

APPELLATIONS OF ROMA, SINTI, GYPSIES AND TRAVELLERS IN THE OPINIONS OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

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Opinions of the Framework Convention for the Protection of National Minorities (FCNM) cover the situation of all national minorities in all state parties of the Council of Europe who signed and ratified the FCNM since its adoption in 1998. The situation of Roma, Sinti and Travellers is an important issue in the most of these documents. This paper will analyse how the FCNM opinions use the terms Roma, Sinti, Travellers, Gypsies and other appellations in respect of groups and people who are targeted in these texts. Moreover, the FCNM is an instrument which is in existence for 20 years and during that time the opinions were drafted by various compositions of experts in the Advisory Committee and were reflecting various trends and socio-political situations in Europe and respective State parties of the FCNM. This paper will analyse the texts of the past opinions. The author takes advantage of his personal experience as a member of the Advisory Committee for FCNM between 2014 and 2018 and reflects on the most recent developments in approaches towards labelling the Roma in the opinions of the Advisory Committee for FCNM.

Key words: Framework Convention for the Protection of National Minorities, Roma, Terminology, Appellations, Free self-identification.

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The terminology used by the Council of Europe (CoE) in regards to appellations of the minority groups, which might be encapsulated under the umbrella term, Roma, Sinti and Travellers is comprehensively described by Liégeois (2012: 11–15). There was no systematic preference prior to 2006 and the texts of CoE often used also the term Gypsies, along with Roma and Travellers. Liégeois summarises that CoE in all its texts from 2006 to 2010 used an umbrella term “Roma and Travellers” with the footnote pointing out the groups that the term refers to. Later, in 2010 the word “Travellers” was omitted and the term contained only Roma, again with a footnote explanation which

groups are included in this term (Liégeois 2012: 11).¹ However, later in 2016 the practice of using both terms, “Roma and Travellers” has returned and recently all texts use the appellation “Roma and Travellers” and the explanation in the footnote is extended also to other groups not mentioned before:

The term “Roma and Travellers” is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term “Gens du voyage”, as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.²

In this respect, CoE uses this simplification as a practical tool how to make their texts and communication easier. However, this is not always the case as Marushiakova and Popov point out, and often these simplifications have practical implications and are reflected, for example in real policies and measures, which consequently might be confusing for many groups who are not “Travellers”, nor do they themselves identify with “Gypsies” or “Roma” but the majority society considers them and treats them as such (Marushiakova, Popov, 2015: 67). It is not clearly defined – at the level of European institutions – who are Roma and they are usually approached according to intuitive and stereotypical concepts. Thus, any appellation having an ambition to generalise lacks total complexity and there will always be a group or groups which will be omitted. As Martin Kovats emphasises (2013: 123), state policies usually aim at managing/containing Roma exclusion, rather than overcoming it, which enables separating “Roma issues” from the mainstream policies and majority society and allows “authorities to play on long-standing prejudices towards Roma (including those prevalent amongst officials) that Roma are a particularly problematic and difficult group to deal with” (ibid: 123). Moreover, the inconsistency and ambiguity of how Roma identity is publicly applied further allows for the consequences in politicisation of Roma and ways how it has been mobilised and used/misused for political purposes (Law, Kovats, 2018: xi). In this context the politicisation of Romani issues shows that appellations, names and classification of various Romani groups can lead to further exclusion. Politicians and authorities have the power of naming, to paraphrase words of Mihai Surdu, and enabling those who have more power “to compel more easily their order of classification and definition, and by virtue of their recognised authority they give meanings to social realities” (Surdu, 2018: 54).

1 The explanation of CoE used in every text where Roma were referred to: “The term ‘Roma’ used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.” See for example an Information document Updating the Council of Europe agenda on Roma inclusion (2015-2019): [https://cs.coe.int/team20/cahrom/10%20CAHROM%20Bureau%20meeting/Item%202%20-%20SG-INF%20\(2015\)16rev%20EN%20Updating%20the%20CoE%20agenda%20on%20Roma%20inclusion%202015-2019.pdf](https://cs.coe.int/team20/cahrom/10%20CAHROM%20Bureau%20meeting/Item%202%20-%20SG-INF%20(2015)16rev%20EN%20Updating%20the%20CoE%20agenda%20on%20Roma%20inclusion%202015-2019.pdf), visited August 31, 2018.

