

THE EUROPEAN UNION AND THE ROMA PEOPLE

Lidia Lacaj

Universiteti "Luigj Gurakuqi", Shkoder,
lidia_laca@yahoo.com

Abstract

Every country has national, ethnic, religious and linguistic minorities within its borders. When one talks about these minorities in Albania, the issue appears as a redundant topic but also abstract, to many others. Albania began its path to form its democratic state only after 90 years. The legal system of that time should be modified in accordance to the established international standards based on international instruments. Among the main objectives, the most important was the creation of human rights standards, closely related to the rights of minorities, which is the purpose of reference of this paper. In this paper there will be giving the example of the situation of the different minority rights in Albania and describing the measures taken by the Albanian Governments to accomplish the international standards. I will give a short description on the Republic of Albania, about the typology of minorities and the minority groups, with the aim to make clear what kind of minorities do exist in Albania and what attention that was paid to them.

This paper describes and analyzes the international standards and examines the gaps that are in it, where the most important thing is to analyze the implementation of these rights. At the end of the work there will be summarized some conclusions and recommendations, bearing in mind that the primary responsibility is to ensure the respect, protection and fulfillment of minority rights within the country.

Keywords: *Minority rights, international standards, implementation, responsibility, protection.*

Introduction

When one talks about minorities in Albania, the issue appears a redundant topic, and even abstract, to many. Albania has started its way to reform the newly established democratic system, since the early 90's. The legal system was one between others to be modified in compliance with the international standards set up in the international instrument. In this thesis will be giving the example of the situation of the different minority rights in Albania and describing the measures taken by the Albanian Governments to accomplish the international standards.

The minorities in Albania are national and linguistic ones which are: Greek, Macedonian, Montenegrin, Roma and Aromanian. And at the same time the Roma and Vlach community without a define status, thus it only "respect them as a linguistic minority". Nevertheless, after the '90s it has become possible for minorities to appear more visibly in the Albanian social life. This occurred because the end of the long isolation gave people not only the great possibility of movements, but also that of thinking freely.

A few words about the history of Albania

Albania is a country situated in the western part of Balkan Peninsula and it has an area of 28. 750 square kilometres. It borders with Montenegro and Kosovo in the North, Former Yugoslav Republic of Macedonia in the Northeast and Greece in the South. Albania is washed by Adriatic and Ionian seas in the West and Southwest.⁵³ The Albanian predecessors were the Illyrians. For some consecutive centuries, Albania was firstly under the Roman Empire and later under the Ottoman one. The

⁵³ The data and information about Republic of Albania were taken from the Albanian State Report submitted to the Advisory Committee of the Framework Convention on the Protection of the National Minority, 2001, ACFC/SR(2001)2005; and Albanian State Report submitted to the Committee on the Elimination of Racial Discrimination, 2002, CERD/C/397/Add. 1

independence from the Ottoman Empire was declared on November 28, 1912. After WWI, in Albania was established the parliamentary republic, which soon turned into a constitutional kingdom. King Zog ruled the country until 1939, when Albania was invaded by Italian fascists, and after by the Nazis. In November 1944, it was liberated from the Nazi invaders and lived, for nearly 50 years, under a single-party system, communist one, in isolation and complete poverty. In 1990s the democratic changes in Eastern Europe, the pressure of the people and of the university students in particular, forced the Communist government to allow the establishment of independent political parties, which brought to the end of the half-century of the single-party system domination in Albania. It was after 1990s that Albanians won their fundamental rights such as civil and political rights, economic, social and cultural ones.

Population of Albania is 2. 821 977 inhabitants (the 2011 census) and the official language is Albanian, an Indo-European language. From the ethnic point of view, according to the Albanian government's reports, 82. 58% percent of the population is Albanian, only 0. 87 percent consists of Greek, 0. 20 percent of Macedonian, 0. 20 percent of Montenegrin recognized as national Minorities while Roma 0. 30 percent and 0. 30 percent of Aromanian recognized as ethnic - linguistic Minorities by the Albanian state. The number of non-responses to this question constitutes 13. 96% of total population.⁵⁴

Typology of the “minorities”

The general meaning of minority/national minority implies a group of people who are citizen of a country they live in, who have different characteristics from the majority and who sociologically maintain elements of the society or of the compact social class. Due to the social structure of minorities/national minorities, in relation to the state where they are citizens or with the nation of which they are part, as well as to the expectations of their potentials in the political and social aspects, the scholars have defined:

Minority/national minority⁵⁵ emerges when the an central homeland of the natives is divided into small part and separate regions become part of another state, be it a unitary or a federal state, while the natives of these region became part of this other state. The state border separates these regions and the natives from the homeland. Several authors define this population as minority/loyal ethnic minority. This kind of minority represents a considerable population, up to some millions, which is clearly distinguished from the dominant population. Sociologically, the minority/ national minority contains elements of a compact society, but it contains these elements as a part of another mosaic of people. Their governance is usually realized based on territorial integrity, in relation to the state to which they belong. A minority / national minority can never be assimilated or disappear, on the contrary it has a positive dynamic and an assimilation of the elements of the majority is even possible when they intervene in this content. The population of Kosovo in relation to the former federal Yugoslavia or former Serbia is a typical example of minority/ national minority.

Minority/ Ethnic minority

The term “ethnic group”, “ethnic structuring”, ethnic communities” and further ethnic cultural groups can be found in various documents. The concept regarding the problem of minority/national minority is clear, but regarding the ethnic group/ minority/community there is a vague usage, often with a refractory tendency, particularly in the language of media and politics that tends to confuse definitions. The meaning of the term minority/national minority and minority/ ethnic minority should be considered in relation to the history of the formation of the respective population to which the minority belongs.

⁵⁴Taken from: INSTAT, Final results of the Population and Housing Census 2011

⁵⁵European Minorities, Cited Source, pg. 73-93

“Ethnic group” is a historical outcome, which develops over time due to social-economic changes. The ethnic group, with its recent ethno-cultural unity, becomes the core of “nationality”, which is primary outcome of the ethno-cultural development of the feudal society.⁵⁶ At a later stage, historical dynamics took nationality to the highest level, i. e. “the nation state”.

However, not all people had the same luck of successfully going through the complex dynamics of their ethno genesis. Some of them not strongly consolidated and under pressure from other populations, lost their identity or remained merely linguistically isolated. Some populations were distinguished by an extremely consolidated ethos and even experienced the dynamics of nationality formation. Despite division and expulsion from the region, these population managed to preserve their individuality and emerge, to this day, as separate population such as the Vlach and Roma peoples, distinguished for their ethno-psychological physiognomy; in particular the Vlach minority is integrated in the place it is settled, but has not assimilated or disappeared.

The term “ethnic group” comes from french and it is used for the first time in 1896 without any accurate definition. In 1935, it was defined in the publication “L’ethnie française”.⁵⁷

Various scholars, accept the differences between “ethnic group” and “nation” in order to identify “ethnic group” use other terms such as minority, “not –formed national minority”, “minority/ethnic minority”, “ethnic group”, “ethno cultural community”, “ethno linguistic minority community”, etc and do not approve the concept “linguistic minority” since according to their languages do not oppose one another, but are simply different.⁵⁸

In the early stages of the Albanian state, minorities were not devoted to any special importance as long as Albania itself was in its very first steps of state building. Albania became independent owing to the post-WWI treaties and consequently committed itself to the international law and organization (League of Nations) to protect the minority rights in conformity with the provisions of the Minority Treaties. Albania was subsequently admitted to the membership of the League of Nations by a vote of the Assembly on December 17th, 1920. On October 2nd, 1921⁵⁹ Albania made a special declaration through which it pledged itself to protect and respect the rights of the national minorities within its territory.⁶⁰

During the Second World War, the policy of the communist government towards minorities was a cautious one. On one hand it showed tolerance and care, especially for the inclusion of minority population members into governance and for issues of their education and culture, on the other hand it manifested a visible differentiation of attention towards minorities in general.

As mentioned above the Greek minority and to some extent the Macedonian one were very much cared for, but there was almost no talk whatsoever for the other minorities: Vlachs, Romas, Egyptian, Bosnians or Serb-Montenegrins.⁶¹

Policy of the Albanian state towards respect of minority rights

Nevertheless, after the „90s with the democratic changes in Albania, the treatment of the national minorities assumed a new dimension, which is clearly expressed in Albania’s membership in international organizations, such as UN, OSCE, the Council of Europe, etc. , in the ratification or adherence to almost all the international conventions on human rights. Another reason for such new dimension is that after 1990s the long isolation ended and minorities had not only the possibility of movement (and the minority groups such as Greek, Macedonian, and Montenegrin Minority where

⁵⁶ National Conference in the formation of Albanian population, its language and culture, Tirana 1982, pg. 19

⁵⁷ Dictionary of today’s Albanian language, Academy of Sciences, Tirane, 1980

⁵⁸ Dictionary of today’s Albanian language, Academy of Sciences, Tirane, 1980, pg. 852-853

⁵⁹ Advisory Opinion of the Permanent Court of Justice, April, 6th, 1935, page 7, series A/B, 64

⁶⁰ The Albanian declaration of October 2nd, 1921 set out the protection of minorities, general principles of the Minorities Treaties, the conception of “equality in law” and “equality in law and in fact”, obligation to allow minorities to establish and maintain private schools.

