of the GSGF in 1999 together with the European Commission regarding the roundtable which was held to determine the situation between the gypsy community and the mass media was registered, specifically within the news discourse. Several journalists, members of the GSGF, sociologists and gypsies, plus several opinions about romanis and the media were collected at the collaborative roundtable. All the participants were in agreement that the media has been a negative element in the life of the Roma community and instead of providing and supporting for integration it has done the opposite.

This roundtable, Begoña Aguirre, journalist from El País, said “the information issued about gypsies is almost exclusively focused on marginalized gypsies, being aware that this is not the reality of the whole minority. The problem is that journalists do not seek other information which is able to get gypsies out of that miserabilist circle”. In this regard, the journalist Toni Baena said “journalists sin in not going to the other side and normally staying with the *gadzé* reality”. Likewise, other testimonies of Romani gypsies were collected, the most representative are:

- “There is the need to inform not just about “the relocated gypsies”, but about those who want to have equal access to the normalized or standard world, for example those gypsies who get a driver's license or those who attend to a reinsertion labor course, etc.”

- “I think that for you it is much more interesting to get sensationalist news than to transmit how many gypsies are doing a really good work. We are gypsies that are leaving our skin to the development of our own community” (General Secretariat for Gypsies Foundation. Gitanos magazine N°3. Dossier Adalí Calí. 1999, pp. 33).

The main information transmitted through the gypsy community is referred to as crimes and illegal situations, often the gypsies are mentioned in the news headlines even if the mention does not contribute in any way to the news. Another negative fact is that journalists do not use gypsies’ sources and when they do, the information is rarely published (General Secretariat for Gypsies Foundation and European Commission. 1999).

Although we cannot just make generalizations and believe that all journalists are equal in relation to the transmission about the gypsy community, since there are several cases of responsible journalism, however these cases are less than the stereotyped known journalism.

Romani organizations’ ultimate goal is to change the social image that most of society has over them, and this can only occur if the gypsies express and apply their will to overcome centuries of exclusion and separation, and if the mass media contributes through its opinions and its informative issues not only broadcasting a gypsy negative image since it does not reflect the reality of the entire Romani community.

Juan de Dios Ramirez, gypsy journalist, lawyer, writer and president of the Romani Union said that all gypsies in the media are “identified with all the vices and uncivil behavior like delinquents, or they are described as the best singers, dancers and bullfighters as if these features were intrinsic qualities of a gypsy personality. So unfair is the first identification as absurd the second” (Ramirez, Roma Cultural Institute. 2012, pp. 78-79). It is worth mentioning that there has been a reduction of these negative transmissions and the reporting issues have been diversifying in journalism as a new Romani Union study claims that since 2001 topics as folklore, coexistence, culture, among others, are issues being addressed more frequently, although the stereotypical journalism persists.

Similarly, it is important to mention that the partnership between Romani's organizations and non-gypsy media is very significant because this fact would lead to a greater integration. Gypsies' organizations should assist the media by providing them all the materials and resources that can be spread due to journalists barely using gypsies' sources, making the problem of Romanis' image very difficult to solve. Here are some negative news examples which create a negative image of the Romani gypsies' community, considering the publication title and its contents.

Figure 5: “La Razón” Journal, August 23, 2013 (Military weapons in Gypsy clans)



Source: La Razón Journal. Available at: http://www.larazon.es/detalle_normal/noticias/3376041/sociedad/armamento-militar-en-los-clanes-gitanos-de-las#.UifD_tIyLp8

Figure 6: The Tribune Journal, August 23, 2013 (Three gypsies tried to kidnap a woman in Zavala and Pellegrini)



Source: El Tribuno Journal. Available at:<http://www.eltribuno.info/Salta/315704-Tres-gitanos-intentaron-secuestrar-a-una-mujer-en-Zabala-y-Pellegrini.note.aspx>

Figure 7: La República Journal, August 9, 2013 (It is true that all gypsies are artists)



Source: La República Journal. Available at: <http://www.larepublica.pe/09-08-2013/es-verdad-que-todos-los-gitanos-son-artistas>

Figure 8: ABC News Journal, November 1, 2012 (Nules alerts of insecurity caused by Romanian gypsies)



Source : Journal ABC. Available at: <http://www.abc.es/agencias/noticia.asp?noticia=1063632>

Figure 9: Russia Today News Channel, July 28, 2010



Source: Russia Today. Available at: <http://actualidad.rt.com/actualidad/view/14755-France-declar%C3%B3-guerra-contra-campamentos-gitanos>

In the shown photos we can see that the news is composed of stereotypical information. If this information is analyzed according to some ethic codes of some journalists' schools which the Romani Union considers, it can be concluded that the news is damaging to the social image of the Romani community. Such behavior codes established, regarding what this subject is:

- Do not include the ethnic group, color, religion or culture unless these are absolutely necessary to understand the news.
- Avoid generalizations and simplification.
- Do not strengthen negative aspects or sensationalism of the news and avoid the journalistic morbid.
- Look for information sources to contrast the news, specially the institutional ones, and strengthen the information that comes from the minorities.

In this way, a lot of news outlets do not fulfill these ethical codes directly affecting the gypsies' social image in France and Europe because the gypsy context is similar in all European countries, although it is worth mentioning that the situation in Spain is quite

different in a positive manner as in this country the minority has got a bigger influence inside Spanish society and within the media (Romani Union. 2001).

It is imperative to get shared collaboration between the media and the gypsy community, so the minority can develop a valid inclusion. The mass media should act responsibly regarding the information it transmits as the pretext of freedom of expression is unfairly affecting the gypsies, unaware that freedom always implies responsibility.

2.3. Prejudice and implications against Romani gypsies within the French social imaginary in present days.

To understand the French social imaginary it is necessary to know what a social imaginary is. The main theories with this respect have emerged in France due to the connotation its concept has had in French society. Cornelius Castoriadis (1983) used the term “imaginary” for first time in the social matter and he affirms that “we talk about “imaginary” when we want to talk about something that has been “invented” (a dream), whether it refers to a pure invention or to a movement, a change of direction in which the available signs are reversed acquiring new meanings than the ones that are commonly known...” (Castoriadis. 1987, pp. 127). In other words, the social or collective imaginary is created from simple ideas and figures which were not consciously created, but rather were invented thoughtlessly as a result of everyday life. All cultures build a link between reality and social representations. Through this relation or link, the individuals organize their data according to experience, making this an understandable phenomenon.

In interethnic coexistence, the collective imaginary constructs an image of the other group based on cultural differences. As is stated in the book “Diversity and Equality” (2010), the representation of reality is not neutral because it has as its basis in the image builders’ interests, who choose what to show or not and how they will do it. Thus, the image receiver gets incomplete information, without showing the reality, but a partial one. The collective imaginary is a social representation. Social representations, through the social imaginary, adjust the mental representations of all individuals, collectives and

social institutions, forming a major and unique image of the other (Aguado. 2010,pp. 334-335).

In France, the social imaginary and the social representations are closely linked since both of them reached the French social construction of reality. Both the social imaginary and social representations arise from society's lifestyle, from its everyday life. The lifestyle is what determines the relationship with otherness, i.e., the relation from simple sociability (daily rituals, neighborhood, etc.) to more complex sociability (social imaginary) (Maffesoli. 2007, p. 123).

This means that what is conceived as real in society or that particular phenomena acquires certain meaning, consideration or interpretation which is due to the social imaginary. "Every society is an interpretation system of the world, of its own world. Its identity is nothing, but its system interpretation of the world, that world which the society builds. That is the reason why the society (as occurs in each individual) perceives every attack to that system as a mortal danger, as a threat to its identity and to itself" (Castoriadis. 1994, pp. 69 qtd. in Carretero. 2010).

Therefore, the Romani community conflict within the French social imaginary can be explained as an answer to what the major society has determined as something unknown and threatening, or as something which does not respond to what society has established as familiar and known.

The basis of each individual social life is to belong, belonging to a place or to a certain group. The individual is a social being who identifies the group to which he/she belongs as his, adopting a number of cultural features and a lifestyle which are transmitted through social learning. It means that the individuals are born in a particular social world under an established social structure, so he/she gets a specific identity. Meanwhile, the collective and individual identity generates the basis for a harmonious coexistence between the group members (Garreta. 2003, pp. 13-16). The peaceful coexistence is possible thanks to the members that belong to a same group share the ideas of a reality which they consider as true because it's what their society has taught to them. For this reason, when they perceive unknown elements of their reality, they

immediately reject those elements as they consider them as a threat to their identity and social reality.

Sharing a social or collective identity besides requiring social participation also means to obey the group's rules, to do or not to do certain things. Sorokin (1969) says this identity is strengthened with everyday social relationships and it is maintained due to the following factors:

- “The imposition of behavior standards and patterns with a margin for own personality.
- The selection of new members of the group.
- The transmission of principles and integration patterns to the new members.
- The elaboration of symbolic and ritual mechanisms” (Garreta. 2003, p. 15).

We cannot say that the minorities' integration is impossible, but surely it is hard work for societies to achieve it because when an ethnic minority or a minority is presented with different norms and standards and it does not have the intention to change its identity and culture to the majority group identity rejection arises.

A clear example of this is France as it is a society that looks for its members' integration by the imposition of behavior standards and guidelines. When a minority, in this case, Romani gypsy, attempts to integrate into the French social imaginary it's rejected because the minority does not look to integrate through the adoption of a new identity, but by keeping their own social and cultural identity. France is an assimilationist society par excellence, it is based on the principle of individual citizenship and in theory it seeks equality for all individuals in law.

The French assimilationist model aims to keep its institutions, its language and its culture as ruling elements in its society, so it rejects any external element that it considers as threatening. To belong to the French social imaginary is a must to appropriate all of its culture elements.

According to Milton Gordon, leading representative in assimilation theory, within his study over North American assimilation, the assimilationist model look to fit the minorities' cultures to the majority one, making the minorities abandon their origin's customs and language, adopting the language and behavior of the dominant group (Garreta. 2003, pp. 69). This model was consolidated in France when the country received huge migration in the nineteenth century, including the gypsies, as discussed in the previous chapter. Currently, in France at least a quarter of residents in the country have a foreign origin.

Though the migration policies in France will be studied later, it is necessary to refer to this subject to understand its assimilationist model within its social imaginary. The immigration in France, as Laura Zanfrini (2007, pp. 49) says has become a practically invisible phenomenon to French political eyes because governing citizenship is obtained as a function of birth and it encourages naturalization by considering it as a kind of counterpart to the enjoyment of national welfare and a previous condition to assimilation. Besides France is an example of the combination of *ius soli*⁶ and *ius domicili*⁷ elements which have made many "immigrants", in sociological terms, be legally French. This fact weakens legitimacy to any ad hoc policy about them. The purpose of the French assimilationist model is to transform the immigrants into French, not only in politics, but also in the cultural aspect, removing any expression of difference in public life and making the minorities needs unfulfilled.

It is undeniable that the assimilation model is a clearly ethnocentric model, as we saw before, ethnocentrism always or almost always degenerates into discrimination, creating a social distance between the ethnic minority and the majority group, as "the treatment given to a person depends on how society defines that person, i.e., to the classification processes that create behavioral expectations" (Zanfrini. 2007, p. 24).

This is why the discrimination against Romani gypsies in France has become so hard to fight because most of society seeks assimilation rather to seek integration from cultural pluralism because unlike the assimilation model, cultural pluralism accepts cultural

⁶The *ius soli*, legally, refers to the fact to attribute to a person the nationality of the country where he/she was born.

⁷The *ius domicili* refers to the citizenship granting to a person depending on where he/she lives.

diversity in societies, it looks to create a common space in which everyone can feel like citizens and more importantly, it accepts the traditions' plurality and it respects all groups' rights (Ruiz, Blanco. 1994 qtd. in Garreta., 2003, p. 79).

France, within its assimilationist model claims that it looks for everyone's equality, but unfortunately, this model has contributed in creating more discrimination. Even, up to a short time ago, the French law banned the registration of data over ethnic and familiar origin because it affirms that it would be contrary to all equality principles (Zanfrini. 2007, p. 50). Currently, there is not much advancement in this subject, as we will see in the next chapter. In most European countries, their constitutions have anti-discrimination clauses, unlike France which has not adopted those clauses. These articles are included in the constitutions from: Albania (art. 18), Germany (art. 3), Armenia (art. 15), Bosnia Herzegovina (art. 2), Azerbaijan (art. 25), Cyprus (art. 28), Estonia (art. 12), Slovakia (art. 12), Croatia (art. 14), Finland (art. 6), Greece (art. 5), Georgia (art. 14), Hungary (art. 70), Italy (art. 3), Sweden (art. 8), Portugal (art. 13), Poland (art. 233), Russia (art. 19), Turkey (art. 10), etc. (Ruiz. 2006, pp. 207).

The European Commission constantly conducts research over discrimination in all member countries. Also, since 1973, many surveys have been completed to determine the status of many issues within the European Union. These surveys constitute what is called the "Eurobarometer". The latest report about discrimination issued by the Eurobarometer in 2012 found high levels of this phenomenon in the European Union, also in this special report there a specific space for Gypsies reserved, determining, according to surveys made, that the Romani suffer severe discrimination throughout the area in comparison to other ethnic groups (European Commission. Special Eurobarometer 393. Discrimination in the European Union. 2012).

Similarly, in 2006 and 2008 the European Commission made the same quantitative research at a European level and also by country. The research was conducted with twenty-six thousand seven hundred forty-six non-gypsy people within the European Union. In the particular study in France, the corresponding number was fifty-four thousand respondents and the survey was divided into five parts. The first was about the perception and experience of discrimination, the second over attitudes towards diversity,

the third on the fight against discrimination, the fourth about the knowledge of rights and the fifth over the discrimination context.

The first question within the first section was: “For each of the following types of discrimination, could you please tell me whether, in your opinion, it is very widespread, fairly widespread, fairly rare or very rare in (OUR COUNTRY)? Discrimination on the basis of ethnic origin, sexual orientation, disability, age, religion or beliefs, and gender”. It was determined that 76 % of the surveyed people considered that discrimination on the basis of ethnic origin is the most extended type of discrimination in France. Similarly, in the surveys at the UE discrimination by ethnic origin is the most dominant with 62 %, followed in both cases, in France and in the European Union by discrimination on the basis of sexual orientation. The second question in the same scenario was: “In the past 12 months have you personally felt discriminated against or harassed on the basis of one or more of the following grounds? Was it discrimination on basis of ethnic origin, sexual orientation, disability, age, religion or beliefs, gender?” The results were that “16 % of French respondents say they were discriminated against or harassed on the basis of one or more of the grounds under consideration here. These results were close to that recorded for the EU as a whole. As in the EU, the most commonly reported type of discrimination for French people is that based on age”.