2 See an official website of CoE’s Roma and Travellers Team: <https://www.coe.int/en/web/portal/roma/>, visited on August 31, 2018.

Therefore, it is fundamentally important for any member of a minority group to self-identify or not with the group. Circumstances in which Roma exercise their rights demonstrate that externally imposed ethnicity has a strong stigmatising and excluding potential and as Márton Rövid (2013: 393) emphasises, the reinforcement of democratic solidarity needs to be shifted from ascribed ethnic categories to the freedom to choose one's identity and the respect of this choice must be enabled. This right should be reflected in all democratic political frameworks, institutions and academic works.

THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NATIONAL MINORITIES

In this context, the following paper is focused on the practice of one segment of the Council of Europe's structures, the Advisory Committee (AC) on the Framework Convention for the Protection of National Minorities (FCNM). I analyse all opinions adopted by the Advisory Committee on the situation of national minorities in all ratifying state parties of FCNM. Although the Framework Convention does not have direct influence on European and national policies and measures, it constitutes a unique monitoring mechanism binding state parties of the FCNM to follow its recommendations for improving the situation of members of national minorities. From this perspective, it seems to be very useful to scrutinise the use of appellations in the documents of the FCNM, because in this particular case naming and labelling could lead to implications described above. The paper does not focus on the content of individual policies and recommendations in these opinions,³ rather, its main objective is to scrutinise the frequency and use of all appellations related to Roma and other groups identified as Roma or being labelled as "Gypsies", "Travellers" or "Roma" or any similar term.

The Framework Convention for the Protection of National Minorities (FCNM) is the Council of Europe's (CoE) most comprehensive text so far for protecting the rights of persons belonging to national minorities. As such, it is the first legally binding multilateral instrument devoted to the protection of national minorities and seeking to promote the full and effective equality of national minorities by creating appropriate conditions enabling them to preserve and develop their culture and to retain their identity.⁴ FCNM was adopted on 10 November 1994 by the Committee of Ministers of CoE and it entered into force on 1 February 1998. 43 member states signed the convention and 39 of them have ratified this document so far.⁵

FCNM contains 32 articles⁶ which set out principles to be respected as well as goals

3 There are several studies which analyse findings and recommendations of the Advisory Committee, for instance Medda-Windischer (2013) compares the approaches to Roma policies across the State parties to the FCNM, while Andjelic (2018) looks in more details on the situation of the Roma in one specific country.

4 Available at: <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/157>, visited on August 23, 2018.

5 For the full list of state parties to the Convention see FCNM's website. It is worth mentioning, however, that four countries, Andorra, France, Monaco and Turkey have neither signed, nor ratified the convention: <https://www.coe.int/en/web/minorities/etats-partie>, August 23, 2018.

6 Framework Convention for the Protection of National Minorities and Explanatory Report: <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016800c10cf>, visited on August 23, 2018.

to be achieved by the states in order to ensure the protection of national minorities. Parties to the Framework Convention undertake to promote, inter alia, full and effective equality of persons belonging to minorities in all areas of economic, social, political, public and cultural life; conditions that will allow minorities to express, preserve and develop their culture, religion, language and traditions; ensure minorities freedom of assembly, association, expression, thought, conscience, religion and their access to and use of media. The Convention also provides guidelines for their linguistic freedom and rights regarding education.

The Committee of Ministers of the Council of Europe and the Advisory Committee on the Framework Convention are both involved in the monitoring of the Convention. The Advisory Committee, set up in 1998, has a key role in monitoring the implementation of the Framework Convention by state parties. Its task is to ensure that the standards of the Convention are applied by all the concerned countries, in the various fields of interest for persons belonging to national minorities. It is composed of 18 independent experts appointed by the Committee of Ministers to serve in the Committee during their four year mandate. These experts are elected in respect of every state party which ratified the Convention. As there are 39 state parties, independent experts rotate in order to balance the composition of the Advisory Committee and each independent expert can serve two mandates only.⁷ Independent experts are not employed by the CoE and they do not receive salary for their work and do not report to any government or international body for their work, which should guarantee their independence.