⁶¹ As mentioned above the Greek minority and to some extent the Macedonian one were very much cared for, but there was almost no talk whatsoever for the other minorities: Vlachs, Romas, Egyptian, Bosnians or Serb-Montenegrins.

supported with five years visa by the respective mother tongue neighbours country⁶² but also to think freely. Therefore, it was created the possibility for the minorities to establish links with the kin countries, to know their origins better, to have more contacts with the separated people of the families, the individual's spiritual connection with the past, the history of the kin, etc. In the first half of 1991, minorities in Albania began to establish organizations and associations, for instance, the Organization of Macedonians "Prespa", Association of Greeks "Omonia" etc. These organizations are focused on the promotion and protection of minority rights.⁶³

After democratic changes in 1990 in the respect and protection of national minority rights has taken an increasingly importance in the policies of the Albanian Government. Albania has had and still continues to have a permanent commitment regarding the continuously improvement of the standards related to the protection and respect of human rights including the rights and freedoms belonging to minorities. A clear expression of such commitment by Albania is the ratification as adherence to almost all international conventions a human rights and particularly the ratification without any reservation of the Framework Convention "For the Protection of National Minorities".

The Constitution of Albania of 1998, drafted in accordance with most progressive European Standards, has classified national minorities as an integral part of Albanian society, recognizing their rights as equal to other Albanian citizens and guaranteeing conditions to preserve and develop their national, cultural and religious identity.⁶⁴

Through decision no. 463, dated 12 July 2006, the Council of Ministers approved the national plan for the implementation of the Stabilization and Association Agreement, an important part of which is the undertaking of institutional and legal reforms to guarantee and achieve higher levels of basic rights and freedoms of individuals and more particular of the rights of minorities.⁶⁵ All steps and initiatives to be taken will aim to the implementation and the full compliance with the European Convention of Human Rights and the Framework Convention "For the Protection of National Minorities" ratified by Albania.⁶⁶

Roma minority/ ethno cultural group

The first Roma appeared in Europe around the X and XI centuries. Their migration began from the XII century up to the beginning of the XIII century. It is at that time that the first Roma arrived in Albania as well.⁶⁷ They came to Eastern Europe Hindustan (in India), to Western and South-eastern Europe through Asia and the western road (Arabic peninsula-Nubia Desert (Sudan)-North Africa (Egypt)). The Roma populations of South-eastern Europe are found in Greece, in Peloponnese, where they built "Giftocastrum", while they appeared in Albania around 1330-1348⁶⁸.

It is thought that the Roma arrived to the Albanian lands in two phases. The first phase was a convoy of Roma who came in through the south of the country and settled in areas such Korca, Bilisht, Pogradec as for north as Tirana and Fushe- Kruje.⁶⁹ The other route of their arrival is the eastern one. They settled in area of Shkodra, Kukes, Milot and much less in Dibra and Mat. The Roma who arrived here from the east are believed to have done so much later than the first group. These also have family links with their relatives in Yugoslavia, Romania, Macedonia, Hungary, and Serbia. The Roma were never mentioned in any official records. This did not happen even in the 1989 population census. They are very frequently mixed up with the Egyptians of the Albania, but unlike the first ones who can only be encountered in the

⁶² See First Report on National Minorities in Albania, submitted by the Republic of Albania, under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National Minorities, to the Advisory Committee, 2001, page 14; ACFC/SR(2001)005

⁶³ See further First Report on National Minorities in Albania, submitted by the Republic of Albania, under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National Minorities, to the Advisory Committee, 2001, page 33; ACFC/SR(2001)005.