In the second section of the survey about the attitudes towards diversity, the first question asked was: “For each of the following situations, please tell me using this scale from 1 to 10 how you would personally feel about it. On this scale, '1' means that you would be “very uncomfortable” and '10' means that you would be “totally comfortable” with this situation: Having a disabled person as a neighbor; having a person with a different religion or belief than yours as a neighbor; having a person from a different ethnic origin than yours as a neighbor; having a homosexual (gay man or lesbian woman) as a neighbor; having a Roma as a neighbor”. The results were that on average in France people tend to be more comfortable in most of the situations than uncomfortable in comparison to the rest of the European countries. However, French people tend to be more uncomfortable than other European people having a Roma neighbor, because on the scale from 1 to 10, France has the lowest in Europe with an average of 6.

The third part of the research asked: “In general, would you say that enough effort is made in France to fight all forms of discrimination?” In France, it was determined that there is not enough effort to fight against discrimination, giving an average of 59 %, versus 38 % of people who think there is enough effort. In the same way, the next question is: “Would you be in favor of or opposed to specific measures being adopted to provide equal opportunities for everyone in the field of employment? Measures such as, for example special training schemes or adapted selection and recruitment processes, for people depending on their ethnic origin, disability, age, gender, religion or belief, and sexual orientation”. The French respondents, according to the rest of European people, tend to be in favor of the adoption of these measures, especially those based on age and disability, whereas the lowest level of support to employment measures is for people based on their sexual orientation and ethnicity.

In the section on “knowledge of rights” the question set is: “Do you know your rights if you are the victim of discrimination or harassment?” On average, 62 % of French respondents did not know their rights, while the level of Europeans who neither knew them was 53 %. Also, on average, the level of who did know their rights was 31 % in France and 33 % in the EU.

Finally, in the last part about the context of discrimination the question was: “Do you have friends or acquaintances that are from a different religion or ethnic origin, Roma, disabled, homosexual?” The results showed that the French tend to be friends with almost all the people with the mentioned features, and also few French, as few Europeans have friends who are Roma gypsies, though only a 14 % in both cases responded they have gypsy friends.

The results shown in this study are similar to the results obtained in the same study conducted in 2006. The only difference is that in 2006 there was an additional question: “Would you say that the fact of belonging to the following groups tends to be an advantage or a disadvantage, or neither, in French society at the current time? The fact of: Being disabled, being gypsy, being more than fifty years, being from a different ethnic origin or different religion, being a homosexual, being a woman, being a man, or being aged under twenty-five”. People in France, consider mainly as a disadvantage of 87 % to belong to the group of disabled people, and secondly with an average of 81 %

people think is a disadvantage to be a gypsy (European Commission. Eurobarometer. Discrimination in the European Union. Results for France, 2008, 2006).

The Roma Gypsies are living and facing prejudices daily and therefore discrimination and social exclusion, even gypsies born in France and citizens of the European Union have been affected by discrimination.

The European Commission (2012) also found that for every four Europeans, three agreed on the idea that the Roma gypsies are at risk of discrimination because of their ethnic origin and it determined that this situation is much more widespread in France, Sweden and Luxembourg. All studies conducted by the European Commission, have determined that by country the discrimination of the Roma community in France is one of the highest and most obvious in Europe.

Discrimination, as studied, has extremely negative effects for Roma gypsies as it affects every aspect of their lives. In France, the main problems gypsies face are related to the lack of basic services, especially to education, employment, housing and health. Despite French society saying it looks for equality, this has not been demonstrated because of the discrimination against gypsies since they do not have equal access to education or to employment and in consequence they cannot improve their living standard. Many children and young people attending school or college are removed by their parents due to the high discrimination level in the classroom, not only by their peers, but also by teachers and authorities. In the labor aspect the same happens, gypsies often do not reveal their identity, so they can continue working. In health, they never or almost never have equal attention as other people, so the mortality rate is much higher than the rest of the population. As for housing, the majority of Roma gypsies in France live in slums and in unsanitary conditions which makes implementing a good life for children and for everyone almost impossible, building a difficult cycle to break for both gypsies and French society (European Commission. Special Eurobarometer 393. Discrimination in the European Union., 2012).

France, an assimilation paradigm since 2005 has changed its discourse, but not its practices as since 2005 the republican “equality” model or better the assimilation model is in crisis. According to Bertossi from the Elcano Royal Institute (2010) “France states

this crisis is not a result of the difficulty to adapt the model to a French contemporary new reality, but to the rejection to that model by the immigrant minorities. Instead of being “indifferent to the difference” (something that actually never has happened), the “model” is reformulated since more explicit topics related to ethnicity, race and religion... Universalism is not working anymore because of the immigrants’ ethnicity (without considering that those “immigrants” are French since a long time ago)”. It means that the discrimination will be practiced more directly, though the new model claims that the ethnic minorities will be taken into account in the political field or even if it says that it does not look to eliminate their cultural badges, the model has taken a step which is called “the problem of immigrant identity”. So if there is a “problem”, it will look to eradicate that “problem” and not only in immigration terms, but also in cultural and ethnic terms. Thus, the Roma expels in France, as we will see later, can be explained.

In France, in addition to changing the political model of the minorities, it is necessary to build a collective consciousness of full equality for everybody to effectively carry out the policies to fight discrimination within the French collectiveness, not only about the access to basic services, but also change the daily discriminatory attitudes against Romani gypsies in French society, attitudes that can even affect more than the institutional discrimination. The fact that a non-Roma person changes his/her seat on the bus because a gypsy sat down next to them, is an obvious example of prejudice and discrimination, so French society has to change its attitudes in its day-to-day actions. Finally, the Roma community must be willing to break the precarious circle in which it has lived since centuries ago and it must look to claim its image from a complete organization and from the defense of their rights.

CHAPTER 3: POLITICAL FRENCH POSITION ABOUT GYPSIES

3.1. Migration policies in France

The social reality of Roma gypsies as an ethnic minority, besides being determined in daily life in French society, it is also widely attached to regulations, legislations and policies, not only over Human Rights or minorities, but it goes further. One of the phenomena that are involved in the case of gypsies in France is migration, because though many gypsies that live in France are French, many others are a result of migration, mainly from Romania and Bulgaria.

The French regulations about migration are not just conditioned by internal factors, but they depend on other legal systems to which the country belongs or is submitted.

First, France as a State, and not only in migratory words, it is member of the United Nations. In this organization, related to the migratory issue, France is member of the International Convention on the Protection of the Rights of All Migrant Workers and Members of their Families. Also, it is part of other organizations, such as the International Organization for Migration, in addition this country have signed several bilateral agreements about migration with many other countries, among which we can mention the case between France and Bulgaria and France and Romania because of the importance that these countries have in this study. Moreover, France signed the Schengen Agreement in 1997, which came into effect in 1999 (Mejia. 2011).

3.1.1. Migration in France within the European Union framework

The migration study in France will be analyzed in the framework of the EU because it is the supranational entity which plays a vital role in France every day, more than other treaties. Although it has a supranational importance, the State's sovereignty diminishes importance to the decisions made by the European Parliament and the European Commission. Both the European Parliament and the European Commission are the two full supranational bodies or with the biggest importance in the EU, so certain aspects would be conditioned by these entities' decisions. However, there are topics such as

border control, internal control, and policy making that is reserved for the States' sovereignty, thus the European Union role within the States becomes less important.

The European Union (EU) is an economic and political partnership that emerged after the Second World War and is comprised of 28 countries of the European continent. In its beginnings, as a background to what is now the EU, the pursued goal was to promote economic cooperation through the European Economic Community (1958), which was formed by Germany, Belgium, France, Italy, Luxembourg and the Netherlands. It started as a full economic organization, but its evolution has contributed to the creation of an economic and political integration model, covering diverse topics from the financial aspect to the environmental one. In 1993 it changed its name to European Union, its activity is based on treaties or agreements made by the Member States. Those agreements are binding for the States, because the States have voluntarily agreed to be liable to the rights and obligations that those agreements issue.

Unlike other integration models, most Member States have adopted a single currency, the euro. Likewise, this integration model, according to researchers, is at the top of regional integration in the world since there is not only economic integration (free movement of goods and services), but also political integration and cooperation, so it looks for the free movement of persons, too. It means the suppression of the border control between the UE Members. Moreover, all Member States are required to fulfill all Human Rights treaties and not only being part of the UN, but the EU has the Charter of Fundamental Rights, which binds all Member States. Finally, the European Union has several institutions which seek to reach transparency and democracy in the EU functioning, the most important organizations are the European Parliament, elected by the citizens and the European Commission, the executive body of the EU which is responsible for setting policy objectives and to ensure that those objectives and the European law get fulfilled (European Union, 2013).

Though the States sovereign power is a key tool for their decision making, France and all EU Members, having ratified their decision to be part of the EU, they accept all rights and duties associated with being part of this organization, besides they are expressing border flexibility with other European countries, so the EU can reach a better regional integration.

In the immigration policy construction for all EU Members, the European Commission, since 1999, the migratory issue has been analyzed, determining that it is necessary to put an end to the restrictive policies and instead to achieve major cooperation between all the EU States. It should open legal immigration ways, even for labor immigration which supports the recognition of immigrant workers rights in each member State, besides the creation of free movement policies for all European workers (Chueca, et al. 2009).

Thus, the Founding Treaty of the European Union establishes that all citizens in the European Union can move freely in all of the member States. In this respect, it determines:

“Article 20:

1. Citizenship of the Union is hereby established. Every person holding the nationality of a Member State shall be a citizen of the Union. Citizenship of the Union shall be additional to and not replace national citizenship.
2. Citizens of the Union shall enjoy the rights and be subject to the duties provided for in the Treaties. They shall have, inter alia: (a) the right to move and reside freely within the territory of the Member States (...); (c) the right to enjoy, in the territory of a third country in which the Member State of which they are nationals is not represented, the protection of the diplomatic and consular authorities of any Member State on the same conditions as the nationals of that State (...)

Article 21

1. Every citizen of the Union shall have the right to move and reside freely within the territory of the Member States, subject to the limitations and conditions laid down in the Treaties and by the measures adopted to give them effect.
3. For the same purposes as those referred to in paragraph 1 and if the Treaties have not provided the necessary powers, the Council, acting in accordance with a special legislative procedure, may adopt measures concerning social security or social protection. The Council shall act unanimously after consulting the European Parliament.

Article 45:

1. Freedom of movement for workers shall be secured within the Union.
2. Such freedom of movement shall entail 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.
3. It shall entail the right, subject to limitations justified on grounds of public policy, public security or public health:
 - a. to accept offers of employment actually made;
 - b. to move freely within the territory of Member States for this purpose;
 - c. 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, regulation or administrative action;
 - d. to remain in the territory of a Member State after having been employed in that State, subject to conditions which shall be embodied in regulations to be drawn up by the Commission”(European Union. Founding Treaty of the EU. 2010).

As seen, the possibility that all EU citizens can freely move around the territories of this Union is clearly regulated, besides they have the right to freely work in all member States and these States have to look for the immigrants' rights compliance. A large majority of Roma gypsy population in France has migrated substantially from Romania and Bulgaria. It should be emphasized that these two states belong to the European Union since 2007, so their citizens have the full right to move freely within the territories of the member countries.

The EU has established restrictions that exist about employments and residency due to some issues such as public safety, public order and public health. The Union has also determined that these restrictions can only be stated against countries which accession is less than seven years, so Romania and Bulgaria will have access to full rights since 2014.

In addition, the member States, being sovereign can decide whether or not to apply those restrictions against the workers from those two countries. The EU has decreed that there may be restrictions only in the labor aspect and only during the seven years after the accession, but there cannot be restrictions on the right of free movement, which is even regulated as a fundamental right of the EU by its Charter of the Fundamental Rights, article 45. In the same way, it has been regulated that within the EU territory, workers, in this case, from Romania and Bulgaria should have priority access to civil and labor rights than other workers from foreign countries to the EU. Also it is an obligation of the member States to ensure equality for all workers of the Union (European Union, 2013).

On the other hand, it is necessary to refer to the Schengen Treaty that refers to territory and cooperation matters based on the 1985 Schengen Treaty. This constitutes the guarantee of free movement for people in all subscribed countries to this treaty because the member States undertake to eliminate their internal borders leading to a single external border of the European Union. The Schengen integration was attached to the EU law in 1997 through the Treaty of Amsterdam, however, not all countries in the EU are members of the Schengen space, this occurs mainly because either the countries are unwilling to remove their border controls or because the countries do not meet all the basic conditions to apply the Schengen acquis (*acquis communautaire*⁸). The member countries of the Schengen area under the Article 1 of the Protocol N° 19 over the Schengen acquis integrated into the framework of the European Union are:

- | | |
|-------------|--------------------|
| • Bulgaria, | • Luxembourg, |
| • Czech, | • Hungary, |
| • Denmark, | • Malta, |
| • Germany, | • The Netherlands, |
| • Estonia, | • Austria, |
| • Spain, | • Poland, |

⁸ Legislation, legal acts, and court decisions which are part of the body of European Union law.

- France,
- Greece,
- Italy,
- Cyprus,
- Latvia,
- Lithuania,

- Portugal,
- Romani,
- Slovenia,
- Slovak,
- Finland, and
- Sweden.

Although in this Protocol, Romania and Bulgaria are as Member States of the Schengen zone, they are not countries with full legal status in this space, so the border control with these countries will not be removed until the Union Council orders that the conditions required to remove the restrictions have been complied with.

Regarding the above, it is basic to show the current status of these two countries on Schengen. Recently, specifically in September 2013, controversy emerged surrounding Roma in France, where many of them have arrived France from Romania and Bulgaria. This controversy is due to declarations from some French politicians, who have been clearly against Romani gypsies by considering them as a social problem for France and by appealing to actions which violate Human Rights, a matter that will be analyzed later. Since the statements from the Ministry of the Interior, Manuel Valls, who have affirmed that gypsies' expulsions to their countries, Romania and Bulgaria, and the dismantling of gypsy camps are the solution to delinquency and mendacity in France. Later regarding these discriminatory declarations, the French Foreign Affairs Minister stated his desire to restrict the free flow for Romanians and Bulgarians, and also to keep these countries off to the Schengen zone, a decision that will be taken by the EU in the final days of 2013. Even he declared that France could block its access to the 26 Schengen States if Romania and Bulgaria do not control their borders better and he also ensured that many other countries are in agreement with it. Nevertheless, the European Council in March 2013 manifested that these two countries already meet the technical conditions to be part of Schengen and precisely those conditions concerning the external borders control. The final result will be known on December 2013 and whether or not this gets complied with the opportunity to work in the EU territory for Romanians and Bulgarians cannot be denied in 2014 (Mora. El País. 2013).

This means that the integration model related to the free movement in the EU is not being carried out effectively because the States sovereignty has the last decision, especially when they are dealing with sensitive issues in both political and social matters. In this case, the topics referred to immigration or borders are sensitive subjects for a country and these are topics where the States are less flexible or they are unwilling to give up some of their competences as the EU model would expect.

It is said that the right to emigrate is a fundamental right for all people. However, this right will always be limited to the conditions of the receiver country and this last one at the same time is limited to international standards regulated by Public International Law. Regarding foreign matters the sovereign state is the decision maker, but if this state has gone to international law, the international law should prevail over the internal legal order.