In most of the 39 state parties of FCNM⁸ there were four monitoring cycles since ratification of the Convention. Thus, for most of the countries there are four opinions adopted and published on the FCNM webpage.⁹ I did not analyse opinions which have already been adopted but they are still restricted to view and not yet published on the webpage. In total I took into consideration 140 opinions published up to date¹⁰ on the FCNM webpage. To analyse the texts I used NVivo software for qualitative data analysis which enabled me to search and classify the texts more easily.

In general, members of the Advisory Committee work on specific documents (opinions) often with very specific context and situations, the general practice of using “Roma and Travellers” is not sufficient in these instances, as opinions and recommendations of the AC must be as concrete as possible.

All groups identifying with (and identified by others as) “Roma”, “Travellers”, “Sinti”, “Gypsies”, “Egyptians”, “Ashkali”, “Yenish”, “Kalo”, “Manush”, “Gitanos”, “Boyash”, “Romanichals”, “Kaale”, “Caminanti”, “Dom/Lom” and others are considered to be the largest ethnic minority in Europe,¹¹ which, in general, is mostly linked to

7 For a more detailed description of monitoring procedures and the Advisory Committee rules see Malloy (2012: 6–8).

8 Monitoring is not possible in non-ratifying countries: Andorra, Belgium, France, Greece, Luxembourg, Monaco and Turkey.

9 See the webpage section “Country-specific monitoring”, where not only adopted opinions are published but also other documents relevant to monitoring, such as State reports, Committee of Ministers’ Resolutions and governments’ comments: <https://www.coe.int/en/web/minorities/country-specific-monitoring>, visited on August 28, 2018.

10 August 31, 2018.

11 For example, European Union Agency for Fundamental Rights states on their website: “For more than a thousand years, Roma people have been an integral part of European civilisation. Today, with an estimated population of 10–12 million in Europe, approximately six million of whom live in the EU, Roma people are the biggest ethnic minority in Europe.” <http://fra.europa.eu/en/theme/roma>, visited on August 31, 2018.

social exclusion and vulnerability.¹² References to a variety of these appellations were found almost in all respective opinions on state parties which ratified the Framework Convention. In these documents the Advisory Committee quite frequently addresses the issues of the Roma and various shortcomings in all state parties to the Framework Convention, as well as, addresses recommendations to authorities for improvement of the situation of person belonging to Roma minorities.¹³

From the corpus of 140 opinions published so far, only opinions on Liechtenstein and Malta have no reference to Roma or any similar group in all their monitoring cycles. Regarding San Marino, only one reference to Roma has been made in the fourth cycle opinion referring to occasional episodes of hostilities concerning the Roma population pejoratively depicted in the media.¹⁴

There were also fewer references in countries in Caucasus –Armenia, Azerbaijan and Georgia. In Armenia, a brief reference to “small number of Roma” and “Lom” minority is made in Opinion 2 and 4 in paragraphs under article 4 of the Convention on personal scope of application of the FCNM. Interestingly, this is the only reference to Lom in all opinions, including opinions on Armenia, Azerbaijan and Georgia, where Lom and Dom still remain today, although in quite small numbers (Marushiakova, Popov, 2016). Regarding Azerbaijan, three references to Roma are made in the second and third opinions under *Article 4* on personal scope of application. In Georgia, occasional references about Roma were more spread also among other articles of the convention, such as *Article 4* in section on the absence of identity documents, *Article 5* on preserving culture and identity and *Article 6* as targets of stereotypes and prejudice.

ROMA AND TRAVELLERS

“Roma and Travellers” (in some instances in the form “Roma and/or Travellers”) as a generalisation and an umbrella term is not used very frequently in the opinions of the Advisory Committee. In fact, it can be found only in 23 opinions (out of 140). Literally all these instances were in quotations or paraphrases of European documents (such as recommendations of the Committee of Ministers, CoE documents), or parts of other institution names (for example European Roma and Travellers Forum). This practice demonstrates that the Advisory Committee never in its opinions used the term “Roma and Travellers” as an umbrella term encompassing all groups that might be relevant.

