The Migration of Romanian Roma
Between Aspiration and Necessity

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Abstract. The article addresses the issue of the Romanian Roma migration and of its causes, beyond a simple economic explanation, and it consists of three main sections. First, it documents the problem of Roma’s access to resources in the early years of post-communism, pointing to the role of legislation and that of the foreign aid. The second section deals with the negative perceptions of the majority and their violent consequences. Finally, the third section addresses the institutional discrimination carried out by the medical authorities, the police and the government in general. The concluding argument of the article is that Romanian Roma’s seeking asylum or residence abroad should be treated primarily as refugees under the Geneva Convention rather than as illegal economic migrants.
1. Introduction

The problem of the migration of Romanian Roma’s is an important topic of scientific research not only because of the large number of migrants that have left Romania to set in other European countries, and not only because Romania has the largest Roma community in Europe (530.000 as of the official census; 2.400.000 from researchers’ estimations) – but also due to the interpretations and the reactions (attitudes, opinions, actions, confrontations between different organizations) that have been caused, both in Romania (especially regarding the image) and in the destination countries: expelling (Germany, France, Belgium, England), instances of normative documents that were retroactively applied (Germany), Internal Affairs bilateral agreements and so on.

The fact that the social situation of the Romanian Roma’s constituted a condition in the country’s adhesion to the European Union1 gives further prominence to the Romanian Roma issue. The migration of this people is, without doubt, a part of this issue. The problem becomes even more interesting also because it does not relate to migration in general (Beltramone 1966) or to the internal migration due to economical reasons (Burnet 1973; Miftode 1978; Sandu 1984), but because it refers, in fact, to the reaction (within a country that belongs and aspires to a Euro-Atlantic culture) of an ethnically circumscribed segment of the population to an extremely disadvantageous situation.

A large proportion of the Romanian Roma’s were deported, during World War II, to Transnistria and other Soviet regions; once the war ended, a large proportion of the survivors walked for more than six months to return to Romania.2 A smaller proportion managed to return home much later – one extreme case being a Roma from Arges County who came back home after 22 years of traveling within the USSR.3 We should therefore ask ourselves: why is it that such a large number of Roma’s are now leaving Romania? The argument of this article is that the Roma’s migration from Romania is an imposed phenomenon, a form of transforming the interethnic conflict that has structural causes: institutional and legislative dysfunctions, poor access to resources, and lack of equal opportunities.

When talking about migration we generally refer to the movement of people or groups for long distances (usually across borders) and on time periods raging from temporary and short (but statistically significant) to definitive. Depending on its motivation, migration can be imperative (forced) or optional (Burtea 2002: 36). While optional migration is born as from a personal decision, based on different subjective motivations, imperative migration occurs because people are pressed or forced into it – by other people, situations, organizations, institutions or authorities. Migration becomes an alternative, a solution without which their life would be hard if not impossible.

Migrations can also occur as a result of the denial, for a large period of time, of access to an area or space (either physical or social). In this case, the people’s behavior is a normal, human, reaction to the ‘forbidden fruit’. Once the interdiction disappears or weakens in intensity, the assault of the area becomes imminent. It is the case of the fascination that Western Europe has set, for a long period of time, on Romanian people – whose freedom of movement was restricted by the totalitarian regime – and of the subsequent migration to these areas, immediately after the Romanian Revolution in December 1989.

2 Various interviews and discussions with Roma respondents and their relatives between 1960 and 1970, when large numbers of survivors were still alive.
3 Personal communication with the person in cause, Mr. Caldararu, in 1973. Mr. Caldararu, upon return, was imprisoned by the Romanian Communist authorities, as the only alternative to having him sent back to the USSR.
The majority of the (non-Roma) Romanian citizens who have opted for going west immediately after 22nd of December 1989 had decided long before to live the rest of their life outside Romania. For this reason, once arrived at the destination, they looked for the best solution and the best arguments for receiving the right to reside in the respective countries. As their Romanian citizenship was an impediment in obtaining a new citizenship, the normal step for the vast majority of those who wanted to have no more legal links with Romania was to ask the Romanian government to allow them to renounce their Romanian citizenship – which, more often than not, was granted. The number of Romanian Roma who did the same in that period is so limited (less than 25 families for the entire country), as our research of the citizenship and documents of the Roma communities show, that it does not deserve even a superficial analysis (Burtea 2000: 412).