In this case, France has been subjected to European Union legislation and to many other international treaties, even Article 5 of the French Constitution states:

“... The President of the Republic shall be the guarantor of national independence, territorial integrity and due respect for Treaties”.

In principle, “no International Law rule prohibits sovereign States to regulate the entry, stay or deportation of foreigners in its territory. Nonetheless, if a State has assumed legal obligations in this respect, those aspects are not an exclusive matter for the State anymore, because they have been regulated by International Law rules, which are a limitation for the State sovereignty” (Carrillo. 2002, pp. 9 qtd. in Chueca, et al. 2009, pp. 167).

France, as a member of the EU must comply with its obligations as a member state, although it is said that the EU is a very flexible organization concerned with State sovereignty. Even, it created the European Pact on Immigration and Asylum in which clearly it is established that States are the ones that can decide on immigration matters. Thus, this Pact states:

“The European Council considers that legal immigration should be the result of a desire on the part of both the migrant and the host country to their mutual benefit. It recalls that it is for each Member State to decide on the conditions of admission of legal migrants to its territory and, where necessary, to set their number (...). The European Council calls on Member States to implement an immigration policy that is both managed, particularly with respect to all labor market needs...” (European Pact on Immigration and Asylum. 2008).

It can be proved that the EU gives all competence to its Member States to decide over immigration, so the idea of full free movement is abandoned, as in the case of Romanian and Bulgarian Roma who despite being full rights citizens of the EU are restricted and limited in entry to France. Moreover, the EU contradicts itself because in the first place it gives all competences to the member States, in our case to France, but secondly in the same Pact it determines:

“The European Council agrees: a). to invite Member States and the Commission to implement policies for labor migration, with due regard to the *acquis communautaire* and the Community preference, bearing in mind potential human resources within the European Union, and using the most appropriate resources, which take account of all needs of the labor market of each Member State” (European Pact on Immigration and Asylum. 2008).

While Member States should be attached to what is established in the EU, the final decisions in migration and free movement matters will be made based on the State policies and internal interests.

3.1.2. Internal migration policies in France

French immigration policy has changed since the arrival of Nicolas Sarkozy to presidency, and even before when he led the Minister of the Interior, but it was from 2007 when the French government began to implement real change in those policies. In addition, 2007 was the year when Bulgaria and Romania became part of the European Union and the year in which changes arose within the Union, changes that would be

reflected in 2008 through the European Pact on Immigration and Asylum in which the States got the power to "select their immigrants" according to their needs.

Ex-president Sarkozy was very clear from the start about his stance over immigrants and gypsies. Thus, in May 2008 he declared: "I was always in favor of selective immigration. I always found too shocking the idea of zero immigration. But in France there are five hundred thousand jobs unmet and one million nine hundred thousand unemployed people, then it does not seem correct to say that we must seek such labor in other countries" (Gaymard. Radio France Internationale. 2009). Starting there, several numbers of gypsies expelled, even before 2007, can be explained, despite most of Roma people are European citizens and despite the social consequences these expulsions have meant to this minority, a situation that will be analyzed later.

As a consequence, the Sarkozy government determined that it was imperative to reform French migratory policy, leading to the identification of four main objectives within this matter:

1. Migration flow control: This objective refers to the undertaking of a strong control to prevent illegal immigration, and to make France more attractive to selected people, such as students and workers from determined countries. In this sense, French immigration policies seek to get a better control of migration fluxes and get a better adaptation of regular immigration to French real needs.
2. Promote selected immigration: The French government considers that the immigration in this country is not contributing to its needs satisfaction, so it determines to promote selected immigration especially for highly skilled qualified workers, students, and talented people as the government believes that this is the only way to get benefits and development, and at the same time the emigration countries can also get benefits, creating a co-developing model with the countries selected by France.
3. Integrate migrants: France states that to reach a full integration, migrants must respect the principles and values of the Republic of France, starting from the adoption of the French language. Moreover, in its immigration and integration policy it has considered that the migrants' integration will have to be strengthened because many of them do not have a job, a house or enough

knowledge of French, factors that are determining to the integration in this country (Ministry of International Affairs of France. The new French immigration policy. 2007).

4. Promote national identity: In this regard, Brice Hortefeux, Sarkozy friend and Minister, said “immigration, integration and national identity are closely related because France has its own identity, therefore it means to allow the integration of immigrants who respect the republican values and to control immigration serenely (Ministry of Employment and Social Security of Spain. Magazine Actualidad Internacional Sociolaboral. 2007).

Under these four objectives the French migratory policy has left in the margins the element of free movement in the EU. With respect to the two first objectives, France is prepared to fight against unwanted immigration or unselected by this country. To deal with this migration, during Sarkozy government, there was an extension of the biometry in visas endorsed in 2007 and 2008, which allowed keeping a strict control of people at the borders. Also, a fight against undocumented employment was undertaken and the program of “voluntary return” was created to the emigration countries. On the other hand, it was determined that persons who intended to reside in France for more than three months must have a visa. If the conditions of the French Republic were not complied with it would appeal with expulsions. Also the visa for long-term residence would be given only if immigrants were hardworking people who contributed to the development of France by their highly qualified skills, as well as students and outstanding individuals, whose skills also could contribute to the development and needs satisfaction of this country (Ministry of Foreign Affairs of France. French new immigration policy. 2007).

On the other hand, it is important to mention that within French migratory policy is migration in case of asylum. This subject is important because the Roma gypsies arrive in France and in other Western European countries looking not only to improve their lifestyle, but also because they are running from their countries, especially from Eastern European countries since they are persecuted due to racism and discrimination there. In the European Pact on Immigration and Asylum (2008), the European Council has determined that every Member State has to give help and protection to every persecuted

foreigner, and according to the 1951 Geneva Convention (amended in 1967) about the refugees statute, it clearly establishes in its article 1, subsection 2 that:

“The term “refugee” shall apply to any person who (...) owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it” (Convention relating to the Status of Refugees. UN High Commissioner for Refugees. 1967).

While each Member State is obliged to comply with the Convention, and the Council has determined that every State must increase the protection level in case of asylum or refugee status, there are limitations to these arrangements as there are significant differences relating to the asylum granting application in the Member countries. Furthermore, the European Pact on Immigration and Asylum has determined that Member countries' borders control shall not to impede the access to protection systems for persecuted people or people who seek for refugee due to the mentioned reasons. It is also necessary to strengthen cooperation and communication with the High Commissioner of the United Nations for Refugees (European Pact on Immigration and Asylum. European Council. 2008).

Having said the above, the situation of Roma gypsies in France relating to the migratory issue and asylum can be explained. Although, the gypsies have always had to move, either because they are nomad or by other reasons, to France or other countries, the biggest Roma migration average from Romania and Bulgaria (countries with the highest number of Roma gypsies in the world) to France is since 1990 and within this migration also the discrimination to this minority increased and not just in Eastern Europe, but in the West, too, where France which has been known as a loyal country to the Republican principles of equality, was not left behind. The situation against gypsies became even more serious as the rejection and discrimination arose from high authorities of the French government in 2002 with conservative Nicolas Sarkozy, first as a Minister of the Interior and then as the President of the Republic in 2007.

With this government the republican model of integration that France had, based inter alia, in the equality, went into crisis, and this government affirmed that it was due to the rejection of this model by the main population about immigration, a new model that may be seen as good because it recognized the difference, in terms of religion, ethnicity, nationality, etc., was introduced but in its practice it could not be seen as a good model as it started to segregate people according to their features and origins and it created, what the Sarkozy government called, “the problem of immigrants’ identity”. A “problem” that Sarkozy noticed even before he was president, affirming and subsequently emphasizing that the problem facing France against gypsies and other minorities, was not a social problem, but it was an effect of the lack of values of the minority, an argument that made this government take a posture for not fighting discrimination anymore, but instead to fight against unwanted immigration. In this policy, France wanted a selected immigration, despite the gypsies from Romania and Bulgaria having the right to get into France due to their status of being citizens of the European Union since 2007 (Bertossi. Elcano Royal Institute. 2010).

Similarly, it is necessary to remember that Roma gypsies have always been persecuted and discriminated against, and regarding either the European Pact on Immigration and Asylum or the qtd. article before from the Convention on the Status of Refugees and to the obligation that France has subscribed to being adhered both by the European Union and the United Nations, France has the legal obligation to give help and protection to Roma gypsies because the situation of violence and discrimination that they live in Eastern Europe is much more explicit and direct than in Western European countries, and for being an object of violence and persecution several gypsies have had the need to look for refugee and help in other countries. The violence in Romania and Bulgaria, among other Eastern European countries is permanent and in here there has even been the attempt to the physical elimination of entire gypsies’ population. In Czech Republic, people have built separation walls between Roma and non-Roma people, looking for this minority isolation (Gonzalez. Elcano Royal Institute. 2010).

Despite this, the French government has maintained an inflexible immigration policy, knowing the risk or danger to gypsies’ physical and emotional integrity as they remain in their countries of origin, either in the case of not letting them get in France or the

limitation to their entry, as if the government appeal to the evictions of Romanian and Bulgarian citizens who have already been living in France, the government does not take into account the gypsies situation as citizens of the EU or as refugees, but it argues that most of Romanian and Bulgarian people are in an illegal situation in French territory. It is important to say that currently, the French government of Francois Hollande, a leftist wing government which at the beginning promised change in all aspects, besides equality for everyone, has not applied any change in the situation of Roma community. In fact, his Minister of the Interior, Manuel Valls, rather has an ideology much like the European ultra-right wing political parties regarding the Roma gypsies.

Currently, the migratory issue and particularly the matter of the gypsies in France has increased the gap in the socialist party of Hollande, where many politicians reject Valls' posture by considering it as inhuman and racist. Emphasizing, Valls said that the delinquency situation in France was related to gypsies, defending their evictions and the dismantling of their camps, as Sarkozy did. Also, he showed apathy towards the minority by arguing the attempt to close their borders to all EU Member States if the EU grants the pass for Romania and Bulgaria to be part of Schengen. He said that France will only allow the entry of Romanian and Bulgarian business people, showing his classist stance, incoherent with the socialist discourse to which he belongs. Against this, the only reaction of president Hollande was to ask for silence about the Roma from his Ministers. The posture of Valls can be an answer to the increased popularity of the Right and Extreme Right wing parties in France and in the rest of Europe, so maybe the strategy is to demonstrate their voters that they are also against illegal immigration, insecurity, and other problems that according to them are derived of the gypsies immigration which is seriously affecting France. Thus, within the European crisis and the resurgence of nationalists' parties, the Valls discourse is getting more voters (Mora. El Pais. 2013).

These political stances, either in the Sarkozy government as in the Hollande government have been harshly criticized by leftist politicians, academics, NGOs, European Council and by the United Nations. Many international observers during the Sarkozy presidency said that this was the first time in decades that France took such an extreme right stance

with immigration, using the rhetoric of xenophobia on the subject of the French identity being threatened (Nacu. *Journal of Ethnic and Migration Studies*. 2011, pp. 135-150).

The migratory issue of Roma gypsies has been placed in France as a public matter, even with most impact than in the emigration countries because the migratory policy application has become an objective for many French municipalities because the issue is treated as a local priority concern within those municipalities, mainly in Paris. During the Sarkozy presidency, the leftist party was expected to react to this situation, in fact it happened, though it did not have any substantial effect, but now when the power is in socialists hands, no one knows what to expect as the marginalization of Gypsies in France and Europe is still increasing regardless of its governments ideology or its many international treaties that try to protect them because these are not in compliance with. France should stop looking for new citizens to adopt their integration model because it would be looking for assimilation, as seen in the previous chapter, but it should promote equal rights for every person and apply this concept, adapting the model to a new reality, and not as intended, adapt the reality to the model.

In the same way, the EU should create effective tools which allow its legal system to be met because on the first hand it promotes equality for Roma gypsies and on the other hand it pressures countries like Romania and Bulgaria to keep Roma within their borders, knowing that they have the full right to move freely throughout the EU territory.

3.2. Integration policies: Employment and Education

3.2.1. Gypsy immigrants' integration in the European Union

The context of the European Union considers that to get a full regional integration it is necessary to understand that European emigrants or the people who move or live in another Member State get to integrate into the receiver Member State society, for this, the European Council through the European Pact on Immigration and Asylum, has determined that the Member countries shall create and apply policies, according with communitarian principles which allow an equal treatment for emigrants to integrate them properly in the receiver country society. Equally, in this Pact, the European

Council encourages the States, in order to achieve full integration, to respect the immigrants' rights (particularly in the access to employment, education, security and access to social services in general). It also asks migrants to comply with their duties imposed by the origin countries. For this purpose, the States should create policies and tools which make it easier to obtain access to employ, education, and language learning for immigrants besides giving them importance over the respect to national identities of Member States of the European Union, its fundamental values, human rights, democracy, tolerance, equality, etc. In addition, the Council exhorts the Member States to fight against discrimination which may be suffered by immigrants (European Pact on Immigration and Asylum. 2008).

As known, Roma gypsies have always lived almost completely segregated from society and currently there are several NGOs looking for respect for gypsies' rights, but from the controversies made by France and other European countries against gypsies and from a clear show of discrimination to this minority in 2005, the European Council, the European Organization for Security and Cooperation, the European Commission, the World Bank, among others, have thought it necessary to create a program which benefits the minority and integrate it in European societies, leading to a global initiative called *Decade for the social inclusion of Roma people (2005-2015)*, which is focused in this minority integration by three main aspects: education, employment and housing (Gonzalez. Elcano Royal Institute. 2010).

Though it is in 2011 when the European Commission publishes the European Union framework on the National Roma Integration Strategies up 2020, within this program for the first time common standards for the “development of policy measures in the national context from shared work approaches, objectives and scopes by the EU Member States are established”. This common European framework has arisen due to poverty, marginalization and discrimination experienced by Roma community in Europe, situation which attacks the main European principles such as equality, social welfare and human dignity (European Union. European framework on National Roma Integration Strategies. 2011).

This common framework for Roma integration includes the fulfillment of the following objectives by all Member States through the creation of effective integration policies:

- Improve the current situation of Roma: The current situation of the minority is unacceptable in the European framework on Roma integration. Moreover, the inclusion of gypsies would represent a benefit for both the minority and the receiver country because either in the economic area or in the social one as in case of labor inclusion, the gypsies would contribute to the productivity and they also would reduce costs to the State, at the same time they improve their life quality.
- Create a targeted approach to Roma integration: The States should create specific policies which uphold gypsies' rights and where equal treatment is guaranteed.
- Set integration goals: These objectives shall be based in four key areas: education, employment, housing and health.
- Get concrete results for gypsy people: The success of the strategies on national Roma integration will also depend on enough resources allocation by the States for this purpose. Bearing in mind that the EU keeps a fund of about twenty-six thousand five hundred Euros to support the State's efforts to integration. As to see, in France these funds have not been used because it does not look for the integration of this minority, unlike Spain which has invested so much in Roma integration.
- Empower civil population: By creating a joint debate and action platform between different institutions interested in this minority inclusion, such as: EU institutions, governments, NGOs, academic associations, representatives of Roma civil population, in order to create a scenario in which the Roma population needs are raised and solved.
- Create a responsible supervision system: Imperative to get a right measuring over the Roma integration progress in the EU regarding to if the funds and policies in the Member States are correctly leaded to the minority (Magazine Gitanos. General Secretariat for Gypsies Foundation. European Framework on Roma National Integration. 2011).

