

Europe's Largest Ethnic Minority Group Likely To Turn To European Courts To Combat Discrimination In Coming Years

Insights

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For more than 1,000 years, the Roma (still more commonly known in the English-speaking world as “Gypsies,” although this term is now outdated and considered to be derogatory) have lived on the fringes of the societies of the European nations in which they reside. This is true in spite of the fact that the Roma, also known as the Romani, are the single largest minority group in Europe. Indeed, in some countries Roma (which for the purposes of this article is meant to include Romani peoples of various distinct, but generally related, subgroups such as the Sinti of Central Europe, the Kale of Spain and Wales, and the Travellers of Ireland and Scotland, to name a few) make up approximately 10% of the population. Nevertheless, for centuries the Roma had been subject to laws in their respective home countries specifically meant to limit their rights, travel and freedoms. In some instances in fact, groups of Romani peoples were subject to actual slavery into the later half of the Nineteenth Century. And, more recently, between 250,000 and 500,000 Roma (and by some estimates many more) were killed by Nazis during the Holocaust. Partly as a result of this history, the Roma traditionally have not used the judicial systems of their respective countries to seek redress for grievances, criminal or civil.

However, in recent years, and especially within the past decade, European countries have become focused on the plight of Roma, and have enacted broad-based initiatives to protect the rights of the Romani people and bring them into the fold of European society. Leading the way has been the European Commission (“EC”), the executive body of the European Union (“EU”) responsible for proposing legislation. In 2011, the EC adopted a “Communication on an EU Framework for National Roma Integration Strategies by 2020,” which in turn led to EU member states developing their own individual national strategies to integrate their respective Roma populations, both economically and socially.

Part of the broad EC initiative, as well as the individual member states’ strategies, is to ensure that Romani people have access to jobs and are not discriminated against in the hiring process or in the workplace. To this end, the Roma should be considered protected minorities in all the EU countries, as all of the member states have incorporated the EU Directive on Racial Equality into their own respective laws, which prohibits employment discrimination on the basis of race or ethnicity.

The EC’s and EU member states’ most recent push for Roma integration also coincides with the growing self-initiated civil rights movement by the European Roma population. The combination of

civil rights activism combined with state initiatives to combat discrimination against the Roma is most certain to lead to more legal action initiated by, and on behalf of, the European Roma population, including action against employers for alleged discrimination based upon an individual's Roma affiliation and/or heritage. For this reason, employers with European operations and employees would be wise to re-evaluate their anti-discrimination and harassment policies, and re-emphasize the existence of these policies to their employees, especially in countries with a large Roma population and/or in countries or regions where latent discriminatory attitudes towards the Roma may still exist.