This article reflects the thought of the author in his fourfold capacity: (1) as a university professor who has supported positive discrimination of Roma undergraduates (special places in Romanian universities) and who, as a result, had the opportunity to swap information and ideas with many Roma students; (2) as social science researcher (sociologist) who took part in two national research projects focusing on the Romanian Roma (1993 and 1997), and coordinated two comparative research projects focused on the Romanian Roma in the counties of Buzau and Constanta (1998 and 1999); (3) as public servant in three institutions to which the Roma address significantly: the Ministry of Labour, Family and Social Solidarity (1990 – 1997), the National Office for the Roma (1997 – 1998), which he led, and the Ombudsman (1998-2008), where he addressed hundreds of petitions from the Roma; and (4) as former president of one of the largest Roma organizations in Romania (The Alliance for the Roma Unity), in which capacity he visited large Roma communities and discussed their various problems. All of the above constitute the data sources used in this article.

Moreover, we are approaching this issue being convinced that, once it will raise a real and profound interest among the specialists, it will receive further attention and will be included in broad, preferably inter-disciplinary, research projects.

2. Roma access to resources

2.1. Juridical obstruction: land, employment, social welfare

Immediately after 1989, the entire Romanian economy experienced a considerable decline, and masses of people lost their jobs. Our research of 19934 showed that under the (generally false) pretext (Zamfir and Zamfir 1993: 72-95) of lack of qualification, women and the Roma were the first fired – similarly to the situation of the Roma in South-Eastern Europe. On that occasion, and also during the audiences at the Ministry of Labor, Family and Social Solidarity, I noticed that the embarrassment and fear of being unemployed and of not being accepted afterwards made many of the former Roma employees, who were actually hoping to be re-employed, not to address the job-offices in order to be granted their legal unemployment rights (Law 1/1990). This is not at all surprising, when we consider the fact that, only a few months earlier, citizens in whose work documents the word unemployed appeared were risking imprisonment (see Decree 153/1970). The fact that the unemployment law was a completely new type of legal provision in Romania, as well as the lack of information, made many to fear using its clauses, which were, anyhow, less generous than the following ones, introduced in 1992, 1994 and 1996.

4 The research was carried out between 1992-1993, was funded by the UNICEF Mission in Romania; the results were reported in Zamfir and Zamfir (1993). The original data is stored at the Institute for the Research of the Quality of Life (Institutul pentru Cercetarea Calitatii Vietii), Bucharest.
The Roma who, nevertheless, benefited from the provisions of Law no 1/1990 regarding social protection of the unemployed and their professional re-integration, did not receive welfare money for more than 6 months and did not know the effects of social aid, introduced afterwards, because in its first form, the Unemployment Law, as the respective law is also called, according to art.9 paragraph (1), stated that ‘social welfare is paid for a maximum of 180 days’, which was extremely short a period as compared to 270 of unemployment aid and 18 months (approx. 540 days) of allowance, later introduced by law. The consequence of the above mentioned issues was a feeling of social-economical insecurity (of which the communist administration had cured them); a feeling that was now amplified by the quick installation of an endemic poverty.

The appearance of Law no.18/1991 of the land, through the atmosphere created around it and through its general principles, meant hope for the majority of the Roma who had worked in agriculture and, at the same time, a great disillusion. Hope on hearing about the intention of producing a law of land fund, because it would have given them an opportunity to own a small piece of the land that they had been working for centuries; disillusion due to its actual frustrating and discriminating provisions (see articles 16, 17 and 18 of the law), and to the way it was applied. The Roma quickly understood that forbidding their access to part of the land which they had been working for about 1000 years was not just a matter of abusive, hostile and incorrect application, but also an indication that their discrimination was deliberately incorporated in the law, out of a need for cheap labor. This is why the proposals for the changing of the law, communicated to different legislative institutions, including the Parliament, and the cry for help addressed to the many political parties culminated with the useless street demonstrations of the Roma’s in 1992, and with a similarly useless hunger strike (Roma activists from the Amentza and Atra organizations).5

This issue and the ways in which the Roma population was practically excluded from the re-constitution and especially from the constitution of the property right over agricultural land, we have been addressed in detail on a different occasion (Burtea 2002: 201).6 These two realities (the provisions of the law and the way this was applied) represented the way in which the Roma were denied legal access to a minimum of the resources of the society – a severe breaching of the rights guaranteed by the Constitution, such as the right to life, to physical and psychological integrity and the right to decent living (articles 22 and 47 of the Romanian Constitution).