⁶⁴ Albanian Constitution, 1998

⁶⁵ Stabilization and Association Agreement between European Communities and Albania signed in 12. 06. 2006, enter into force 1. 04. 2009

⁶⁶ Framework Convention for the Protection of National Minorities" is signed by Republic of Albania on 29. 06. 1995, and ratified from Parliament of Albanian Republic with Law 8496, date 28. 09. 1999 and after deposition of ratification instruments on 28. 09. 1999, became valid on 01. 01. 2000

⁶⁷ AHRG Report on Minorities in Albania: "Minorities: The Present and the Future", 2003, pg 89

⁶⁸ Arqile, Berxholi, „Minorities in Albania“, 2005, pg 121

⁶⁹ AHC "Minorities in Albania", 2003, page 43

cities. The Roma has spread into many villages where a good part of them have settled. There are a series of data about their arrival to Albania. According to an Ottoman record of 1523, there were 374⁷⁰ Roma families. There are opinions, which sustain that the number of the Roma minority in Albania is greater than 100.000 people.⁷¹

They are known as a wandering people and they mainly work in jewellery and rush-work. There are very much keen on songs and dances. The characteristic of the Roma minority is its nomadic life and they are engaged in trading. This way of living during the dictatorial period created problems for the communist regime in power, because it could leave these people out of control.⁷² For these reasons, beginning from the 1960s, the authorities of that time started to concentrate the Roma people in agricultural enterprises in rural areas, forcing them to be employed, while in the cities they have been working mostly in parks maintaining enterprise or in public services.⁷³ The Roma of Albania, like the Roma across the world, are involved mostly in handicrafts.⁷⁴

The problems of Roma community are similar to those of the Egyptian community. There are people who are not integrated into the society, people who do the most undesirable jobs, but still believe to rank one step higher compared to the Egyptians. This is also a result of their being more conscientious and because their identity is more solid: they have their own language and many customs and reties that are imitated by others.⁷⁵ One of the greatest social problems that the Roma population face is that of education. At school, Roma children receive less attention than usual and the work of teachers with them is missing. In recent years, it appears that this community has worked up and some of its associations have begun work through various projects to come to the aid of the minority. The projects mainly deal with the areas of education, water supply systems and small investments. Following the 90's, the Roma returned to their older situation: they began to abandon school. Today, parts of the children are on the streets begging or stealing. Even those who continue to attend school are viewed by teachers as school-hand and receive very little attention.⁷⁶

The problems raised by the representatives of the Roma associations themselves are numerous. They explain that after the 90's no Roma individual has been given shelter or employed. Scarce employment makes this minority the poorest in the country. The interest demonstrated by local and central governments is very minor. Thousands of Roma individuals are without shelter. In fact, there still districts where they continue to live in cellophane huts, such as the ones in Lac.⁷⁷ In the larger cities, one also notices the phenomenon of the prostitution of trafficked Roma girls or of those who have departed willingly. Another phenomenon is that of the trafficking of Roma children, who are often manipulated by traffickers. However, there are also cases when the parents themselves are the drive behind the sale of their own children, pushed hard by extreme poverty.

Racism coming from the majority population is something not infrequent. At times filled with grave political happenings, they have been the victims" senseless violence. Thus during 1997, tens of Roma individuals have been massacred in their homes and many others wandering from one village to another to sell different items encountered a similar fate. They are known as a non problematic population that is very keen on feasts and celebrations. Their national day is April 8, their logo is a wheel 16 splinters, the flag is green blue with the red wheel in the middle, and their anthem is the song "Galem, galem".⁷⁸ Racism against this population is noticed all times. In current times they are just as discriminated. They

⁷⁰ Report of AHRG "Minorities: The present and the future", 2003, page 91

⁷¹ Prof. Arqile Berxholi, „Minorities in Albania”, 2003, pg 128

⁷² First Report on National Minorities in Albania, submitted by the Republic of Albania, under Article 25, paragraph 1, of the Council of Europe's Framework Convention for the Protection of National Minorities, to the Advisory Committee, 2001, page 15-16; ACFC/SR(2001)005

⁷³ Ibid.

⁷⁴ Ibid.

⁷⁵ AHRG, Minorities in Albania: The Present and the Future, pg 91

⁷⁶ Ibid.

⁷⁷ AHC, Minorities in Albania, 2003

⁷⁸ Prof. dr. Berxholi Arqile, Minorities in Albania, 2005, pg 186

are very few Roma youths who can attend higher education. And these often hide their origin so that the rest of the society will not shy away from them. Based on the monitoring done at primary schools, it is noticed that Roma children who are well-dressed and with parents in a good economic situation are not the target of contempt, while those who are poorly dressed are immediately detached.⁷⁹ During recent times, some associations have paid to educate some students of this community so that they will be able to raise their voice in high state institutions in the future.