Instead, from the corpus of the adopted opinions, it is evident that AC prefers to use an umbrella term “Roma”. It is frequently used in general circumstances where no specific groups are meant, for example in titles of chapters and subchapters in opinions, such as “Socio-economic situation of the Roma” in *Article 4*, or “Access to education

12 For example, the EU Framework Strategy for National Roma Integration Strategies (2011) is based on the premises that the Roma are a large and trans-European minority that has experienced social exclusion for centuries in most of Europe’s countries (Bernat, Messing, 2016: 7).

13 More details and description of the significance of the FCNM for Roma minority see Liégeois (2012: 88-97).

14 “Other international monitoring bodies, for example, noted prejudice against non-citizen workers, as well as sporadic episodes of hostilities concerning the Roma population which was depicted pejoratively in the media.” Fourth Opinion on San Marino adopted on 20 November 2015, <https://rm.coe.int/CoERMPublicCommonSearchServices/DisplayDCTMContent?documentId=09000016806450fa>, visited on August 20, 2018.

for Roma” in *Article 12*. However, this tendency is consistent in countries where the term “Roma” refers to groups which are predominantly recognised as Roma, for example countries of Central and Eastern Europe, such as Slovakia, the Czech Republic, Serbia, Macedonia and many others. On the other hand, in cases of countries, where there are more groups and some of the significant groups do not tend to identify with the appellation, the Advisory Committee follows the pattern of naming them specifically. For example, in the cases of the United Kingdom, the titles of chapters speak about “Gypsies, Travellers and Roma in the education system”, or in the case of Germany, “Roma and Sinti in the education system”, or “Education of Travellers” in the case of Ireland. Thus, the practice of the Advisory Committee respects the specificity of groups addressed and avoids generalisations which might be misleading and confusing.

This practice is also reflected in frequency of group names in an aggregated set of all opinions. The term Roma is most frequently used and is present in 123 opinions out of 140 analysed and there are in total 11,405 references to Roma in all opinions. In average, there is between 40 to 100 references in each opinion. There are more references in countries with a large population of Roma, such as Romania (101 in op. 1; 179 in op. 2; 234 in op. 3 and 203 in op. 4), Slovakia (67 in op. 1; 189 in op. 2; 217 in op. 3 and 248 in op. 4) or Hungary (41 in op. 1; 102 in op. 2; 174 in op. 3 and 222 in op. 4). Interestingly, there seems to be an increasing pattern of the frequency of the term “Roma” with progress of monitoring cycles across all state parties. For example, in the case of Germany, the first opinion contained 39 references, the second 81 references, the third had 116 and the fourth 144 references on Roma, or in the case of Ukraine the first opinion contained 23 references on Roma, the second 71, the third 72 and the fourth 131. Specifically, the progressive trend in referencing Roma is present in opinions on Ukraine, Slovakia, Russian Federation, Portugal, Poland, Norway, Netherlands, Montenegro, Lithuania, Latvia, Italy, Hungary, Germany, Estonia, Cyprus and Bosnia and Herzegovina. Another interesting trend is that culmination of frequencies is in the third opinion and in the fourth opinion (out of 22 countries for which all four cycles of opinions have been published so far) the number of references to Roma decreases slightly, specifically in opinions on Sweden, Slovenia, Romania, Moldova, FYROM, Finland, the Czech Republic, Croatia and Austria. In my opinion, the reasons for this progressive trend are in the fact that with the development of monitoring cycles more systematic attention has been paid to the issues of Roma and at the same time, the process and methodology of monitoring was focused more on issues noticed and recommended in previous opinions, so the frequency of the term Roma followed kind of a snowball effect.

TRAVELLERS

The second most frequent term used in this regard is “Traveller/Travellers” which is mentioned in 43 opinions and there are 1,341 references to Travellers. The vast majority of these references are in opinions on Ireland, the United Kingdom and Switzerland. In three opinions of Ireland the Travellers are mentioned 175 times in the first opinion, 143 in the second opinion and 230 times in the third opinion. In the case of the United Kingdom the frequency is 44 references in the first opinion, 109 in the second opinion, 115 in the third opinion and 135 in the fourth opinion. Switzerland contains 48 references

