

European Union Agency for Fundamental Rights (FRA)
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EU Agency for Fundamental Rights: The situation of Roma EU citizens living in other Member States

The European Union Agency for Fundamental Rights (FRA) today presents its comparative reports on:

- **The situation of Roma EU citizens moving to and settling in other EU Member States**
- **Selected positive initiatives - The situation of Roma EU citizens moving to and settling in other EU Member States**

These FRA reports form part of a joint action on freedom of movement and migration of Roma, initiated in 2008 by the European Union Agency for Fundamental Rights, the Council of Europe Commissioner for Human Rights (CommHR), the OSCE Office for Democratic Institutions and Human Rights (ODIHR) and the OSCE High Commissioner on National Minorities (HCNM). They were presented on 9 November 2009 at an international conference, organised jointly by the above organisations.

EU citizens have the right to move and live anywhere in the European Union, provided that they meet certain conditions. This is an important right to achieve European integration and is included in the European Union Charter of Fundamental Rights (Article 45). However, FRA research shows that many Roma EU citizens settling in another Member State in search of better conditions continue to experience racism, discrimination and exclusion. The new report released by the Agency highlights the case of the Roma and their particular challenges in exercising these rights. Based on the evidence of its report, the FRA advises the EU and its Member States to adopt targeted policies promoting social cohesion to ensure that all citizens can exercise their right to freedom of movement effectively.

FRA Director Morten Kjaerum: *“Every EU citizen has the right to move and reside freely within the EU. The experiences of Roma provide a good reflection on the consequences of the exercise of the right of free movement and residence for many of the most vulnerable citizens of the EU. In this sense, the case of the Roma serves as a litmus test: the consequences for some of the most vulnerable citizens in the EU are an important indicator of the challenges faced by all citizens on the ground.”*

KEY RESULTS

Who moves?

According to EUROSTAT estimates, around 8 million EU citizens exercise their right to freedom of movement and residence – that is approximately 1.6 % of the total EU population. There are no official data on the ethnic origin of the citizens that exercised these rights.

There is therefore no official data on how many Roma exercise the right to freedom of movement in the EU. Research found that mostly young adult men and women tend to move; children accompany parents in some instances and are ‘left behind’ in others.

Varying experiences when crossing external *Schengen* borders

Respondents described their experiences with border/visa officials in destination countries broadly in positive terms. However, Roma respondents were more likely to experience problems, including demands for bribes by corrupt officials, when leaving and returning to their own countries of origin. The respondents were aware of their general right to move, but less aware of the specific, and often complex, array of rights and obligations concerning the establishment of residence for EU citizens in another Member State.

Push and pull factors for Roma migration: Poverty, search for employment and racism

Roma exercise their right to freedom of movement and residence rights owing to significant push and pull factors:

Poverty caused by unemployment and racism are the main factors ‘**pushing**’ Roma to leave their countries of origin. This is compounded by the economic crisis and the rise of violent attacks against Roma in some countries.

Factors **'pulling'** Roma to certain destination countries include aspirations for improved **living standards**, particularly the prospect of finding formal or informal **employment**.

'In Romania I expect to eat one meal a day; in Finland I expect to eat three meals a day. That's the difference.'

Interview with a Roma man, Finland, 09.05.09

'We, the Roma, exist but do not exist; for the important things we do not count [...]. Here I have been treated well, I never thought people would treat me so well'

Interview with a Roma woman, Spain, 02.03.2009

'I've never experienced any form of discrimination. The reasons for us coming here were purely economic. We're EU citizens and as such, we have the right to go anywhere in the EU without being watched over by national or international authorities just because we're Roma'

Interview with a Roma woman, United Kingdom, 30.03.09

Integration

Overall, Roma recounted very different experiences regarding housing, health care, education and social welfare. Across all countries studied, many respondents identified two main problems: **the difficulty in finding employment** in the formal labour market of their destination country, and **difficulties with registration of residence**.

'In the case of Romanian Roma, if they do not have a document [the registration certificate], they can not pay for the water, they can not make a contract for the supply of electricity and can not be entered into employment pathways [...]. In this way these people do not exist.'