In short, lack of property among the Roma, as well as limited available legal jobs drastically restricted the possibilities of support of their large families. In addition, there has been no legal regulation of the status of the Roma’s who had been forced to live in certain areas during the socialism, and whose homes were now claimed by their pre-communist owners.

The immediate consequence of this situation, on a social level, is represented by the delinquent life to which an ever increasing part of the Roma population has been pushed, and the creation of veritable slums of poverty and misery (Burtea 1999: 42) which grew as time passed, without anybody doing anything serious and rational to stop the phenomenon. This lifestyle includes, of course, illegal migration to the West, with the internal and external consequences mentioned above. Given the lack of resources, it is not surprising that a part of the Roma population has engaged in anti-social or criminal behavior, resulting in conflicts with the victims. However, such conflicts have often degenerated into violence involving a growing number of people – which turned them into abuse, reciprocal hostility and even ethnic violence.

5 One of these Roma activists who went on hunger strike is the well-known Mr. Vasile Ionescu, still working in the NGO sector (now leader of the Calderash Roma Association, Bucharest).
6 This issue has been, in fact, more general: from 1991 onwards the application of property laws has generated over 3,500,000 civil litigations.
In essence, the relationships of work and property represent the centre of the problems that the Roma population is confronted with, and they are influencing the social relationships as well as social behavior of this population.

In order to ease the effects of erroneous economic orientation and to give a sign of their preoccupation to the European structures to which the national authorities were looking with increasing interest, in 1995 they passed Law no.67 of the social welfare. This law was to bring hope to those among whom despair was deep and widespread. The majority of the Roma communities belonged to this category, but after 2-3 months of its application, some prefects (i.e. territorial representatives of the national Government), as a result of complaints from mayors who did not manage to provide the necessary funds to pay social welfare according to the law, informed the prime minister that, in fact, the law benefits only the Roma, who refuse to work and lazily wait for help from the state to come. (During that time I was working at the Ministry of Labor, Family and Social Solidarity Ministry, which could not cope with the huge demand for jobs, including from the Roma’s).

As if the Government, in its turn, expected nothing else but a convenient argument to detour the law from its spirit (being utterly unable to observe the provisions of the law), they passed without delay Government Resolution no.125/1996 – a legislative invention through which a document of inferior level simply modifies another, of a superior level and renders it practically non-functional. The famous Government Resolution stipulates that ‘the right to social welfare for a family or single person is established under the conditions of the law, depending on the funds approved with this destination’, and the mayor can decide on granting such help in extreme cases within the funds approved (art.5(2), art.15(1)) (my emphasis). And since approved funds destined to or meant for the Roma have never existed, and the Budget Law has never had a chapter separate funds for the payment of the social welfare (this merging in the all-enclosing chapter of funds for social assistance), the mayors introduced in the sphere of social assistance all sorts of things promising in the election campaign, but not funds for social assistance. As the newspapers of the time informed, according to the provisions of this act, the people who came to benefit from such funds were Mercedes owners who had helped the mayors in the election campaign; while for the majority of those entitled to obtain them there was no room left. The press tackled this aspect promptly but the journalists’ attitude remained just an act of the press.

The way in which Law no. 67/1995 on social welfare was actually implemented, and the appearance of the Government Resolution no. 125/1996 hit much more Romanian citizens than the legislators had expected; they belonged to all ethnicities, because the bad course of the Romanian economy brought despair to more and more people, including members of the majority. But, more importantly, the way in which Law 67/1995 for social assistance and the appearance and faulty application (which might have actually been the true spirit in which it had been conceived) of the Government Resolution 125/1996, were the main reasons for which large masses of people, Roma included, forced the Western borders, despite the exceptional security measures, with the strong conviction not to return to Romania other than as tourists. And proof of their decision was the fact that they returned to Romania only when forced.

Stateless Roma, the ones that had thrown their passports and IDs on passing the border belong to this period (Burtea 2002: 412). In a research whose findings were made public in 2000, we found that the official number of the Roma who renounced their Romanian citizenship during that time is of 1203 people out of 401.068, as shown in the results of the Population and Property Census of 1992 and the possible figure may go up to 6000 cases as compared to the estimated Roma population of over 2.000.000 people (Burtea 2002: 412).