in the first opinion, 136 references in the second opinion and 79 in the third opinion. One outstanding opinion where Travellers are mentioned more frequently is the second opinion on Italy, where an umbrella term “Roma, Sinti and Travellers” is used in those articles specific for each of these groups, for example, “Acts of discrimination, hostility and violence against the Roma, Sinti and Travellers” (*Article 6* in the Second Opinion on Italy) and other respective articles. Travellers are not mentioned in any of the other opinions on Italy. What may be considered as inconsistent use of terminology can be, however, also interpreted as dynamic and progressive sensitivity in the Advisory Committee practice. In the first opinion on Italy only the term “Roma” was mentioned (68 references) and all other groups were included under this umbrella term. The second opinion used consistently all three groups present in Italy (Roma / 82, Sinti / 71 and Travellers 68). The third opinion reversed back and used only Roma (133) and Sinti (105).¹⁵ Finally, the fourth opinion systematically replaced the Travellers with an emic appellation “Caminanti”¹⁶ and referred to Roma (164), Sinti (85) and Caminanti (71), which reflects the wishes of Caminanti who refuse to be identified with Roma or Travellers.

From this perspective, the example of Italy demonstrates developments and trends in time as well as different composition of the Advisory Committee, which over time seems to incline towards more progressive sensitivity and specificity reflected in systematic use of ethnic appellations of minority groups. This trend can also be seen in the example of the fourth opinion on Switzerland,¹⁷ where Travellers were replaced by Yenish in a systematic manner, the term which again reflects the wishes and self-appellation of the targeted group. At the same time, the term Yenish can be found solely in opinions on Switzerland.

Regarding the term Travellers, they are also mentioned in opinions on other state parties, for example Slovakia, Spain, the Russian Federation etc. However, these references are all quotations from titles or institution names, such as European Roma and Travellers Forum.

SINTI

The ethnonym Sinti / Sinto follows and the two countries where it is mostly used are Germany and Italy. The term Sinti is present in 15 opinions which in total contain 674 references. It systematically appears in all opinions on Germany with increasing frequency (40 references in the first opinion, 75 in the second, 98 in the third and 130 references in the fourth opinion). In opinions on Italy, Sinti were mentioned in three opinions excluding the first opinion where Sinti had not been mentioned at all. This pattern clearly reflects the geographic presence of Sinti in European countries where Sinti are most present and vocal in Germany and in northern Italy. However, there are also a few references to Sinti in opinions on Netherlands (so far two opinions adopted)

¹⁵ Travellers were mentioned only once in reference to the title of Recommendation CM/Rec(2009)4 of the Committee of Ministers to member States on the education of Roma and Travellers in Europe.

¹⁶ Caminanti historically settled in the Noto Valley in Sicily and their origin is still debated (Sigona, Monasta, 2006: 9).

¹⁷ The Fourth Opinion on Switzerland was adopted in May 2018 and is not published yet and this observation is based on the draft version discussed during the plenary session of the Advisory Committee in May 2018.

with 28 references in the first opinion and 30 references in the second opinion. It has to be mentioned that in the case of Netherlands, the Advisory Committee refers to Roma and Sinti in general and does not address specifically Roma and specifically Sinti communities separately. Furthermore, Sinti are also specifically mentioned in two opinions in Slovenia, where the Advisory Committee emphasised that a small group of Sinti “expressly indicated that they wished to be treated by the authorities as a distinct ethnic group” (different from Roma)¹⁸ and calls on authorities that the “dialogue should also be initiated with the Sinti to consider how to ensure their access to minority rights”.¹⁹ Sinti are also mentioned in opinions on Switzerland, in which predominantly Yenish (and Travellers) are addressed, but in a few instances Sinti are mentioned, as well. There is only one mention of Sinti in the fourth opinion on Austria.