Interview with an official of the Province of Naples, Italy, 05.03.2009

No registration of residence = no economic and social rights

Many Roma experience problems in registering their residence. This has a domino effect: As a consequence, they may face difficulties in accessing some key civil and political, economic and social rights - for example the right to vote in local and European elections, and to access national health systems, public housing, social assistance and labour market integration measures, such as support in seeking employment and vocational or language training.

The resulting exclusion from social assistance impacts disproportionately on women, children, old persons and persons with disabilities.

As the response to the situation of Roma from other Member States is developed, there is a need to integrate sensitivity to gender, age, disability and other issues within the overall strategies of support and resourcing.

Based on the findings in its Reports, the Agency advises:

- ⇒ Member States should ensure that any measures taken that impact directly or indirectly on EU citizens of Roma origin are in compliance with principles laid out in the EU Charter of Fundamental Rights and in conformity with the Racial Equality Directive that explicitly prohibits direct and indirect discrimination.
- ⇒ Local authorities in close cooperation with national governments should examine and repeal any measures and policies that are not in line with the Free Movement Directive.
- ⇒ Member States should ensure the correct transposition of the Citizens' Directive 2004/38/EC (as noted in the recent European Commission report) in compliance with principles laid out in the EU Charter of Fundamental Rights.
- ⇒ Member States should facilitate the fundamental right of free movement and residence by developing proactive, inclusion-oriented national policies. This should be done through a consultative process taking into account the experiences and the concerns of local authorities, civil society and EU citizens themselves.
- ⇒ Member States should remove practical barriers to registration of residence by ensuring consistency in registration processes and requirements at local level;
- ⇒ Member States should fully conform with their legal obligation to disseminate information concerning the rights and obligations of Union citizens and their family members on issues of free movement and residence, particularly through national and local media.

- ⇒ Member States should develop and/or improve Roma inclusion policies and measures targeting in particular the needs of EU Roma citizens from other EU countries.
- ⇒ Member States should ensure that all children within their territory have full and equal access to compulsory education, regardless of administrative status. Any residence requirements should be removed from school registration processes.
- ⇒ Member States and local authorities should develop, publicly display and promote information on requirements for registering residence in language(s) of other EU Member States, including minority languages, such as Romani.
- ⇒ Local authorities should ensure that registered EU citizens have equal access to social municipal housing.
- ⇒ Local authorities should develop and implement interventions specifically supporting the integration of Roma EU citizens into the local labour market.

Background to the report:

- In order to investigate how EU citizens exercise their right to freedom of movement 'on the ground', in 2008 the FRA launched a major research project based on interview fieldwork research.¹ The research was carried out in 2009 in **France, Finland, Italy, Spain and the United Kingdom**, providing a broad reflection of the experience of Roma EU citizens in 'receiving' countries.

Background on Roma:

- The term "Roma" is used as an umbrella term including groups of people who share more or less similar cultural characteristics and a history of persistent marginalisation in European societies, such as the Roma, Sinti, Travellers, Ashkali, and Kalé etc.² The number of Roma in the European Union is based on estimates, as there is a lack of data on this at national level. According to these estimates, there are some ten million Roma living in the EU.

Background on relevant EU legislation:

- Article 18 of the EC Treaty stipulates that 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 Treaty and by the measures adopted to give effect to it. The respective limitations and conditions are to be found in Directive 2004/38/EC on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States, OJ L 158 of 30 April 2004 ("Citizen's Directive"). Member States had to bring into force the laws and administrative provisions necessary to comply with the Directive by 30 April 2006.
- In July 2009, the European Commission presented Guidelines on free movement and residence rights of EU citizens and their families. The Guidelines are structured in three chapters: Entry and residence of EU citizens and family members; restrictions of the right to move and reside freely on grounds of public policy or public security; and abuse and fraud.
<http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/09/311&format=HTML&aged=0&language=EN&guiLanguage=en>

FRA Reports on <http://fra.europa.eu>

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¹ The research was commissioned to the European Roma Rights Centre (ERRC) that cooperated with the European Dialogue (ED), the European Roma Information Office (ERIO), the Finnish League of Human Rights (FLHR), the Fundación Secretariado Gitano (FSG) and Fédération nationale des associations solidaires (FNASAT).

² The FRA is aware of the debate regarding the use of the term "Roma", and it has no intention to "assimilate" the members of these other groups to the Roma themselves in cultural terms.