Before the enactment of the two aforementioned laws, countries such as Ireland, England, Finland, Sweden, Spain, Belgium or the Netherlands did not experience high immigrant fluxes of
Romanian Roma’s; only afterwards did the Roma vehemently requested asylum. The return of a large number of these people in Romania was only the result of expulsion measures applied to people who did not obtain asylum in the countries in which they wanted to settle in.

2.2. The aids of the early 90s (as the starting point of migration)

Immediately after the demise of communism, one of the first forms of Western assistance took the form of humanitarian aid (sending food, clothes, toys or computers – used, but mostly functional). This was particularly welcome, given the dramatic fall of Romanian economy in the first years of post-communism.

Large groups of people benefited from these gifts received from those who understood that others needed them. But who were those others? It was difficult if not impossible to say and know from a distance. This could only be known by those on the spot: institutions, authorities, churches, NGOs, famous people etc. But this time too, with a few exceptions, poor Roma received only what was left, what others (who, in fact, were not in need of much aid) did not like or need; this was reflected in their letters and complaints addressed to various institutions, including the Ministry of Labor and the Ombudsman. This resulted not only in the creation of a new division between us and them (i.e. cleavages, hostility and resentment), but also in the “opening the eyes” of those who considered themselves wronged. They understood that those who give, who send aid, have things in abundance. And if at home, in their own country, access to what was sent is difficult and humiliating, then where help is sent from, there should be no barrier, and they would receive what they considered was rightfully theirs in compensation for the lack of work places, the lack of welfare and the lack of land.

All these triggered and amplified among the Romanian Roma’s, starting with 1992, the impulse of going abroad, of mass migration, to areas in which social protection was not just a propaganda exercise. This is why it would be interesting to approach these aspects as hypotheses in a research focused on those who have received Western social assistance and to directly study their perceptions, motivations and believes.

Though produced in large groups, and despite the fact that the causes that dictated the migration continued to exist, the Roma’s migration of this period was not intended as permanent (i.e. leaving Romania to live in the Western Europe). The purpose was the rapid gain of resources in order to create an economic base upon their return – a base that would have assured their existence and decent living, and why not, show the ones that had humiliated them what they could do under favorable conditions (Burtea 2000: 412).

However, the possibilities offered by the Occident had been partly used by the first comers (who were not Roma), and the enthusiasm and condescendence of the people had become blunt, turning into hostility. This was due not only to the change of opinion regarding the real Romanian Revolution of 1989 and the image created by what was called the phenomenon of the University Square or the miners’ coming to Bucharest; instead, it was also a result of the unbecoming conduct of the first comers. Under the circumstances the most comfortable solution was to adopt an anti-social behavior, on a level superior to that of the first comers. Both their conduct and its effects were visible on the spot in some countries in the West, where I visited them in the very places where they had settled – usually improvised homes (in Germany and France). The thought that the effort of moving (covering the travel expenses, bribing the customs officers in order to pass without a passport, overcoming the attitude of the authorities and the lack of a place to live) could be fruitless and that they could return home bare handed, pushed them into risking and taking by force what they had thought would be offered to them easily and wholeheartedly. The effect was a growing hostility and the rejection by the Western hosts.
3. The perception of the majority and their manifestation (discrimination, violence)

The process of ethnic and national marginalization, both in its exterior form (through pressure) and in the intrinsic one (self-marginalization) (Burtea 1996: 109) is a continuous process. It does not lose its intensity (neither does it stop) unless the society reaches the perfection of intercultural and multicultural practices, when respect for the law and for the other becomes a way of living. But this is possible only when access to resources is relatively easy and is marked by the equality of chances. In this section, we will seek to account for the current perceptions, attitudes and behavior of the majority in Romania.

“Out with the gypsies” was the call under which most collective aggressions were directed at some Roma communities. Out of where? In most cases, what is meant is out of localities; in others, as we will see further, out of the country. Out to where? To the neighboring localities, to the fields, to the forests etc. – as both us, in the country, and the official foreign observers could notice; in short, as far as possible from us, no matter the fact that this was where they had settled or had been forced to settle. Why? At first sight, because they are not disciplined, they do not observe social conveniences, they are rowdy, rude and dirty. Why are they like this? Nobody has the time or the obligation to research and answer. To search and answer such questions means to look for the cause, to identify links and causes, to identify attitudes, social situations, material situations produced or induced and, why not, obligations. There is little interest for such things outside the academia.