ASHKALI AND EGYPTIANS

Similarly as in the case of Sinti, the references to Egyptians can be found in opinions on those countries where groups of Egyptians are present. The term Egyptians is present in 15 opinions which in total contain 270 references. These groups are most frequently mentioned in cases of Kosovo²⁰ and Albania, with references in Kosovo in all four opinions (16 references in the first opinion, 67 in the second, 49 in the third and 38 in the fourth opinion). Some parts of these references are used in the context of an umbrella term for “Roma, Ashkali and Egyptians” where the text referred to general issues applicable to all of these groups. However, the opinion demonstrates that the Advisory Committee is aware of the fact that this term often used by international community “as RAE” is used for practical reasons and advises avoiding this aggravation if possible “as it may be perceived as a sign of lack of acceptance of the specific identities of the groups concerned”.²¹ Thus, opinions on Kosovo follow this practice and specifically discern when addressing Egyptian communities, Roma, or Ashkali separately. In those cases when generalisations could be used, the opinions also contain Roma, Ashkali and Egyptians. For example in Article three focused on scope of application of the Framework Convention, the AC recommends the authorities treat Egyptians (and Ashkali) separately,²² as it reflects their wishes and self-identification. Furthermore, references to Egyptians are also in opinions on FYROM,²³ where, for example the Advisory Committee notes that “the Egyptians had been dissatisfied with the authorities’ refusal to recognise their separate identity and (they)

18 Second opinion on Slovenia, article 3 of the Convention, paragraph 36.

19 Fourth opinion on Slovenia, article 3 of the Convention, paragraph 17 (as a recommendation).

20 It has to be noted that the AC refers to Kosovo with an asterixed explanation: “All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.”

21 First opinion on Kosovo, article 3 of the Convention, paragraph 27.

22 It has to be mentioned that Authorities of Kosovo made good progress and that “the legislation and other relevant texts ... appear to distinguish between the aforementioned communities. Moreover, the Advisory Committee notes with satisfaction that the Ashkali, Egyptians and Roma are represented as separate communities in the Community Consultative Council” (see more the Second Opinion on Kosovo, Article 3, paragraph 49).

23 All international documents use the term “Former Yugoslav Republic of Macedonia” with the acronym FYROM.

wished to benefit from the protection of the Framework Convention.”²⁴ Egyptians are also mentioned in two opinions on Montenegro, however, always as an umbrella term “Roma and Egyptians” and in this case the opinion and issues do not discern between the two groups, though in some cases they are mentioned in regards to the protection of Internally displaced people (IDPs). This case also applies to two opinions on Serbia, where Egyptians are mentioned rarely and in context of IDPs.

A similar situation is with the frequency of the term Ashkali which can be found in 10 opinions and there are 193 references in total. The vast majority of these references are in four opinions on Kosovo, as has already been mentioned in the above paragraph. Identically as in the case of Egyptians, the term Ashkali is used in general referencing to RAE communities, although there are more instances where the group is addressed separately. There are also rare references to Ashkali in opinions on FYROM, Montenegro and Serbia. However, all of these references are general appellations on Roma, Ashkali and Egyptians.

There are also other endo-ethnonyms or self-appellations which are linked to smaller groups and have ties with specific state parties of the Framework Convention. For example, references to “Boaysh/Beash” are mentioned in opinions on Hungary and Croatia and there are only 9 references in total, most of them linked to their linguistic rights.²⁵ There is only one reference to “Kale/Kalo” in the whole corpus of the opinions and particularly in the Second opinion on Portugal, where the Kalo language is mentioned as spoken by part of the Roma population.²⁶ There are several references to “Caló” in four opinions on Spain and all these references are linked to Caló language and the use of the language of Roma groups in Spain. However, no mention of “Cale/Kale” is made in respect to appellation of Roma groups in Spain. The Advisory Committee systematically uses the term Roma in respect with targeted groups in Spain and in Portugal. There is only one reference to “Manouches” in the Third opinion on Switzerland indicating the Roma groups from France. As France never signed and ratified the Framework Convention, the situation in this country cannot be monitored and analysed. There are also no references to self-appellations such as “Kaale” in Finland or “Romanichal” in the United Kingdom.

HETERONYMS

As it comes to exo-ethnonyms such as “Gypsies”²⁷, “Zigeuner”, “Cigáni”, “Gitanos” and others, the Advisory Committee is strict in using them only in quotations of original sources where these terms are used, for example in citing the titles of government materials or names of institutions. When we look closer to the frequency of the term

24 Second opinion on FYROM, Article 3, paragraph 29.

25 Third opinion on Hungary, Article 10, paragraph 97 or Fourth opinion on Croatia, Article 10, paragraph 59.

26 Second opinion on Portugal, Article 6, paragraph 69.

27 Being aware of the pejorative connotation these terms have, however, any scholar in Romani studies has to admit that these terms have strong significance. In this respect I want to reiterate Plasencia's statement, that “the heteronym “gypsy” is an external construction that, in order to understand the fate of the Romani communities in Europe cannot simply be ignored. Instead “it must be deconstructed and then reconstructed, incorporating into it the various and diverse communities and migrations” (Plasencia, 2004, cited in Sigona, Monasta, 2006: 9).