According to these common goals for the EU States, its intention is to create a local, regional and international intervention to Roma integration, this situation has led to a

true challenge for the EU, a challenge which only can be fulfilled with a real and effective compromise between the States and the organizations, among other gypsies representatives, so all can achieve cooperation to end the centuries of social exclusion because very often any integration attempt has been left as that, as an attempt, knowing that integration requires action and not just talking about it.

Since Romania is the main origin of gypsy emigration in the EU and within the European framework this minority integration, it was intended that Roma integration in Romania should be even more effective because it has the largest number of Roma Gypsies in Europe, but its government, from 2010 regarding the several Romanian Roma expulsions, said that due to the crisis, it does not have the economic capacity to lead to a real integration for gypsies, even despite the receipt help through the European social funds (Gonzalez. Elcano Royal Institute. 2010).

This situation is totally unfavorable to the Roma integration in the EU because the Roma exclusion in this country will not be eliminated if the country does not have enough resources to integrate them fully, making gypsy migration is still representing a problem for the immigration States despite free movement policies in the EU and among other protection policies towards them.

3.2.2. Roma integration policies in France

As mentioned above, States must comply with the objectives set in the European framework on Roma national integration strategies. For this purpose, the policies created in France will be analyzed, besides its general policies about integration in employment and education.

Internally, France has recognized that much remains to be done over integration and it keeps within its migration policy a contract for the newly arrived immigrants to French territory throughout the National Agency for the Reception of Foreigners and Migration. “The reception and integration contract, whereby the Republic of France proposes the immigrants a mutual, civil and social contract which joins them to the Republic” (Ministry of Foreign Affairs of France. The new French immigration policy. 2007).

The host contract intends, on the one hand to prove that foreign people who want to live in France are willing to integrate, and on the other hand, to ensure that foreigners adopt French principles and values, as a basic condition to get their integration. In the same way, France, by creating a new migratory policy since 2005, thought that it was extremely necessary to strengthen the migration policies because many immigrants have not had the chance to access basic needs as employment, education or housing, essential requirements to get integration. Likewise, French learning is also one of the basic conditions for foreign integration in France, so the “DELF A1” test must be completed. Thus, the host contract that France proposes, consists of foreigners having both civic and linguistic education. In addition, as the immigration French policy establishes, “before obtaining the ten years residence permission, the foreigner must comply with a condition based on three basic elements: the personal compromise to respect the principles which rule the French Republic and the effective fulfillment of those principles; the civic education constitutes an introduction to the French institutions and the values of the Republic, particularly, gender equality and secularism. On the first renewal of the residency permission, it will take into account if the person respects the stipulations in the host and integration contract (Ministry of Foreign Affairs of France. The new French immigration policy. 2007).

On the other hand, within the European framework on Roma national integration strategies, France with the attempt to create specific strategies for this purpose according to what the European Commission established, declared that by French law it is not possible to create specific policies for Roma people because it would be against its equality principle regarding article one of its constitution, which says: “France shall ensure the equality of all citizens before the law, without distinction of origin, race or religion...” Thus, it ratified its posture about it as it believes that it cannot give priority to certain groups than to other ones, but at the request of the European Commission for the gypsy inclusion, France has reported about its inclusion policies for the most vulnerable groups, in which it says, may include the gypsy people. In the context of vulnerable people inclusion, France has determined the following points to achieve that inclusion:

1. Give every child the opportunity to have equal access to education.

2. Create a policy which leads to an active labor market in excluded populations.
3. Promote public health associations with communitarian associations.
4. Develop measures for every person who does not have a house, so they can access safe housing.
5. Better defending of all fundamental rights of the population which suffer discrimination.

In its report to the European Union, France has also stated that its policies for people who travel or “travelers”, referring to them not as the community called “Travelers”, but relating to any person whose life is nomadic, France affirms that within this group may also be the nomadic gypsy people. Within these policies for travelers, it gives priority to the access to education for every traveler child, besides ensuring that all people have a worthy job, a safe house and equal access to the health system.

According to the above, I will analyze mainly the integration focused on labor and educative aspects as the new immigration policy in France since 2007 established these two aspects as imperative conditions to achieve full integration.

3.2.3. Inclusion policies: Education and Employment.

As mentioned, in France there are not specific policies targeting Roma community due to its equality principles recognized in its constitution, however, in the report for the European Commission in the framework of Roma integration strategies development, as each member country was requested, France reported its inclusion policies for vulnerable or marginalized groups, and it said these policies can benefit the gypsy community, too. In this regard, the existing policies relating to the inclusion of this minority, mainly in the educative and labor areas in France will be analyzed.

Knowing that a cornerstone for the development of any society is education, and that gypsy people have not had the opportunity to access it, it can be deduced that they will not be well qualified to get a well-paid job and their life quality will not improve, creating a vicious circle. Even though, in most cases we can say that discrimination against this community is permanent, it is necessary to know that there are gypsy people who have overcome all the obstacles imposed by being a Roma and who have accessed

education, either primary and high school or university, so they have had more chances to thrive in society, while those who have not had those opportunities are stagnant in poverty. In the Roma integration, the lack of data over this minority has represented a real problem. In fact, the entire database on the number of Roma population in France and in Europe is only estimates, which are usually collected through social services, so the Roma who are well integrated into society are not reflected in that database, creating a virtually invisible integration.

In terms of educational inclusion, EU member countries must guarantee in their policies access to education and equality for all EU citizens in their educative system. In France, education is compulsory for all people from six years to sixteen years old. In these cases the educational system has free exam access to all French people according to its equality principle. Moreover, in the current French constitution the 1946 constitution preamble is recognized, in which its subsection eleventh determines:

“The Nation guarantees equal access for children and adults to instruction, vocational training and culture. The provision of free, public and secular education at all levels is a duty of the State”. (Constitution of France. 1946).

France is also bound by the Lisbon European Council declaration in March 2000, in which goals and challenges for all Member States arose. From section 25 to 33 objectives and obligations are determined relating to education. Among the most important, according to our studying subject are:

“25. Europe's education and training systems need to adapt both to the demands of the knowledge society and to the need for an improved level and quality of employment.

26. The European Council accordingly calls upon the Member States, in line with their constitutional rules, the Council and the Commission to take the necessary steps within their areas of competence to meet the following targets:

1. (...) The number of 18 to 24 year olds with only lower-secondary level education who are not in further education and training should be halved.

27. The European Council asks the Council (Education) to undertake a general reflection on the concrete future objectives of education systems, focusing on common concerns and priorities while respecting national diversity.

32. In particular, the European Council invites the Council and the Commission to:

2. (...) mainstream the promotion of inclusion in Member States' employment, education and training, health and housing policies, this being complemented at Community level by action under the Structural Funds within the present budgetary framework". (Lisbon European Council declaration. 2000).

This means that both France and the other Member States have the duty to guarantee equal access to education for all people in France, besides they must create policies to help all students finish their studies, either in compulsory education or in subsequent studies.

The French educative system supposes an equalitarian access to education for all, but unfortunately this has not been accomplished as France has a deficient educational system which does not guarantee equality in education, especially for low-income people. For example, compulsory education is from six years old, and low-income people tend to enroll their children from that age, i.e., the first grade, but middle and high-income people prefer their children to be enrolled in the educational system long before six years (nursery and pre-school), so a gap in learning terms is produced due to the children that have had school experience before six years.

In fact, in France the school failure is still a representative feature of low-income class. It has been determined that approximately 60.000 young people have interrupted their studies: 2 % are teachers' children, the 16 % are working class people' children and the 30 % are unemployed people' children, while in high-income class an 80 % are people who get a certificate of advanced education. Similarly, among immigrants' children there is inequality, too, because generally they have had a previous incomplete education in their countries and they fail in French schools, so they have fewer possibilities for integration. Although, currently this fact has decreased since the development of many schooling and grading programs for students, especially for those

who belong to the so called “travelers”, so gypsy kids could also benefit from these programs (Gauthier. La Caixa. 2005, pp. 58).

This is not the only kind of inequality because the gypsy children besides having a lower schooling level than the rest of the children, suffer discrimination, and much more now with the resurgence of nationalist, racist and xenophobic ideologies. A result is school segregation in classism and racism terms since there are several cases in which parents prefer to enroll their children in private schools, arguing that it is to give their children a better education, but through this action has been found that they prefer also to keep their children away from gypsy or poor children because these are the main children who are in public schools, leading to an unequal education in private and public school.

In the Roma community, the first way to school rejection is absenteeism due either to discrimination in some cases or unfortunately because there are still gypsies who are reluctant to come in contact with the Western world. Although, most Roma have agreed that their lives can only change if they send their children to school as only in this way they can access to labor market more easily, nevertheless inequalities are growing.

There will be a true equality in the educational system when either low-income the child receives a quality education as the children from private schools and when a child can go to school without feeling discriminated against. There will be a true equality when gypsy children can feel safe in school and when the belonging to certain ethnic origin does not represent an obstacle for children’ school success. As said, it takes a multicultural vision and not just in the educative system, but in daily life of all societies.

While in the past two decades almost all Roma children have been enrolled, there are still problems in this. The General Secretariat for Gypsies in 2001 in its dossier has rated the recorded behavior of gypsies around education:

1. Attendance and performance standardized.
2. Attendance with sporadic absenteeism and scholar failure.
3. Extreme absenteeism and early school leavers.
4. A small number of children without education.

5. A high rate of illiterate adult people.
6. People who get certain socioeconomic status have higher education.

Similarly, it has been determined that Roma people who keep their children in the educative system tend to reach a higher socioeconomic status and better integration into society, though in some Roma families there is not this relation because some gypsies believe that their children will continue with the family trade, so they do not make any effort to keep their children in school despite the State guarantees them school places from six to sixteen years old.

Summarizing, regarding the problems in the French and European educational system, the existence of private schools with better qualified education than public education has produced gaps either in education as in social distinction, creating more discrimination. In the first place, there is not any data about gypsies in private schools. Secondly, according to French equality principles, there are not any specific regulations about intercultural education. Even though Roma gypsies have been recognized as the largest and oldest ethnic minority in Europe, there has not been any policy created that respects their rights in all areas according to their culture and diversity. “By non-recognizing the Roma cultural diversity, the Roma cultural content to incorporate into the school curriculum cannot be negotiated because it is essential to consider that gypsy culture is an unwritten culture, but with oral tradition, with another scale of values” (General Secretariat for Gypsies Foundation. Dossier. 2000).

Also, it is important to mention as an educational integration problem, the lack of intercultural education in teachers as only a few know about cultural anthropology or other related subjects to guarantee an appropriate intercultural teaching for all. Finally, it is imperative to create programs which encourage young Roma to continue with non-mandatory education, and to seek academic training for many adult gypsies who are still illiterate, so the Roma community reaches a higher rate in access to superior education, or a gypsy community with the same opportunities as all people.

According to the three main objectives of the 2000 Lisbon Declaration, education is an essential development tool for the European population, so that unequal access to education is unfavorable for all, because if an adequate system was created to respond

to the current system deficiencies, it would step up to the unemployment decreasing, and competitiveness and economic dynamics increasing, having more qualified people in the labor market. Moreover, education is essential to the promotion of positive attitudes in young people and it is a means of training to adapt them to the social and economic conditions that are always changing (Magazine Gitanos. General Secretariat for Gypsies. 2006).

The educative system in France as in most of Europe can lead to efficient policies that contribute to every person's inclusion to a qualified education taking into account the existing diversity. Only in this way can the EU can step forward to equal opportunities because either in the EU as in France, in theory they look for equality for all, but the existing policies are not fulfilled or there are not any adequate policies to respond to this urgent problem, which has as a consequence the re-marginalization of the Roma community because with less education, they will probably not have admittance to a good job that allows them to improve their life quality. Obviously, it is also imperative the Roma community work together with governments and organizations to achieve efficient and successful cooperation.

Regarding labor inclusion, the fifth subsection from the 1946 French Constitution preamble, which is officially recognized in the current constitution, and which states:

“Each person has the duty to work and the right to employment. No person may suffer prejudice in his work or employment by virtue of his origins, opinions or beliefs” (Constitution of France. 1946).

France is also bound by the regulations of the European Union which Founding Treaty establishes:

“Member States and the Union shall, in accordance with this Title, work towards developing a coordinated strategy for employment and particularly for promoting a skilled, trained and adaptable workforce and labor markets responsive to economic change”.

According to the above, France is obliged to create policies that give access to employment to everyone, regardless the differences among the persons, and for both French nationals and citizens of the European Union. In this sense, the Romanian and Bulgarian Roma immigrants beginning 2014 will have full right to access to decent employment in France. Similarly, France should guarantee employment for French Gypsies without their ethnicity represents an impediment to access to it.

Within the strategy guide in the framework of labor inclusion, France has established that the precarious economic and financial situation that often face marginalized populations, including the Roma, means when they seek a job, they frequently fight to get a long training job, instead they should be favored to short training jobs. Taking into account the current training level and professional development, the improving of the participation in programs designed to acquire new skills will allow to integrate these populations into the labor market. In this sense, the learning must be developed as a priority (French Report in the European Framework on Roma National Integration Strategies. 2012, pp. 7).

Inclusion policies, whether in education, employment, etc., are not targeted T any particular ethnic group, though the French government says that they respond to specific needs of excluded people in those areas and it is focused on labor insertion through the prevention of labor discrimination, so it affirms that any measured policy in favor of labor inclusion is addressed to any person who is occupationally excluded or marginalized.

One of the points that France considers as essential for the inclusion of the most vulnerable people, is that this country within its law has established, for quite some time, basic wages directed to ensure a minimum income for all people that have been excluded from labor market for a long time, which is done in order to encourage people to start or to return to a professional activity. Subsequently, according to the “National Reform Program 2011-2014” France has begun a process of rationalization and simplification of social services for the most vulnerable, trying to ensure that every person enjoys their social rights fully. In favor of this, France asserts that during 2013 many tools to facilitate labor insertion have been used for those excluded groups throughout new qualitative measures development aimed to improve integration in the

economic activities besides the promotion of policies in favor of the unemployed people in order to create businesses or entrepreneurship (French Report in the European Framework on Roma National Integration Strategies. 2012, pp. 8).