“Death to the gypsies”: this slogan was used in the events that occurred in conflict areas. The cases of Mihail Kogalniceanu (Constanta county), Bolintin Vale and Ogrezeni (Giurgiu county), Hârșova (Mureș county), Lunga (Covasna county), Turu Lung (Satu Mare county), Plei de Sus (Harghita county) are the most eloquent and best known in the entire Europe. But the slogan did not remain in conflict area; instead, it can be read on stadiums, on walls, in passages, in the subway or in parks.

The late setting up of The National Council for Combating Discrimination has somewhat diminished the phenomenon on stadiums and in institutions (by way of imposing fines and suspensions), but the situation is still far from normal. This time it is not about marginalization: extermination is demanded. It is instigation to genocide as if the experience of World War II, of Bug (Transnistria) of the Baragan, had not been enough. The tendency is sustained by works of false recuperation, by acts of so-called “reparation of the image” by celebrating leaders or ideologists who are famous for their racial thinking and deeds. Streets are named after and statues are raised in the honor of criminal leaders, such as Marshall Ion Antonescu; organizations are named and awards are given in the name of so-called scientists whose concepts and works have led to deportation and ethnic separation, such as Ioan Chelcea or Gheorghe Fcoaru.

As if economic hardships and their consequences were not enough for a population that has always lived under the sign of poverty and vulnerability, the period we are referring to was characterized by collective violence targeting whole gipsy communities. The fear of losing one’s work place, and the desire not to be excluded from the constitution of property right on agricultural land owned before World War II by about 18 million inhabitants, land that was to be divided, 50 years later, among 22 million people (observing, of course, the integrity of the immense expanses of land owned by the state) created the desire and the possibility for the more and the stronger to exclude the fewer and the weaker, often by non-orthodox methods such as: not registering the application form, losing the application form by the authorities and, consequently of the date when the citizen had to apply, claiming the lack of documents (or the destruction of archives), placing the
land in a different area than the one in which it had been etc. Thus, suspicions grew, and the hatred and ethnic distrust degenerated, more than once, into interethnic conflicts.

Until 1995, 37 collective attacks against the Roma communities in Romania were recorded (Burtea 1996: 141). Although the number of conflicts between Romanians and the Roma communities in Romania declined during the CDR government, they continued, nevertheless, to happen, with a smaller intensity and with less severe consequences. By the second half of 1998 the number increased by 9, thus totaling 46 at the end of the year. For those that are still happening nowadays, all measures are taken in order for them not to become public (e.g. Buhui county; Mereni, Ilfov county; Gepiu, Bihor county; Tulcea, Tulcea county). However, the subject is no longer of great interest, and the care for the country’s image abroad makes the authorities and newspaper owners to be more careful. The effects vary from fights and destructions to setting homes on fire and killings.

4. Institutional discrimination

Daily observations and practice show clearly that lately the cases of institutional hostility and discrimination have alarmingly increased, especially in the fields of healthcare, administration, social protection and public order.

4.1. Medical authorities

The levels of infant mortality among the Roma’s (over 40‰) (Zamfir and Zamfir 1993: 79) and of their life expectancy (13 years lower than that of the majority of population) (Burtea 2002: 193) are not just demographic indicators. They indicate the level of the sanitary conditions as well as the “attention” that the members of the Roma community enjoy in hospitals and in the public health system in general.

Moreover, it has been noticed and mentioned that some of the Roma children are omitted during vaccination campaigns. Thus, although poliomyelitis was, practically, eradicated on the European continent, its presence among the Roma population in our country determined the Rottary Foundation to start a super-campaign of anti-polio vaccination, with the specific aim of including the Roma communities, which were known to have been omitted, despite the fact that the disease manifests itself quite frequently among Roma. The stories about parents who mutilated their children in order to make them fit for begging were not taken into consideration by the respectable foundation, who knew a truth which with us had been kept a secret for a long time, namely the fact that polio is an infectious disease and the infection is favored by poor living conditions, promiscuity, lack of hygiene etc.; for this reason, they appreciated that the very large sum necessary for vaccination should not cause the campaign to be abandoned.