The meaning of the term stems minority from some specific characteristics of the group of people who:

- Live in the territory of a State and are its citizens
- Maintain old, strong and sustainable relations with this state;
- Manifest special ethnic, cultural religious or linguistic characteristics;
- Although fewer in number than the rest of the population of this State or a region of this State, they are sufficient representatives;

They are inspired by the will to preserve their culture, traditions, religion or language. Generally speaking, the protection of persons belonging to minorities is one of the most immediate problems in Europe today, and considering that a series of ethnic and racial problems have been the detonators of armed conflicts. In order to achieve a maximal respect of rights belonging to minorities, the existence of tolerance and cooperation in community is required, including the legal sanctioning of these rights both at the international and national levels.⁸⁰

All the steps and initiatives to be taken will aim to the implementation and the full compliance with the European Convention of Human Rights and the Framework Convention "For the Protection of National Minorities" ratified by Albania.⁸¹

Albanian legal Framework has adopted UN instrument against ICCPR, ICESCR, CRC, and UNESCO Convention against Discrimination in Education, the Declaration on the rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

Conclusions

After the democratic changes in Albania, the treatment of national minorities took a new dimension, the consequences of which were reflected first as an obligation which derives from the basic orientation of the Albanian Republic for protecting and respecting fundamental human rights.

Republic of Albania has made progress in the legislative and institutional reform after 1990s.

This progress could be proved by the incorporation into legal system of the international minority rights standards and by the ratification of the main international human rights instrument. Albania should continue to complete this process:

- by ratifying other international human rights instruments including minority ones, for instance the European Charter for Regional and Minority Languages.
by making possible for the individuals or groups belonging to the minority groups address their claims and alleged violations of their rights to the defined international monitoring bodies.
- a specific legislation with regard to the right of the minorities to have effective remedy, in case of the violations of minority rights. Albania should take another legislative with the aim to bring together all the relevant legislation to combating discrimination.

⁷⁹Ibid AHRG, pg 98

⁸⁰ Minorities and the Protection of their Rights in Albania, pg 225

⁸¹ Framework Convention for the Protection of National Minorities " is signed by Republic of Albania on 29. 06. 1995, and ratified from Parliament of Albanian Republic with Law 8496, date 28. 09. 1999 and after deposition of ratification instruments on. 28. 09. 1999, became valid on 01. 01. 2000)

Different minority groups, for instance members of Roma minority are not equal to other members of society. Their integration into the social life appears to remain a complicated challenge for the state institutions, the civil society and the media.

Albanian government has the obligation to improve the economic situation of the whole population but in particular should undertake special programmers' to improve the situation of the minority group.

More jobs, more social welfare, more possibilities to preserve their language and culture-these should be the directions to focus upon. Finally it can be said that the process of implementation in practice of the minority rights is an ongoing one and always need to improve the current situation.

Bibliography

- Albanian Human Rights Group, Minorities: "The Present and the Future", Tirana 2003
- Albania Helsinki Committee, "On Minorities" Policies and Funding, Strategies in Albania, AHC, Tirane, 2007
- Minorities and the Protection of their Rights in Albania, Tirane, 2005,
- Berxholi Arqile, "Minority in Albania", Tirana 2005
- Florence Benoit-Rohmer, "The Minority Question in Europe" 1996
- Vladimir Ortakovski, "Minorities in the Balkans", Transnational Publishers, New York, 2000
- Patric Thornberry, "International Law and the Rights of Minorities", Oxford Clarendon Press, 1991
- Rianne M. Letchert, "The impact of Minority Rights Mechanismus" Cambridge University Press, 2005
- Institute of Statistic of the Republic of Albania (CENSUS 2011)
- "First Albania State Report submitted to the Advisory Committee of the FCNM", 2001, ACFC/SR (2001)2005; available at: www.coe.int/t/e/humanrights/minorities/Countryspecific_eng.asp
- "Second Albania State Report Submitted to the Advisory Committee of the FCNM", 2007
- "Opinion on the First Albania Report of the Advisory Committee on the FCNM", 2003, ACFC/INF/OP/I (2003) 004; available at:
- http://www.coe.int/t/e/human_rights/minorities/Country_specific_eng.asp#P4 36