Furthermore, it is important to mention that within the report presented by France to the European Commission in the framework on the Roma National Integration Strategies, France attached its work in benefit of traveler people. Knowing that several gypsies still have a nomadic life, France has decided to focus especially on the labor insertion of young people, whether they are travelers or not, thus it gives support and cooperation to the development of many programs of labor inclusion for young people. One of them and the most important is the Association for the Right to the Economic Initiative (*Association pour le droit à l'initiative économique*) which is specifically targeted for traveling young people. Its work consists of finance and support to unemployed young travelers, so they can begin their own enterprise or workplace. Currently, this association has granted around one thousand five hundred professional microcredit per year to travelers. This organization, after being represented by the National Advisory Committee for Travelers (*Commission Nationale Consultative des Gens du Voyage*), an extra-parliamentary body, has adapted its financial tools to the travelers needs, offering them loans so they can run some economic activity. As reported by the French government to the European Commission, this program will continue as it will be supported by the Social Cohesion Fund (French Report in the European Framework on Roma National Integration Strategies. 2012, pp. 16).

Likewise among, France's aid to other programs of labor market inclusion for travelers with the help of the European Social Fund, are:

- Pact Arim Association: It mainly focus in the labor and housing matters, looking for make people sedentary, and to get integration by the adoption of the French language as the French cultural values. As said, many gypsies are still nomads, so they can also be benefit by this program.
- Housing Association for Young People: It is responsible for professional training to unemployed persons, so it is easier for them to get into the labor market.

Despite the existing policies in favor of the most vulnerable people and for their labor insertion, the policies against labor discrimination do not exist or they are not complied with. And even though there are policies which state that everybody has the right to work without distinction of origin, ethnicity or beliefs, gypsies are still highly discriminated at work and it is more complicated for them to accede to the labor market than it is for other people. In spite of this, France has not been so affected by the European crisis as Spain or Greece. However, it has been affected indirectly, so the unemployment rate has increased. According to *Pôle Emploi* data and statistics services of the Ministry of Labor in France, in 2012 there was a number of 3.132.900 unemployed people, people that are included in the category of people that compulsorily are required to find employment and who have not worked for a period of thirty days.

Thus, the current Hollande government has created reforms and programs for France's socioeconomic development. Within the law 2012-1189 of October 2012 the Future Jobs Program is created. And in the early 2013 the Generation Contracts are generated, too.

The first program looks "to facilitate the labor inclusion and the access to qualification to unemployed-unskilled-young people, through hiring them for social and environmental activities or for those who have a significant prospective to create jobs. It is expected that between 2012 and 2014 one hundred fifty thousand labor contracts will be signed". In addition for these contracts signing, it will take into account young people between sixteen and twenty-five years old living in areas considered as precarious and sensitive, rural revitalization zones or places to where is more difficult to find a job (Ministry of Employment and Social Security in Spain. Journal Actualidad Internacional Sociolaboral N°162. 2012). This program can be very helpful for young Roma who usually do not have access to higher education, thus they can opt to enter the labor market and get better integrated into society.

The generation contracts, likewise future jobs program, represent an employ promoting policy in France. Its goal is to help the durable integration of young gypsies in the labor market and also keep seniors in it, too, so it bridges the transmission of knowledge and experience by generations. It wants to facilitate the long-lasting inclusion of the young in employment through access to an indefinite contract, encourage hiring, keep seniors

employed and guarantee the transmission of knowledge and competences (Ministry of Employment and Social Security in Spain. Journal Actualidad Internacional Sociolaboral No. 167. 2012).

In spite of these policies and programs, not much has been done to fight labor discrimination against gypsies, although they can access all those mentioned programs, they cannot stay in the labor market for a long time due to discrimination because of their ethnic origin, or worse in many cases they cannot get a job for that reason. This fact causes Roma to continue with low qualified profiles. Currently, in France, the Roma gypsy is the most unemployed minority. In fact, in Europe the unemployment rate among gypsies and particularly among gypsy women is between the 50 % and 90 % (International Labor Organization. Discrimination at Work in Europe. 2007). Even in many European countries several complaints about labor discrimination have been received. In France, the HALDE (*Haute Autorité contre les Discrimination et pour l'Egalité*), stated that belonging to a different race or ethnic origin is still the main reason for discrimination in this country (International Labor Organization. Labor Magazine N ° 72. 2011).

In this sense, it is necessary to take urgent action to stop discrimination. It should start with education, which is a society cornerstone, to create a collective consciousness about equal opportunities for all. Furthermore, it should produce specific proposals leading to the gypsy community so it can enter education and work because they are people with the same rights in France and in Europe. A model that should be taken into account by France is the case of Spain, even though it also has a lot of discrimination towards gypsies, the country has succeeded more in the integration of this minority. In this matter, the program “*Acceder*” (*Accede*), which is targeted only for gypsy people, has facilitated the access to an employ to 2.569 Roma, being a 57 % women and a 65 % people under 35 years old. Moreover, it has risen to 15.491 people, getting also 3.717 job contracts and giving training to 3.179 persons (General Secretariat for Gypsies. Magazine Gitanos N° 64-65. 2013).

France is a republic promoting equality, so it should go for the creation of specific measures for the Roma integration in France. In the context of the European crisis the rate of discrimination has increased against foreign people throughout Europe. Gypsies

in France mostly are immigrants, and the fact of also being a gypsy makes them suffer a bigger discrimination than any other immigrant group. It is important that the Hollande government takes action over it because despite boasting for being a leftist president, he has not defended gypsies' rights, the vulnerable rights. This minority cannot fully enjoy their rights because of the population discrimination and also because the discrimination is practiced by institutions which do not worry to create effective measures to comply gypsies' rights.

3.3. Expulsion measures against gypsies in France and Human Rights

3.3.1. Expulsion measures against gypsies in France

The social reality of Roma gypsies through history has been precarious and they always have suffered from discrimination in all spheres of life. In modernity the emergence of many organizations which defend gypsies' rights have represented a positive change for many Roma, but the European economic crisis has sparked racist and xenophobic ideologies. For instance, in France which motto is "Liberty, equality and fraternity" (*Liberté, égalité et fraternité*), gypsies have had to suffer injustice and inequality in society again since 2004 due mainly to the expulsions of Romanian and Bulgarian Roma to their countries, fact that has caused a global controversy.

Whether this fact has been highly criticized globally, it has been supported by much of the French public opinion, noting the high rejection towards Roma minority. The Sarkozy government's decision to expel thousands of gypsies was criticized from the UN Committee on the Elimination of Racial Discrimination to the Pope Benedict XVI, going through the international press, the Parliament and even Fidel Castro. To this, France confirmed that it is a sovereign country and it has full right to take any decision, in addition it denied to have violated International Law and Communitarian Law regulations (Bertossi. Elcano Royal Institute. 2010).

Figure 10: Journal “The Times”, August 17, 2010. (Sarkozy sparks memories of Gestapo as he rounds up Roma for expulsion)



Source: Journal “The Times”. Available at: <http://www.thetimes.co.uk/tto/news/world/europe/article2689357.ece>

The expulsions issue analysis in France began before 2010, a year in which hundreds of Roma are expelled, but it is after the incident of July 16th and 17th, 2010 when the government takes unfavorable decisions towards Roma. On this date, there was a persecution by the police to a 22-year-old man who belonged to the Travelers community in downtown France, this persecution was due to the young man skipped the police control station and then he was mortally wounded. Contrary to this, more than fifty people tried to retaliate against the gendarmerie giving rise to a clash between the police and the travelers.

On the same night of the young Luigi Duquet death, there was another confrontation between the police and delinquents in Grenoble, in which also a young man died from a police shot, for this reason there was another fight between the neighbors of the young man against the police. In the media, it was described as an urban guerrilla war (Bertossi. Elcano Royal Institute. 2010).

In response, President Sarkozy announced a special ministerial meeting on travelers and also on Roma gypsies. Days later after the disputes, the president decided to dismantle a

hundred of the two hundred illegal gypsies' and travelers' camps, establishing a deadline of three months for this purpose, plus the expulsion of all Eastern Europe citizens in illegal situations from their origin countries (General Secretariat for Gypsies. Annual Report. 2010).

Inside the Presidential Declaration is grounded the following:

“The events in Loir-et-Cher are a promotion of violence, particularly against the police. These events are not acceptable.

The government is carrying out a war against crime. It is a war we will fight against traffickers and criminals. The law State must be respected throughout the national territory (...)

I would add the events in Loir-et-Cher highlighted the problems caused by the behavior of some of the travelers and the Roma. I will have a meeting on July 28, in which the situation in all the departments will be analyzed and the dismantling of all irregular camps will be decided” (Nicolas Sarkozy. Ministers Council. 2010).

In the mentioned meeting by Sarkozy, which took place on July 28, 2010, the objective was set up for three hundred illegal camps to be dismantled in the next three months. Later in the meeting on July 30 in the same year, Sarkozy gave a speech in Grenoble, which referred back to the crime in France and said:

“It has to be acknowledged, I must say so, that we are suffering the consequences of 50 years of immigration insufficiently controlled. Therefore, the general rule is clear: the illegal immigrants must be sent back to their countries. And I am therefore asking you to put an end to the out-of-control mushrooming of Roma camps. These are lawless zones that cannot be tolerated in France” (Sarkozy in the Ministers Council. 2010 qtd. in Bertossi. Elcano Royal Institute. 2010).

In these declarations given by ex-president Sarkozy, it is clear that he had a particular rejection against Roma minority, a fact that caused disagreement in many organizations and institutions, mainly those in favor of human rights, though the Sarkozy government

said it was not against any group in particular and that he was not intending a massive expulsion, but it has to appeal to deportations in case of irregularity individually, case by case, however, the evidences showed the contrary.

Sarkozy Interior Minister, Brice Hortefeux, even had said “we do not expel gypsies because they are gypsies, but because they are in an illegal situation”, words that were contradicted when this Ministry sent a circular on August 5, 2010 to all police prefects of France which was made public by the Journal Le Canard Social and in which the Ministry reiterates that the immigrants camps must be dismantled as soon as possible, but “taking as a priority those of the Romanian Roma gypsies” (Jimenez. El País. La fatídica circular del 5 de Aug.. 2010).

Figure 11: Official Circular of August 5. Interior Ministry of France



Source: General Secretariat for Gypsies Foundation. EU Roma citizens’ expulsions in France. 2010.

Clearly, a fight had begun to expel gypsies from France as the government intended Roma expulsions were made as quickly as possible. Regarding this situation several

communitarian and international bodies warned France that they will watch the whole process closely, as Mathew Newman, spokesman for the European Commission on Human Rights said: “if a State has to deport someone, it must be sure that this action is on a proportionate basis and also be sure that the deportation is due to a well-founded reason, with a base and not on a whole population...” (Spanish Radio and Television Corporation, RTVE. La UE vigilará "muy de cerca" las deportaciones de gitanos ordenadas por Sarkozy. 2010).

Ignoring these words, the French government on August 19 started the expulsions process, sending three full planes to Bucharest. The French government during the whole 2010 summer dismantled four hundred eleven gypsy Romanian and Bulgarian camps and it also expelled around a thousand people.

At this point, one must ask if the initial incident with the police was the real reason for Sarkozy government to make a huge decision to expel the Romanian and Bulgarian gypsies, knowing that they are also EU citizens and have the full right to stay freely in the whole EU territory, and who will have in 2014 the right to work in any country of the European Union.

These decisions are influenced not only by the incident of July 16 because the obvious thing was that first the government engages in a debate about it and then it generates proposals to solve the problem over illegal immigration or irregular camps, not referring to a particular ethnicity, but to illegal immigration in a full panoramic perspective, but the situation was not treated in that way.

Christophe Bertossi, researcher at the French Institute of International Relations, stated that the debate over this situation was developed in a very different context than to the expected, in the context of the Roma communities from Romania, the “illegal” immigration and the republican model crisis, so it is necessary to analyze the Roma expulsions since a wider image, remembering some features of some French public debates such as the immigration, the multiculturalism and the republican citizenship that have been set in this country since 2005. Bertossi analyzes what happened in the French summer of 2010 from five variables or contexts in the Sarkozy government debate structure over Roma gypsies:

1. The 'Republican Integration Model' and its 'Crisis'
2. The 'Integration Problem' and its Consequences
3. Values, Law and Public Order
4. State, National Sovereignty and Border Control
5. Europe and France.

The first context is referred to the principle that the French Republic is based on an official identity, it means that it imposes an identity for every person who wants to belong to this republic, which based on the principles of liberty, equality and fraternity determining that it is essential that every person must be equal in the public scene. Anyone wishing to be a citizen of this Republic should adopt a universal identity, attached to the principles of it.

These French principles, touted since the nineteenth century, have entered into "crisis" since the riots of 2005, caused by the death of two young Muslims by the French police, and by the statements made, at that time, of the Interior Minister Nicolas Sarkozy, calling the protesters "scum", statements that angered a lot of people around France, thousands of burned cars and hundreds of arrested people across the country were recorded. At this point is when the government said that the republican model is in crisis. The government claimed it was due to the unwillingness of immigrants to integrate into French society, and it is also the moment when Sarkozy pronounced the first time regarding to the immigrants expulsion, promising that he will expel those "agitators", who he thought were all immigrants and were the cause of the disputes, but really those "agitators" were French young people, so there was not any expulsion (Bertossi. Elcano Royal Institute. 2010).

Thus, the second context based on the integration problem occurs. This context shows that the problem is not related to the situations of discrimination towards the immigrant community, or that this is not a social problem, as Sarkozy said in his speech in Grenoble after the incidents with the police. According the above, Sarkozy confirms that there is a French national identity problem, as subsequently the president created the French Ministry of Immigration, Integration, National Identity and Co-development

which Minister, Eric Besson that led a debate on the French national identity or as this government said, what does it mean to be French.

On November 2, 2009, through a circular, the Minister invited deputies, senators, associations, teachers, students, parent representatives, trade unions, religious and patriotic associations, etc., to participate in the debate. This debate was to promote the national identity and to strengthen it by the contribution of proposals which allow claiming of republican values and the “pride of being French” (Ministry of Employment and Social Security in Spain. Magazine Actualidad Internacional Sociolaboral No. 129. 2009).

In this sense, regarding national identity, the Sarkozy government proposed to pull the French citizenship from people who had been nationalized during the previous ten years and who had killed a police or gendarmerie member. At this point it is really important to analyze the law non-retroactively according to the constitutional principle of acquired rights. This means that when a person acquires a right, this right becomes that person’s heritage and no one can take that right away from them. In this case, many gypsies through their obtaining French nationality acquired inalienable rights, and in contrary if someone tries to grab them, there would be law retroactivity. Chabot de L’Allier, regarding this, questioned that at what point a new law effect should be stopped, so it cannot be retroactive, thus he states that an essential feature of an acquired right is irrevocability. It is said that any non-exercised capacity or faculty is a mere expectation, but when it is practiced, it turns into an acquired right, which cannot be pulled off to the individuals who got that right (Verdera. 2010, pp 55). Hence, if Sarkozy had intended to take the French citizenship away from certain people as punishment by the mentioned actions, he would be falling into legal retroactivity, which can be applied only in exceptional situations, as otherwise it can create legal uncertainty.

Following this political line, Sarkozy determined that the fight against discrimination would not be a priority anymore in his government, but in contrast his priority would be to fight illegal immigration, as studied in the French migratory policies.