In addition, Roma living in poverty are refused by the general practitioners when they want to be enlisted, and thus cannot benefit from the services of social and health insurance. Under the circumstances, one of the former health ministers (Daniela Bartos) was forced to take a public stance.

7 However, various Roma NGOs (e.g. Romani Criss, Amare Romenza) have investigated such situations and have (rather unsuccessfully) addressed the Romanian authorities on these issues.
8 This is the case for various types of diseases, such as polio, tuberculosis or hepatitis.
9 I was personally involved in this campaign, in which I connected the staff of the president of the Rotary Foundation, Erich Gerber, with representatives of the local Roma NGOs.
Finally, as the press has informed us several times, some hospitals do not take in Roma’s because they are not employed or beneficiaries of welfare, and therefore they cannot be hospitalized for free, nor can they receive treatment; and since they do not have money to pay, they run away from hospitals, leaving debts unpaid. The “attention” with which the Roma are “honored” by some doctors and authorities is part of the social and living standards offered to this population, and the way they are treated by the same, is a form of institutionalized discrimination.

4.2. The police

Police actions *The Moon and Home Again* aiming to return the people who, having no possibility to feed themselves, had left their native places (rural areas most of the time) in order to live in the big cities, where resources were more available (sometimes at the border of law-breaking or even beyond it); as well as the action of confiscating the means by which some Roma categories earned their living (carts, tools with which they collected reusable materials: scrap, cardboard, plastics, bottles, paper) took place in 2001 and 2002 with the knowledge and the approval of the Government. They actually continued the process of forbidding access to resources. Although these actions did not focus officially on the Roma only, it was nevertheless them who were mostly affected. The ethnic component of these actions is more than obvious. They might have been encouraged by people in high positions but were nonetheless illegal and ineffective. Instead of trying to address the *causes* which determine so many people to leave their acquaintances, relations and the places they have lived a big part of their life, in order to come to the big cities to live in misery, money was spent from the state budget, precarious as always, in order to move trouble from a place to another, without any of the authorities assuming responsibilities of the present and future life of the chased.

Mayors of Bucharest’s districts, the police, and the attorneys\(^\text{10}\) were questioned about the respective actions by some NGOs,\(^\text{11}\) by the press and by European experts. Nobody could answer such questions. And it wouldn’t have been possible for them to answer decently, because the respective actions were not only illegal but indecent through their aim and through their unfolding. They only served covering considerable sums of money from the budget and for extremely cheap propaganda, in order to obtain electoral capital from the masses. But, if they did not have legal basis, what then was the role of the police, always present when such actions took place? Were they there only to give a helping hand to the process of abusive marginalization (Beltramone 1966: 109)?

From a legal point of view, the deed was nothing than a primitive answer to a fact of low danger. In fact *the contravention* of the groups (groups of Roma and other poor people), which consisted in occupying places which did not belong to them (for which in many cases they had paid considerable amounts and had offered bribe) was answered with a *crime* – of the state institutions by the principle an eye for an eye, that is, applying punishment without it being disposed by a judicial institution.

Unfortunately, nobody wondered what link there is between such answers and reactions and the civilized world, to which we aspire and alongside which we want to be with equal rights. We cannot answer this question, at least at present, but we are in a position to claim that punishment without a law court disposition, action not based on law, pushing some groups to wander from one

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10 Seminar on the Romanian Government’s Strategy for the Improvement of the Rroma Situation and of the Inter-Ethnic Relations, Bucharest, Romania, Hotel Majestic, June 2003 (organized by the Project on Ethnic Relations of the Carnegie Foundation.)

11 The most prominent examples are Romani Criss, Amare Romentza and Aven Amentza.
place to another due to the lack of bare necessities, represent forms of and reasons for national and international migration.

4.3. The Government in general

As we stated above, after the setting of the communist regime, the West became a mirage and an aspiration for more and more Romanians. After the fall of communism and the end of the Cold War, the borders to the West opened for the Romanian citizens. Those who had possibilities and interests could travel freely, immediately after the Revolution of December 1989. The Roma were not among the first travelers, neither among those who decided to leave Romania for longer or shorter periods of time. But when poverty, lay-offs, exclusion from aid received from abroad, economic constraints, physical aggression made their life impossible, they left in massive numbers.