“Gypsy/Gypsies” we will find that it is used in 33 opinions with 395 references. However, the vast majority of these references (320) are used in four opinions on United Kingdom, where the appellation “Gypsies” was used systematically with the umbrella term “Roma, Gypsies and Travellers” as there are many groups of Gypsies who wished to be called by this name and refuse to be called “Roma or Travellers”. The Advisory Committee respected this wish in its opinions on the United Kingdom and it is reflected in the frequency of the term “Gypsy/Gypsies” in opinions on UK. It is explicitly explained in the fourth opinion on the United Kingdom: “The Advisory Committee also notes that there is often a conflation between policies addressing Gypsies and Travellers, on one hand, and Roma, on the other hand. While the Committee acknowledges that this follows from the use of the notion of racial group to define minorities and from the link between Gypsies and Roma, such an approach does not always allow targeting of the specific needs of each group. The Advisory Committee clarifies that the use, in this Opinion, of the term ‘Gypsies and Travellers’, instead of the more inclusive term ‘Roma’, is motivated by the specificity of the presence of these autochthonous groups in the UK, but it is not the terminology the Advisory Committee generally applies.”²⁸

If the opinions on the United Kingdom are excluded from the list we will find 75 references to “Gypsies” in 29 opinions. Closer analysis of the usage of the term reveals what already has been indicated in the beginning of this paragraph. The Advisory Committee mostly systematically uses the term when citing other sources, for example government reports and official documents. In the first Opinion on Romania the AC called on authorities not to use the term “Gypsies” as the Romanian authorities referred to Gypsies in their state report systematically and even in relation to census data.²⁹ Similarly, the Advisory Committee noted that also the Italian authorities frequently referred to the Roma community in general as “Gypsies” (“Zingari”) or “nomads” (“nomadi”), which was apparent from the headings of several regional laws applying to this Roma and from government documents.³⁰ The relatively high frequency of the term “Gypsies” can also be explained by the reference to the document “Committee of Ministers’ Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe”,³¹ which was quoted quite frequently in the opinions in the first monitoring cycle. Also, there were a few instances when the term was used as part of the word “anti-gypsyism” or “anti-gypsy attitudes”. Thus the frequency of the term “Gypsies” in 29 opinions can be explained by references to other sources (in average 2 or 3 references per opinion) and it is evident that the Advisory Committee has not used this term as an appellation to any of the groups. However, there is one exception in the case of the first opinion on Hungary, where 15 references to “Gypsies” were found throughout the text. The Advisory Committee in this specific case used the term “Roma/Gypsy minority” systematically throughout the text, for instance “The Advisory Committee is concerned that in Hungarian society today the Roma/Gypsy identity is surrounded by negative perceptions”³² or “the Advisory Committee is obliged to draw attention to the extremely difficult social-economic circumstances of the Roma/Gypsy

28 Fourth opinion on the United Kingdom, Art. 3, paragraph 16.

29 See for example the first Opinion on Romania, Article 3, paragraph 21.

30 First Opinion on Italy, Article 5, paragraph 34.

31 Committee of Ministers’ Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe: <http://www.crin.org/en/library/legal-database/council-europe-recommendation-no-r-2000-4-education-roma-gypsy-children>, visited on August 29, 2018.

32 First opinion on Hungary, Article 5, paragraph 21.

minority in Hungary.”³³ This exception can be explained, in my view, by the fact that in 2000, when this specific opinion was adopted the general sensitivity was not so well rooted and the term “Roma/Gypsies” was more frequently used also by various European institutions, which is demonstrated for instance by the document *Committee of Ministers’ Recommendation (2000) 4 on the education of Roma/Gypsy children in Europe*. However, it still has to be emphasised, that the First Opinion on Hungary is the only exception and all other opinions in the first cycle systematically used appellations convenient for the respective groups. Comparison of different monitoring cycles demonstrates also another interesting fact regarding the use of the term “Gypsies”. Again, excluding the opinions on the United Kingdom, from 29 opinions which included a reference to “Gypsy/Gypsies”, 24 of them were opinions written in the first monitoring cycle predominantly during the years 2000–2004. References to “Gypsy/Gypsies” in later monitoring cycles were documented only in four opinions. It demonstrates, in my point of view, that the Advisory Committee avoids using heteronyms, even in the situations where they could refer to original sources which might contain derogatory terminology.