Then, the problem that comes out in a third context is an immigrant values problem (French people from postcolonial immigration). In this regard, for example, the

Muslims are prohibited to wear the burqa or Islamic veil in public scenes or also, the project that intended to remove the French nationality from immigrant people who were nationalized from the previous ten years if it is proved they live in a situation of polygamy, this project was discarded by considering it as impossible to comply with. The French government in order to avoid all criticism due to discrimination issued the order that any person must not have their face covered in any public space because of security and public order matters (Bertossi. Elcano Royal Institute. 2010). However, the substantial thing is that the government considers that the republican values can be lost and also are threatened by immigration, although, those values, such as the equality, are not really practiced.

As for the argument on “State, National Sovereignty and Border Control”, Bertossi (2010) states that it is based on the discourse about the fight against illegal immigration and selected immigration as they believe that France cannot accept people who do not respond to this country’s needs. During Sarkozy presidency, a quantity between twenty five and thirty expulsions per year of the so called “Paperless people” was imposed. Nevertheless, this process was not fair as many immigrants as the Maghreb and African immigrants were not expelled, it is, however, possible there are no records. Instead, the first to be expelled were the Roma gypsies, since 2005, recording a number of 3.815 and 5.041 Romanians expelled in 2005 and 2006 respectively (Bertossi. Elcano Royal Institute. 2010). But from 2007, since the inclusion of Romania and Bulgaria to the EU, there are no records of expulsions in the French statistical record, but certainly the nationals of those countries are the main victims of these expulsions. The record has been published by nongovernmental sources, and it states that 7.862 were expelled in 2008, while in 2009 and 2010 were 6.629 and 6.000 respectively (Bertossi. Elcano Royal Institute. 2010).

Finally, the last established context is about the French situation in the framework of the European Union. While international treaties prevail in the legal order of a State, for France it has not been like that as even France is a European Union Member State, this supranational institution has not stood as an important agent at the moment of policies made in France about subjects such as migration and asylum. One of the consequences that this has produced is the creation of the European Pact on Immigration and Asylum, which is judged more as an intergovernmental Pact than a European pact. Moreover, it

is said that this Pact responds to the specific situation of France with regard to the approval it had to go through with several criticism reviews of other member countries because they proclaim that within this pact there are aspects separated from the priorities defined by the EU. Another aspect that can verify that the EU plays a minor role in the internal politics of France is that the European Commission and the European Parliament have made several reviews on the Roma expulsions from France and this country has ignored this fact.

In this sense, Bertossi (2010) has concluded that “these five structures or contexts on the French debate over immigration and integration largely explain the strange transformation of the Saint-Aignan problem (which involved French citizens) into an immigration problem focused on Romanian gypsies and the expulsions as a response of the government (Bertossi. Elcano Royal Institute. 2010).

Hence, the French government has made Roma expulsions an object of electoral convenience, promoting a discourse in which the “values” of the republic are the most important and placing those values into disagreement with international treaties and other principles of law. This situation has questioned the role of the Union as to whether it is or is not an effective integration regional model.

3.3.2. International Law: Human Rights

3.3.2.1. Public International Law

It is essential to analyze the subject of Roma expulsions from Public International law perspective since these expulsions have supposed many consequences regarding this law field.

First, we must define what Public International Law is. This field of Law is responsible to regulate the relations between the States and other subjects of International Law, for instance, the international organizations. It is constituted of all regulations which by proceeding from specific international law sources such as international treaties, custom or general principles of law, have acquired the status of law, getting a binding effect on

the States, international organizations and other recipients of these regulations (Vargas Carreño. 2007).

It is also necessary to study the sources of International Law. These sources mean where this law comes from. These shall be used through a weighing in the following hierarchical order:

1. International Treaties.
2. Customary International Law.
3. General Principles of Law.
4. Judicial Decisions.
5. Doctrine.

The first focus is on the source of International Law, international treaties. According to article two, subsection first, paragraph “a” of the Vienna Convention on the Law of Treaties, a treaty is:

“Treaty means an international agreement concluded between States in written form and governed by international law, whether embodied in a single instrument or in two or more related instruments and whatever its particular designation” (Vienna Convention on the law of treaties. 1969).

International treaties have a binding effect for the States and organizations which ratify them. International treaties establish rights and obligations for the States and the organizations which ratify those treaties, through the treaties the States express their will to legally bind themselves, it means that these represent a voluntary agreement among the States or international organizations.

Therefore, a focus on Human Rights treaties which France is bound to will be made. At first, it is necessary to talk about the fundamental principles of International Law or *Jus Cogens* (compelling law). This Latin expression is used to refer to all peremptory norms of International Law. This is that within any legal order, these norms prevail over any other norm and any other regulation cannot be opposite to the *Jus Cogens* principles. If

some regulation or treaty is opposed to the peremptory law of Jus Cogens it will be automatically void, as the Vienna Convention on the Law of Treaties states:

“Art. 53. Treaties conflicting with a peremptory norm of general international law (“jus cogens”):A treaty is void if, at the time of its conclusion, it conflicts with a peremptory norm of general international law. For the purposes of the present Convention, a peremptory norm of general international law is a norm accepted and recognized by the international community of States as a whole as a norm from which no derogation is permitted and which can be modified only by a subsequent norm of general international law having the same character” (Vienna Convention on the Law of Treaties. 1969).

Among the fundamental principles of Jus Cogens are:

- Sovereignty and States self-determination.
- Prohibition of genocide.
- Prohibition of discrimination by race or religion.
- Prohibition of slavery.
- Prohibition of wars of aggression and territorial aggrandizement against a State.

In short, no treaty or no legal order can have regulations which are outlawed in the mentioned principles. The States, being members of the international community, cannot justify their breach throughout their internal law because any norm that violates Jus Cogens peremptory norms will be void. Similarly, the compliance of an international treaty, voluntarily ratified by a State is mandatory. Against this, the States can appeal to their sovereignty, but when a State ratifies or is part of an international agreement, it grants part of its self-determination and it is bound to all the obligations of that treaty, so the State cannot appeal to its internal law to breach the treaty. It means that hierarchically the Jus Cogens and the international treaties are superior to the internal legal order of a country, even more if those treaties refer to Human Rights and peace.

“Art. 27. Internal law and observance of treaties. A party may not invoke the provisions of its internal law as justification for its failure to perform a treaty...”
(Vienna Convention on the Law of Treaties. 1969).

France is obliged to comply with all its international treaties and the President is the one who must ensure their compliance. As mentioned earlier in this chapter and as the French Constitution stipulates in its Article 5:

“... The President of the Republic shall be the guarantor of national independence, territorial integrity and due respect for Treaties”.

3.3.2.2. Human Rights violation

We can mention the main international treaties on Human Rights to which France belongs and in which is established the protection for all human beings. In our case, we will focus on treaties and relevant articles that ensure ethnic minorities rights.

First, France as a United Nations Member must guarantee the accomplishment of the United Nations Charter on Human Rights which has the Universal Declaration of Human Rights. And also, it must ensure the compliance of the International Convention on the Elimination of All Forms of Racial Discrimination. In the first case, the Universal Declaration of Human Rights ratified in Paris in 1948, in its preamble, inter alia, establishes that according to the rights of all human beings and to the several atrocities that have happened when there is a breach on Human Rights, it is necessary to create a legal order to support and guarantee those rights and the friendly relationship between the States, proclaiming the Universal Declaration of Human Rights. This Declaration shall be fulfilled and contained in the domestic courts of each Member State.

In the case of Romani gypsies, there has been a breach in many of their fundamental rights. In the first place, the inequality that this minority has suffered throughout history is its first violated right. In the first and second articles of the Universal Declaration of Human Rights is established that “All human beings are born free and equal in dignity and rights (...) without distinction of any kind, such as race, colour, sex, language,

religion, political or other opinion, national or social origin, property, birth, etc. Equally, article 14 of this declaration states that “everyone has the right to seek and to enjoy other countries asylum from persecution” (United Nations. Universal Declaration of Human Rights. 1948).

In this way, Roma gypsies’ expulsions show the faults which have been committed against this community by the French government. First, the Roma expulsions to Romania and Bulgaria represent a Human Rights breach because the collective expulsions are carried out due to the gypsies’ ethnicity, besides when the dismantling of gypsies camps are made the government does not offer them a housing option. All Roma have been stigmatized with negative stereotypes since one of the reasons to expel them is the increasing of delinquency, it means they are often being related with this negative fact.

Furthermore, the Universal Declaration of Human Rights determines that every State must guarantee a decent life for all human beings. While on the one hand the dismantling of gypsies’ camps represents the deletion of elements of the gypsy little dignified life, the government resolutions have not changed their situation because even though the housing situation of gypsies is already precarious the government dismantles their camps and it does not give any proposal of housing or relocation options to the Roma community. In addition, the evictions have been done just against gypsies, even when they are not the only group in condition of illegality, so the government shows its discriminatory attitude and its eagerness to expel gypsies without guaranteeing them that their situation will be better in Romania and Bulgaria as in these countries the situation for gypsies is worse than in France because of the discrimination, rejection and persecution suffered by this minority (Mejia. Journal of International Law. 2011).

Under the same reasons, within the legal framework of the International Convention on the Elimination of All Forms of Racial Discrimination, France has failed in many articles. First, in the article 2 of the Convention is stated:

1. “States Parties condemn racial discrimination and undertake to pursue by all appropriate means and without delay a policy of eliminating racial

discrimination in all its forms and promoting understanding among all races, and, to this end:

- a. Each State Party undertakes to engage in no act or practice of racial discrimination against persons, groups of persons or institutions and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation; (...)" (United Nations. International Convention on the Elimination of All Forms of Racial Discrimination. 1965).

The quoted article has not been respected since the government of Nicolas Sarkozy because, as said previously, this government determined it will not fight discrimination, but its priority will be to control irregular immigration, so the only people who get into France shall be persons from the "selected or wanted immigration". If this happens within the authorities, we cannot expect any better in society since the most violent discrimination suffered by the gypsy community is not only by the government, but also in their daily lives, in education, employment, etc., and in this sense neither a change in their life situation can be guaranteed, as this guarantee must be granted by the States to all human beings, in accordance with the article five of the Convention:

"... States Parties undertake to prohibit and to eliminate racial discrimination in all its forms and to guarantee the right of everyone, without distinction as to race, colour, or national or ethnic origin, to equality before the law, notably in the enjoyment of the following rights:

(...)

(d) Other civil rights, in particular:

- (i) The right to freedom of movement and residence within the border of the State;
- (ii) The right to leave any country, including one's own, and to return to one's country; (...)" (United Nations. International Convention on the Elimination of All Forms of Racial Discrimination.1965).

France is also bound to other international treaties on Human Rights. As a member of the European Union it must ensure the fulfillment of the Charter of the Fundamental Rights of the EU, attached to the EU treaty. In this framework, the EU created the Court

of Justice of the Union, which in accordance to the articles nine and ten of the EU Treaty it shall guarantee the respect and application of all treaties. According to the above, this court shall control the actions of each Member State, in this case, France, so this country complies with all its acquired obligations through the EU treaties. Likewise, in the Treaty on the Functioning of the EU, within articles eighteen and nineteen discrimination is totally prohibited:

“Article 18: Within the scope of application of the Treaties, and without prejudice to any special provisions contained therein, any discrimination on grounds of nationality shall be prohibited. The European Parliament and the Council, acting in accordance with the ordinary legislative procedure, may adopt rules designed to prohibit such discrimination.

Article 19: 1. Without prejudice to the other provisions of the Treaties and within the limits of the powers conferred by them upon the Union, the Council, acting unanimously in accordance with a special legislative procedure and after obtaining the consent of the European Parliament, may take appropriate action to combat discrimination based on sex, racial or ethnic origin, religion or belief, disability, age or sexual orientation (...).”

The States having ratified the EU Treaty gave up a part of their sovereignty as granting the necessary competence to the Union to regulate particular affairs and the States have the obligation to comply the laws established by it. Equally, in the Charter of the Fundamental Rights of the Union many articles have been set and France has breached them, first, it has not ensured a dignified life to gypsies as article one of this Charter establishes because the expulsions and the dismantling of gypsies camps have made gypsies life get worse.

As well, article fifteen of this Charter has decreed that all persons have the right to work and also article twenty-one forbids any discrimination based on any ground such as sex, race, colour, ethnic or social origin, membership of a national minority, etc., but none of these have been fulfilled, because as analyzed, the access to the labor market for gypsy people is very difficult due to prejudices and discrimination against them. Finally, in the Charter of the Fundamental Rights of the EU, the main articles which have been ignored

by France and which breach has caused more controversy are the articles nineteen and forty-five which stipulates:

“Art. 19: Protection in the event of removal, expulsion or extradition:

1. Collective expulsions are prohibited.
2. No one may be removed, expelled or extradited to a State where there is a serious risk that he or she would be subjected to the death penalty, torture or other inhuman or degrading treatment or punishment.

Art. 45: Freedom of movement and of residence:

1. Every citizen of the Union has the right to move and reside freely within the territory of the Member States” (European Union. Charter of the Fundamental Rights. 2000).

Thus, France has clearly violated these two articles, because it is expelling collectively gypsies knowing the high risk they would have in Eastern Europe. Discrimination is also forbidden within the European Convention for the Protection of Human Rights and Fundamental Freedoms, which France has also to comply with. In article fourteen on the prohibition of discrimination is arranged the following:

“Prohibition of discrimination: The enjoyment of the rights and freedoms set forth in this Convention shall be secured without discrimination on any ground such as sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status” (European Convention for the Protection of Human Rights and Fundamental Freedoms. 1950).

Within this Convention there are attached many other Protocols. Protocol N°12 is also precise regarding discrimination, it emphasizes the quoted article in its article one, first subsection and it points in the same article, subsection two that “no one shall be discriminated against by any public authority...” (Council of Europe. Protocol N°12 to the Convention for the Protection of Human Rights and Fundamental Freedoms. 2000). According to it and to the actions of the French government of Sarkozy, actions that the current government of Hollande has not stopped, in spite of his changed proposals in his

campaign, it can be asserted that France has widely breached the Fundamental Rights of the gypsy minority, a situation that has not been sanctioned as it should be, despite the existence of a body responsible to look for the fulfillment of this Convention, the European Court of Human Rights, so we can say that it rather responds to political interests and not to the European individuals' needs.

The European Court of Human Rights is created through the European Convention for the Protection of Human Rights and in accordance to article nineteen the court is created "to ensure the observance of the engagements undertaken by the High Contracting Parties in the Convention and the Protocols thereto..." (Council of Europe. Convention for the Protection of Human Rights and Fundamental Freedoms.1950). That is, this Court can judge and attend all the demands made because of violation of Human Rights by some Member State, i.e., all the decisions made by this Court are binding on all Member countries of the Convention.

The Strasbourg Court, as it is called, too, according to article twenty of the European Convention of Human Rights shall consist of a number of judges equal to that of the High Contracting Parties. Currently, there are forty-nine judges, who in accordance to article twenty-one of the Convention shall be of a high moral character and totally impartial, besides they shall sit on the Court in their individual capacity, it means that they do not respond to the States or individuals' interests.