As we suggested above, instead of analyzing the causes for which these people left their homes and relatives (some of them, in order to have the necessary money to leave, sold their houses and everything they owned), the Government and other officials found excuses regarding the lack of scruples of the Roma who dirtied the image of Romania outside the country. Not a word about the fact that the Roma were the first to be made redundant and where they had worked (see Zamfir and Zamfir 1993); not a word about rejection and discrimination when it came to finding a job; not a word about auction selling of the houses of the Roma who could not pay the bills or eviction from state owned houses, for the same reasons; not a word about the lack of land and the fraudulent and discriminatory way in which Law no.18/1991 regarding land owning and Law no.67/1995 regarding social welfare were applied; nothing about the impossibility to benefit from health insurance and rejection by the general practitioner; nothing about discrimination in schools and the lack of opportunities for some of the Roma to offer at least a meal a day to their children; nothing about the deliberate malnutrition of this population transformed into work force paid barter (in the 21st century); nothing about extremist, racist or fascist groups. The whole trouble is represented and continues to be represented by the Roma. In fact, everywhere and at all times, a hungry population has meant disaster.

None of the post-communist Romanian governments did not manage to respect their constitutional obligation of “taking measures towards economic development and social welfare so as to ensure a decent living to all citizens” (Constitution of Romania, art. 47). If this requirement had been respected (which only means that each citizen should have a home, and clothes and food for his family), would we see so many people forced to leave their country and families? But the situation is not caused by ignorance or helplessness. It pertains to the (lack of) will to address it, and is maintained despite the cries against the ones that “dirty our image in the world” and despite all the claims of tight border control.

In fact, the situation is quite convenient. On the one hand, the West pumps money for border security and for new technology and infrastructure; on the other hand, the same West finances various projects aimed at increasing social integration among the Roma and other former migrants. Obviously, the various projects destined for Roma communities, in order to reach their goal, require the presence of a local partner (sic) which must be a state institution or authority. And since the Roma’s need anything but computers, copy machines and faxes, what better opportunity to endow these institutions and solve some local problems could there be? (For details, see Burtea 2002: 169-190). One can thus argue that the Government manages to actually make money out of depriving the Roma of any means for living a decent life and pushing them towards the West.

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For a comprehensive report on these problems of the Roma, see Wiesner (2007). The research took place in Romania, Hungary (Roma minority), Italy (Moroccan minority) and Germany (Turkish minority).
5. Conclusions and recommendations

This paper has argued that although international migration of the Romanian Roma’s is at first sight economically-driven, it is in fact the result of the indifference, discrimination, hostility and racism of the state institutions and authorities, which lead to living conditions below the acceptable, to hunger, promiscuity and despair.

It can be rightfully argued that members of other ethnic minorities and some members of the majority are experiencing similar treatments. What is then the specificity of the Roma population? The answer is simple: while other citizens are discriminated and mistreated as individuals, as isolated persons who sometimes become victims, the Roma’s are discriminated and mistreated as a group. More importantly, while in the first case the actions are individual and isolated, in the latter case they are cumulative and simultaneous. Therefore, when Western democracies analyze asylum requests of residence permits for the Roma’s, they should use different evaluation.

As we have argued, in most cases, the Roma’s economic situation, which pushes them outside the country, cannot be considered their fault, as it is caused by something else than laziness, lack of orientation, inefficiency. For most of them, their disastrous economic condition stems from hostility, denial of property rights, disrespect for constitutional rights, denial of access to resources and blatant discrimination.

In analyzing each case of Roma asylum seeker, it should be remembered that the migration of this population is not an act of free option; it is pushed towards migration, and the benefit from his migration is not directed at him, but at the one pushing him. The Roma’s migration is not a cosmopolitan aspiration towards new horizons; instead, it springs from a struggle for survival.

Hence, the act of expulsion should be replaced by the principle of returning, as stated in art. 33 of the 1951 Geneva Convention of the Status of the Refugees, because their life and liberty are threatened at home. It is not a threat of jail, of torture or of execution, but one of malnutrition and famine, of humiliation and marginalization (Burtea 1996: 109). A policy of integration and naturalization of those people in the countries they sought refuge (as described by art. 34 of the above mentioned convention) is much cheaper and efficient than spending large resources on detaining, returning them to their home country and keeping them there.

References:


Relevant legislation:

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