This body determines what is the body or person which has violated Human Rights or the European Convention for the Protection thereof. For this purpose, the Court accepts requests from any person, organization or group which demands being a victim of a violation of the rights contemplated in the European Convention of Human Rights by a Member State. Among the criteria to claim against a State in this Court, in accordance to the article thirty-five of the Convention: First, the Court may only deal with the matter after all domestic remedies have been exhausted, the application submitted cannot be anonymous and must be filed within a period of six months from the date on which the final decision was taken, and the application can neither be incompatible with the provisions of the Convention or the Protocols thereto.

Consequently, many Romanis have gone to the Court to sue for several actions that France has taken against them and despite the fact that the Court has decided resolutions and has called France to stop discrimination, the dismantling of camps and the expulsions of thousands of Roma people, France has paid no attention to it and has continued with its actions. The actions against gypsies have been criticized and rejected by the Court since Sarkozy was the Minister of the Interior and after as the President, even with the leftist government of Hollande, who has not proceeded differently than do the rightists, but the abuse and discrimination against this minority has continued.

The intervention of the European Court has had no importance since France has not taken into account any resolution or warning given about the gypsies. Moreover, the process takes a very long period of time. For example, in 2004 the project of the expulsions and the dismantling of Roma camps was presented, which from 2005 until now has left hundreds of families neither with a house because they were evicted nor with a relocation option, so they sent their application to the French Court and they got nothing. In 2007 twenty five gypsies submitted their demand to the European Court and recently in October 17, 2013 the Court condemned France. The affected families lived in those camps between five and thirty years ago, so for Strasbourg “regardless of the legality of the settlement”, they were tied closely with the caravans and cabins installed in the field, so those were considered for them as their homes. In addition, the Court declared that “the national authorities shall take into account the applicants belonging to a vulnerable minority, which implies paying much more attention to their needs and lifestyle (...) the loss of a house is one of the most serious attack against the right to home”. This fact is still repeating and no matter the Court and the EU warnings since France is letting out the International Law, as the breach to gypsies’ rights continues (Journal La Razón Spain. Estrasburgo condena a France por un proyecto de expulsión de gitanos en 2004. 2013).

The expulsions program was introduced in 2004 in the rightist government of Jacques Chirac, in which the Minister of the Interior was Nicolas Sarkozy, who was the precursor of the migratory policy change in the framework of his fight against immigration. Currently, the French government, in spite of the change promises offered to the gypsies by Hollande in his campaign, he has maintained the discriminatory policies towards this minority and he has continued the collective expulsions and the evictions.

Even the “leftist” government of Hollande has been compared with the government of Sarkozy due to controversies that have arisen in this government. This is because the expulsions and the declarations of the Minister of the Interior, Manuel Valls, against the Roma minority regarding the expelling them since the gypsies have lifestyles very different from French people. For this reason, Hollande has been criticized by having broken the republican pact and maintaining a discourse fairly similar to the far-right party. At this, President Holland confirmed that France keeps and respects all the republican principles and values regarding the Roma within its politics and he referred to a circular issued on August, 2012 in which he decreed “measures over inclusion, schooling, relocation and support for all citizens who have not benefited from republican respect since long ago”. Also, he stressed that the internal party affairs shall be treated internally and not publically. The situation caused several reviews by Human Rights institutions, which called Hollande to remember that half of twenty thousand European gypsies living in France for more than twenty years are minors and also reminded him that they have migrated because they are running from marginalization and discrimination in their countries (Mora. El País. Hollande exige a sus ministros silencio sobre los gitanos. 2013).

Another recent case on the violation of Roma rights is the case of the expulsion of Leonarda Dibrani and her family from France to her country of origin, Kosovo. The Spanish Journal El Pais as the French Journal Le Monde, among many other important journals have collected all the information over this case. Leonarda is a fifteen year-old gypsy girl who lived with her family in France. On October 9th, 2013, Leonarda was going on a trip with her classmates and her teacher, when she got a call from a police officer, so she gave her phone to her teacher. The teacher was ordered to stop the bus and make Leonarda get off it while a police patrol was waiting to take her. Leonarda told this and she declared that this fact has affected her so much because it was painful to leave her friends, and also she said it was shameful because her classmates asked her whether she had stolen something. She was expelled along with five brothers and her mother. This situation angered many French and even Leonarda’s teachers asserted that sending her to a country where the language is totally unknown to her was completely unfair and outrageous and they said the way the authorities appealed to detain her was so inhuman. However, after this, the teachers were prohibited to make any declaration over the case. The Dibrani family got into France in 2009 after escape from Kosovo because of the racial persecution there, they hid in Berlusconi’s Italy, but there

was a massive fire in many gypsies' camps all around Italy, so they fled to France. The family requested political asylum three times and it was denied. Subsequently, the family looked for legalization according to a French circular from November 28th, 2012, which allowed regularization to people from third countries out of the EU, only if they meet certain conditions: have a house, speak French, and be in school, even though the Dibrani were rejected because "The French State decided they did not comply with all the conditions because of their insufficient perspectives of social and economic integration, so in June, 2013 they got another forcible expulsion order. First her father was expelled in September and later Leonarda, her mother and brothers. It is important to say that Leonarda and her older sister were perfectly schooled for the last four years, her youngest sister was born in France and her teachers agreed her French was impeccable. From Kosovo, Leonarda declared she wanted to return to France along her whole family because in Kosovo she could not go to school due to her ethnicity.

There were several contradictions towards this situation within the Hollande's party because some members of the ruling parties condemned this act as inhuman and intolerable, while Valls said that the socialist party must keep sangfroid regarding this problem. Equally, there was a protest by hundreds of students who called for Leonarda's return. At this, Hollande said that Leonarda could return, but her family could not (Mora. El País., 2013).

Figure 12: Students protest against the expulsion of Leonarda Dibrani. "Manuel Valls, Franco would be proud of you"



Source: Juan Peces. El País. Available at: http://internacional.elpais.com/internacional/2013/10/20/actualidad/1382264123_435320.html?rel=rosEP

This case is only a mere example of what millions of Roma live in Europe, especially now that the far-right parties are winning important seats in European politics. It is said that the xenophobic tinge in Europe is due to an electoral issue, as the right parties keep a xenophobic discourse and it is going up in electoral polls. “In accordance with the French Commission on Human Rights in 2012 1.530 racists incidents were registered, a 23 % higher than in 2011 (Mora. Diario El País. Los franceses pierden la paciencia con Hollande. 2013).

Definitely, the serious breach experienced by gypsies in France is obvious. In the case of the Dibrani family, there is not only discrimination, but besides the way to detain Leonarda violates article three of the European Convention on Human Rights, which forbids torture or inhuman treatment to any person. To arrest a fifteen year old girl in the middle of a school activity is totally inhuman, also many Human Rights organizations have agreed with this opinion, and even Hollande asseverated the policies about minors arresting will change.

Another example of the discrimination against the gypsy minority by some authorities in the French government is the declaration made by the deputy Gilles Bourdouleix from the centrist party Union of Democrats and Independents, when he went to some Roma evictions in Cholet town, in which there was a dispute in which he declared “Maybe Hitler did not kill enough Roma” (Ramírez-Heredia. Romani Union. 2013). It is very clear how this statement denotes a great contempt toward Roma gypsies. It is not possible that after the tragic event that the Holocaust was, there are still people who defend it.

It should be emphasized that these are only examples of what the reality of the gypsy community in France is because there are thousands of Roma who have had to suffer discrimination and abuses by both the French government and some French citizens, who have let loose a campaign of anti-immigration and especially an anti-gypsy campaign due to the crisis because there must be always someone to blame for a country’s problems, in this case the gypsies are the elected. The discrimination, the evictions and the collective expulsions have set up a social drama for Roma gypsies again.

Figure 13: Gypsy family evicted in France



Source: El País Journal: Available at:
http://internacional.elpais.com/internacional/2013/10/14/actualidad/1381773587_389978.html

The socialist government of Hollande has been highly criticized because of these facts mainly because despite it is a “leftist” government, it acts very similar to a rightist one would, or as Sarkozy did. Thierry-Marchal-Beck, president of the French Young Socialist Movement, made a correct and wise review about this situation for the Huffington Post (2013), regarding the “socialism” of Hollande, this is not a real socialism because what he has done is to compete with Sarkozy government about which government have accomplished more expulsions, leading to a policy on numbers. Marchal-Beck stated:

“The politics on numbers imposed in the sad Guéant-Hortefeux-Besson-Sarkozy era has been left only in appearance. When on October 8th, the Journal “*Le Figaro*” published in its front page *Immigration: illegal people expulsion freefalling*, the reaction of the Minister of the Interior was not to explain that the governmental policy has changed since the arrival to power of the left party, but

he proclaimed that the “socialist” government will reach the same “return” numbers than in 2012, the worst year in expulsions matter... In that year, there were 21.841 expulsions. Hence, as Manuel Valls indicated, to repeat this number in 2013 it will be necessary to expel 3.715 people in four months, it is more than thirty expulsions in one day. If we are aware of this reality we can better understand the lack of apology about the fact of arresting a girl in a school activity. We must keep this in mind to understand the pressure faced by police officers at the borders, who are obliged to achieve the numbers at any cost, as happened in the presidency of Nicolas Sarkozy. The government has decided to fully assume a public policy numbers. A policy that endangers all people in irregular situations who are forced to live hidden because they are afraid of being arrested at any moment. It is mostly a wasteful policy because we know an expulsion costs 27.000 real Euros, adding a total of 550 million Euros per year, also it supposes the improper use of the State resources... Moreover the legitimate outrage due to Leonarda’s situation, it is doubtless that it is necessary to change the direction of the migratory policy. This change consists in abandoning the numbers policy and reducing the forced deportations to the border. The change is in regularizing all families with children in the educational system and also all workers paperless, this is a position of a Socialist Party... The change involves assuming our values and what we are: a left party” (Thierry Marchal-Beck. Huffington Post. Treinta expulsions al día. ¿Este es un gobierno de izquierda? 2013).

This criticism against the government of Hollande is very objective, France would be better if those restrictive and discriminatory policies change, and if France accomplishes all the International Treaties it has subscribed to. This situation is a response to the economic crisis that is touching France, too, and to the electoral issue because the gypsies are a factor to increase voters due to the right party rising in France. Furthermore, if these policies change, the French State would be saving money because instead of wasting money in expulsions, it would be investing in integration for people, in both educative and labor systems, so it could generate development for France.

The reactions to the gypsies’ expulsions in France by the European Commission, the United Nations and other organizations have been negative. The European Commission

through its vice-president and commissioner responsible for justice, fundamental rights and citizenship, Viviane Reding, in a discourse on September, 2010, declared:

“Over the past weeks, the European Commission has been following very closely the developments in France regarding the Roma. I personally have been appalled by a situation which gave the impression that people are being removed from a Member State of the European Union just because they belong to a certain ethnic minority. This is a situation I had thought Europe would not have to witness again after the Second World War (...) Let me be very clear: Discrimination on the basis of ethnic origin or race has no place in Europe. It is incompatible with the values on which the European Union is founded. National authorities who discriminate against ethnic groups in the application of EU law are also violating the EU Charter of Fundamental Rights, which all Member States, including France, have signed up to (...) I am personally convinced that the Commission will have no choice but to initiate infringement action against France” (Reding. 2010 qtd. in General Secretariat for Gypsies Foundation. Expulsión de ciudadanos comunitarios de la etnia gitana en France. 2010).

While these declarations were recorded in 2010, the current situation of Roma gypsies in Hollande’s government has not changed at all. Nevertheless, the European Commission is not as strict with Hollande as it was with Sarkozy, this strictness is only verbal because the Commission has not reached anything substantial regarding the situation of the Roma, and it has researched about the case. With all this controversy on gypsies in the government of Hollande, Reding ensured that the gypsy matter always comes back when it is elections time, noting that France is not using properly the money from the European Social Fund, which was destined to a correct integration of gypsies, but instead France has increased stigmatization against the minority (Mora. El País. La France de Hollande convierte a los gitanos en mercancía electoral. 2013).

Likewise, the Committee on the Elimination of Racial Discrimination (CERD) of the UN in August, 2010 issued a report in accordance to the faculty the article nine of its Convention grants to it, which provides:

“Article 9: 1. States Parties undertake to submit to the Secretary-General of the United Nations, for consideration by the Committee, a report on the legislative, judicial, administrative or other measures which they have adopted and which give effect to the provisions of this Convention (...)

2. The Committee shall report annually, through the Secretary General, to the General Assembly of the United Nations on its activities and may make suggestions and general recommendations based on the examination of the reports and information received from the States Parties. Such suggestions and general recommendations shall be reported to the General Assembly together with comments, if any, from States Parties” (United Nations. Convention on the Elimination of All Forms of Racial Discrimination. 1965).

In that report, the CERD showed its concern over the gypsies lived situation and those still living in France since 2004. The report stated the following recommendations:

“The Committee is concerned at the occurrence of discriminatory political speeches in France. It is also concerned at the recent increase in acts and manifestations of racism and xenophobia in the territory of the State party. The Committee recommends (...) that the State party step up its efforts and use all possible means to counter and stem the tide of racism and xenophobia, in particular by strongly condemning all racist and xenophobic statements by political leaders and implementing appropriate measures to combat the proliferation of acts and manifestations of racism on the Internet (arts. 2, 4 and 7).

The Committee is concerned at reports that measures may be taken in the area of citizenship that would lead to discrimination on the basis of national origin (...) The Committee takes note of article 1 of the Constitution of the State party, whereby France is an indivisible republic and ensures the equality of all citizens before the law, without distinction on grounds of origin, race or religion, which is the reason given by the State party for not taking a population census based on ethnic and racial indicators. The Committee repeats its view that the purpose of gathering statistical data is to make it possible for States parties to identify and obtain a better understanding of the ethnic groups in their territory and the kind of discrimination they are or may be subject to, to find appropriate responses and

solutions to the forms of discrimination identified, and to measure progress made. The Committee therefore recommends, the State party take a census of its population based on anonymous and purely voluntary ethnic and racial self-identification by individuals.

The Committee notes with regret that, notwithstanding recent policies to combat racial discrimination in housing and employment, persons of immigrant origin or from ethnic groups, within the meaning of the Convention, continue to be the target of stereotyping and discrimination of all kinds, which impede their integration and advancement at all levels of French society.

The Committee is concerned at the increase in manifestations of racism and racist violence against the Roma in the State party's territory. It takes note of the statement by the State party to the Committee that a framework has been put in place for the voluntary return of Roma to their country of origin (...) The Committee notes that, since the State party presented its report, there have been reports that groups of Roma have been returned to their country of origin without the free, full and informed consent of all the individuals concerned.

The Committee reminds the State party of its statements and recommends that it ensure that all its policies concerning Roma are consistent with the Convention, that it avoid collective repatriations in particular, and that it endeavour to find lasting solutions to issues related to Roma, with full respect for their human rights (arts. 2 and 5). The Committee is also concerned at the difficulties faced by members of the Roma community with regard to enjoyment of their economic, social and cultural rights" (United Nations. Committee on the Elimination of Racial Discrimination. Annual Report of the Committee on Racial Discrimination. 2010).

While the above is just a recommendation for France, the CERD subsequently analyzes the progress of each country regarding those recommendations. It analyzed if each country proceeded or not in accordance to those recommendations, which France has not done. Despite this State proclamation it is doing all possible to integrate the Roma gypsies, the facts are opposite and these show it has not done enough for this purpose. On the contrary, France continues violating this minority's rights and any body or international law have truly sanctioned this country because it is sheltered on the argument of sovereignty. For this, the international and communitarian institutions can

only exert their authority to press the States, but the breach of rights is not being sanctioned. According to Viviane Reding in 2010, if France does not cede, it could be sent to the European Court of Human Rights and if that is the case, some expulsions made by France can be void (Reding. 2010 qtd. in General Secretariat for Gypsies Foundation. Expulsión de ciudadanos comunitarios de etnia gitana en France. 2010). These annulments have never happened because the Court has not substantially intervene.

Correspondingly, several organizations for the respect of Human Rights, like the General Secretariat for Gypsies Foundation, the International Romani Union, Amnesty International, among others have expressed their opinion regarding this matter, carrying out many campaigns in favor of Romani gypsies. Amnesty International within its report “Condemned to be wandering”, ensured that in France “the gypsy immigrants are still living in outrageous conditions and are expelled from their residency places repeatedly, without being consulted, informed or relocated, breaking all compromises with Human Rights” (Amnesty International. Condemned to be wandering qtd. in El País Journal. La France de Hollande convierte a los gitanos en mercancía electoral. 2013).

With all these criticisms, France has remained steadfast in its posture, holding its discriminatory policy and subtracting value to international law. The improvement that was supposed to place Human Rights in a superior hierarchical order has been a real achievement for humanity, and the non-respect of these rights is precisely a rewind in evolution.

Human Rights, as we know them today, are the result of a historical fight which has its starting point in the Virginia Bill of Rights in 1776 or in the Declaration of the Rights of Man and of the Citizen in 1789 in the framework, precisely, of the French Revolution. These served later for the Universal Declaration of Human Rights which purpose is to prevent terrible events, such as the World War II, happening again. This Declaration grants inherent rights to all human beings. All the documents consecrated in the international community represent an obligation for the States as in the accomplishment of International Law where the States can guarantee world peace and security (Vargas Carreño. 2007).

The compliance of Human Rights is a contribution to the democracy of any State because through these rights the equality between all people is ensured. In this sense, Jurgen Habermas argues that to achieve a legitimate law in a Democratic State the autonomy of all citizens in equal conditions must be guaranteed (Habermas. 1994 qtd. in O'nions. 2007, pp. 274).

That is, when there are situations of social, economic, or political discrimination or marginalization the autonomy and legitimacy are putting aside decreasing the level of democracy in a state, it is necessary to remove the arguments that encourage discrimination and exclusion of minorities, arguments that have arisen generally by promoting a vision of civic identity, which is originated from nationalist discourses (O'Nions. 2007, p. 274).

It is quite ironic that the birthplace of equality and democracy, France is falling into an inequality model, which makes its democracy to be illegitimate. For the improvement of any State, the respect for individual rights of all people is essential, and in this case the State must respect the individual rights of all groups and minorities existing in it.

3.4. International campaign against discrimination to gypsy minority

The reality of the Roma in France and in the rest of Europe has sparked protests and outrage of thousands of people and organizations around the world. Among the most important organizations in the defense of Roma rights are: the General Secretariat for Gypsies Foundation, the International Romani Union, Amnesty International, the European Roma Grassroots Organizations Network (ERGO), among others.

These organizations have carried out numerous campaigns against discrimination to gypsies. These campaigns mainly consist in denouncing the injustice in which this ethnic minority lives.

The General Secretariat for Gypsies Foundation (GSGF) is a non-profit organization or an intercultural social entity which provides services to the development of the gypsy community in Spain and Europe. It aims to promote the Roma community by respecting

and supporting their cultural identity. In addition, it looks to promote the access of the gypsy minority to all rights and basic services in equal conditions than the rest of citizens. The functioning and operation of this organization is focused in eight major areas:

1. Create programs and services to improve living conditions and equal opportunities.
2. Fight discrimination and rights advocacy.
3. International dimension.
4. Influence in policy making and in society.
5. Promote gypsy culture and social participation.
6. Deepen in the intercultural matter, and work in diversity.
7. Organizational development.
8. Economic sustainability (General Secretariat for Gypsies Foundation. 2013).

Through these action lines and their operation objectives, this foundation has carried out several campaigns against inequality and discrimination to the gypsy minority. The major campaigns made by this organization are:

- *Conócelos antes de juzgarlos* (Know before judging) (2004): The purpose is to eliminate negative stereotypes, discrimination and the negative image of the gypsy community. It wanted to show the harmful effects these prejudices provoke.
- *Tus prejuicios son las voces de otros* (Your prejudices are somebody else's voice) (2005): Its objective was to eliminate prejudices because these are the ones which cause discrimination. We have to remember that stereotypes cause prejudices and these last ones provoke discrimination. This campaign looked to abolish prejudice by showing that all the negative image of gypsies is a result of what other people tell about them.

Figure 14: Campaign poster “Your prejudices are somebody else’s voice”



Source: GSGF. Available at:
http://www.gitanos.org/campañas/tus_prejuicios_son_las_voces_de_otros.html.es

- *El empleo nos hace iguales* (Employment makes us equal) (2007): It is based on the argument that gypsies are typecast since they are born, and one solution can be the equal access to employment.
- *De mayor quiero ser...* (When I grow up I want to be...) (2010): These campaigns consisted in taking pictures of gypsy children and edit those photos with the professions they want to be when they grow up. In this way, this turns into a goal for their families and for the children.
- *Gitanos con estudios, gitanos con futuro* (Educated gypsies, gypsies with future) (2010): This campaign jointly launched with the previous campaign was created to transmit the importance of the education in the future of every child.
- *Asómate a tus sueños* (Pop in to your dreams) (2013): The purpose of this last campaign is to stop school dropout. The motto was “with education your dreams come true” (General Secretariat for Gypsies Foundation. Campaigns. 2013).

This foundation has accomplished the integration of thousands of gypsies in society and took its requests to a European level, but unfortunately, these mentioned campaigns have been made only in Spain. In accordance with the European Commission, Spain is

the country which has better-used European funds for the integration of the gypsy minority.

Another foundation is ERGO (European Roma Grassroots Organization) the goal of which is to improve the life quality of Roma people in Europe, it is a network constituted by three small organizations, these three organizations formed ERGO. It also seeks to reach the integration and respect of the Roma community (ERGO Network. 2013). It is constituted mainly by organizations from Eastern Europe (Albania, Turkey, Romania, and Bulgaria, among others). The work of this foundation is currently focused on an action platform called “Roma React”, which is formed by Roma and non-Roma persons who focus their action in denouncing discrimination and promoting gypsy culture. Also, it promotes equality and respect to this culture. It has launched many campaigns, for example:

- Typical Roma? (2009): It complains about inequality lived by gypsies due to stereotypes and prejudices.
- Roma React (2010): It promotes the coexistence between Roma and non-Roma people to break all stereotypes and prejudices, seeking equality for all.
- Our place, our space, our case (2012): Its purpose was to show through the web the place, the space and the cases of Roma women in society, so it promotes the participation of gypsy women in this society without they have to lose their identity.
- All in one society: Jointly with the young gypsies association, ERGO made a campaign against discrimination, stigmatization, racism, extremism, anti-gypsy ideology, etc., in order to create an equal society for all.
- I react, why do you decide to make a change? It promotes a video making by any person who through a story awareness the rest of people on why to fight the anti-gypsy ideology (Roma React. 2013).

The organization has worked hard for the rights of the Roma minority in Eastern Europe because in Eastern Europe the anti-gypsy practices, unlike Western Europe, are openly implemented, for example in the Czech Republic there are separation walls, as in Palestine, almost like an apartheid. Or in Kosovo, as was the case of Leonarda Dibrani,

where gypsies are not allowed to go to school or where the minority lives a real persecution.

Amnesty International is a movement the purpose of which is to eradicate all forms of Human Rights violation throughout the world by the intervention of activists who promote respect for international human rights standards, and especially for the Universal Declaration of Human Rights. This movement has dedicated a space on its web and in its action lines for the Roma gypsies. In these spaces it looks to denounce what this minority experiences in Europe, and precisely gave them a specific space after the evictions and expulsions in France. Also, it makes signature petitions on specific campaigns in order to support them. It seeks to spread all denunciations and complaints against Human Rights violations, so people get more conscious about this problem. For instance, the current campaign in the Roma subject is “End School Segregation in Slovakia”, which consists in the signature petition targeted to the Prime Minister of Slovakia, and in which people request the government to take action in the case of Roma gypsy children, as they are the most vulnerable victims of discrimination (Amnesty International. 2013).

The International Romani Union, is one of the other most important organizations in the field of the defense of gypsies’ rights as this makes sure European countries comply with their policies in favor of the Roma minority. Primarily, its goal is to act in favor of this minority’s interests intervening in the political organization of the States. The more important headquarters is the Romani Union in Spain since most of the achievements for this minority have been reached in this country, though it is necessary to say that there is still much more to do.

In France, the most important organization is *Le voix des Rroms* (Gypsy voices). This is a space given to gypsies to express themselves over their experiences and needs in France. However, Amnesty International has had a bigger presence and relevance in the fight against discrimination in France as in Europe, without downplaying other organizations like the GSGF and the Romani Union, which work in Spain represents a true model for the rest of European countries.

Protests have been many, and many campaigns, too, but unfortunately the pursued goal, the goal to eradicate discrimination is still far away to be achieved. The NGOs can give all their effort in this fight, but if there is not a joint endeavor there will not be progress or development, so most of the Roma gypsy people will stay marginalized.

Conclusions

After studying and analyzing the situation of Roma gypsies in France, it can be asserted that the French government is falling into Human Rights violation, rights which have been consolidated in many instruments of International Law, and many of them have been ratified or subscribed to by France. It means that France has expressed its will to be bound to those instruments, so they have a binding and mandatory effect.

The Gypsies' rights have been breached from the discrimination by society which has placed this minority in a similar context to the period when they first arrived to Europe, their rejection is a historical hangover that has always been present. Currently, despite the existing protection and regulations in favor of all human beings, the situation for the Roma has not changed at all. This is a real concern for a country like France which is considered as the birthplace of equality and human rights. In France, the minority has to face discrimination even by some French authorities, who, on the contrary, look after security and access to basic services for all citizens without concern to their ethnic origin. For example, as we have seen, the gypsies, unlike the rest of people, have had to deal with numerous obstacles in order to get into the educative and labor systems, knowing that these are the cornerstones for this minority to escape the extreme poverty and marginalization in which they live.

Given this, the French government has not proceeded to find a real solution, but it appealed to evictions and expulsions of gypsies, a situation that has left hundreds of gypsies without a home and sleeping on the streets, while the others who have returned to their countries have had to confront ethnic persecution in Eastern Europe. It is clear the French government has put aside International Law by arguing its sovereignty, which allows this country to violate gypsy people rights.

In spite of the effort made by the international organizations there has not been anything important reached in favor of the Roma because the international pressure has been irrelevant to the French government and even when this current "leftist" government promised a change for this minority, the situation is the same because it acts as a Sarkozy government would.

Recommendations

First, I consider that is very important and urgent to end the violation of Human Rights in France against Roma gypsies, and not only in political terms, but also in the social field as the government should work to integrate properly this minority in French society, embracing cultural diversity and not trying to impose its culture because all human beings regardless of our culture, religion, ethnicity, etc., are equal. For this, the French government should educate their citizens in a multicultural framework by creating a collective consciousness of equality for the welfare of all people.

Negative stereotypes and discrimination in French society's daily life towards the minority must stop, as also the dismantling of gypsy camps and their expulsion to Romania, Bulgaria, and other Eastern countries because Romania and Bulgaria are members of the European Union, so the Romanians and Bulgarians as the French are full rights citizens of all the Union, thus they have the right to move freely in all the EU territory. Over the evictions, the government must give housing options and it should not leave entire families with all their belongings in the streets. For this purpose, it is necessary that the French government takes efficient measures to integrate the Roma minority, instead of provoking more segregation by its discriminatory actions in order to get more voters because the gypsies are not a matter that can be treated only at elections time, but their rights must be always guaranteed. Furthermore, the gypsies' organizations have to work hard to intervene in policies that favor them, a mutual cooperation between gypsies and the media should be built, so the media spreads this minority image without stereotypes. Likewise, they can ask the media to lead a wide denunciation of the social reality of Roma minority in France.

Additionally, it is important that both the EU and the international community proceed effectively, first they have to recognize that France is committing a clear violation of Human Rights, and they should press France to respect all its international treaties because the international bodies have only made protests and that has not altered the French government actions, which despite considering itself as a "leftist government" has gone on as the rightist government of Nicolas Sarkozy.

I believe it is important to end with years of ethnic segregation, and for this intention the most powerful weapon is education, a correct education for both the French citizens and the Roma gypsies. In the first case, it is necessary to have an education that creates social and multicultural consciousness which accepts diversity and not transforms diversity and difference into inequality. On the other case, it is urgent to have education to end illiteracy and unemployment which have involved gypsies forever. Similarly, many mass media have to stop transmitting irresponsible information about the gypsy community, and on the contrary, citizens must require objective and truthful information, in which the gypsy culture and life can be shown as they truly are as the information released about them are generally and absurdly related to delinquency or negative features of immigration and it is really illogical that for a guilty person all the members of a community have to pay.

I estimate it necessary to mention that many French are in favor of the gypsy minority and they have shown their rejection of the government measures against the Roma people, so we cannot generalize to all French people, although most people who defend gypsies' rights are students. In this sense, we can see that education influences the actions of all individuals, thus it is necessary to bet on education, an education that shows every human being is equal because this is all about that. It is not about criticizing the French government and worse the French people, but to denounce a reality and look for the effective enjoyment of this minority's rights. This minority has forged its history in a context of abuse, injustice and discrimination. What is sought is the respect for all regulations created to protect people, regulations built with a purpose, regulations that are there to be practiced.

European governments and the international community cannot allow discrimination anymore, it is not permissible to point to a person with stereotypes and prejudices because of her/his ethnic origin. Fortunately, at this time there are numerous organizations that are steady in the fight against the violation of Romani gypsies and also they can show us the Roma reality more closely, reality which commonly the conventional media does not show. In this reality there are children not going to school because they are afraid of the rejection by their classmates or their teachers, there are entire families living on the streets due to the evictions, thousands of gypsies expelled to Eastern Europe countries where the persecution is worse than in Western Europe. In the

Eastern European countries there has even been “gypsy hunting”, and some people are already talking about “*Apartheid*”. It is not possible that in this century and within the development of International Law, there are still these kind of events, it is essential that an urgent action by international organizations to press the French government over its behavior is taken, so finally gypsies can end the history of persecution and discrimination.

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