THE RIGHT TO FREE SELF-IDENTIFICATION

Advisory Committee considers the right to free self-identification to be the cornerstone of minority rights and the practice of using group and minority names in its documents demonstrates it. In Article 3 of the Framework Convention it is indicated, that “every person belonging to a national minority shall have the right freely to choose to be treated or not to be treated as such...”³⁴ As explained in the Thematic Commentary No. 4 on The Scope of Application of the Framework Convention, “free” means an individual and informed decision to take advantage of the protection of the Framework Convention and thus, every person should have the guaranteed right to identify freely as a member of a specific group, or to choose not to do so. In this context, however, this individual choice should not be fully arbitrary but must exist in connection to some objective criteria.³⁵

“The Advisory Committee has intentionally refrained from interpreting what such objective criteria may be, as [...] they must only be reviewed vis-a-vis the individual’s subjective choice. Thus, objective criteria do not constitute elements of a definition. Self-identification begins with the free decision of the individual which, if no justification exists to the contrary, is to be the basis of any personal identification.”³⁶

³³ Ibid. Article 15, paragraph 54.

³⁴ Framework Convention, Article 3(1): “Every person belonging to a national minority shall have the right to freely choose to be treated or not to be treated as such and no disadvantage shall result from this choice or from the exercise of the rights which are connected to that choice.”

³⁵ Thematic Commentary No. 4 on The Scope of Application of the Framework Convention for the Protection of National Minorities, paragraph 9, p. 6.

³⁶ Ibid. Paragraph 10, p. 6. It further specifies that “in the view of the Advisory Committee, a person’s free self-identification may only be questioned in rare cases, such as when it is not based on good faith. Identification with a national minority that is motivated solely by the wish to gain particular advantages or benefits, for instance, may run counter to the principles and purposes of the Framework Convention, in particular if such action diminishes the intended benefits and rights available to persons belonging to national minorities”.

This principle is clearly reflected in the opinions of the Advisory Committee and specifically, in the way, how these texts refer to various groups of Roma and Travellers. For example, in the 2nd Opinion on Albania, the AC committee recommends Albanian authorities to strictly respect the wishes of the Egyptian community to be recognised as an ethnic group distinct from Roma (paragraph 43) and that they must not be treated as members of Roma community. Similarly, in the first opinion on Kosovo, the Advisory Committee states:

“There are, however, various disagreements and inconsistencies as regards the endorsement of the specific identity of certain communities. This applies in particular to the Egyptian community, which is often treated by the authorities as part of the Roma and/or Ashkali community. Similarly, the Ashkali are often treated together with the Roma, which does not reflect the self-identification practices amongst the Ashkali. Representatives of the international community often refer to the aforementioned groups together as “RAE communities”. While understanding that this term has been devised merely for practical reasons, to facilitate the task of referencing, the Advisory Committee considers that such a designation should be avoided as it may be perceived as a sign of lack of acceptance of the specific identities of the groups concerned.”³⁷

In this context, the position of the Advisory Committee for the Framework Convention for the Protection of National Minorities that a person’s identification must be based on free self-identification, unless there is a valid justification for not doing so, is reflected in most of its opinions, as demonstrated in this article. However, one must remember that members of minorities as such are not writing these opinions and the documents are written by individuals who are positioned as experts. To reflect Pierre Bourdieu (1991), this fact clearly places them in a concrete position in the power hierarchies in this specific “field”. Moreover, as this paper describes, Roma (sub)groups are not socially homogenous even in contexts of individual state parties and in every case there are better positioned individuals (the AC’s interlocutors) who have various interests and motivations regarding the groups’ naming and classification either in national context or at the European level. Therefore, some degree of social and political power behind labelling of Roma groups could be present and manifested in the stage of drafting and adopting the opinions of the Advisory Committee of the Framework Convention for the Protection of National Minorities.

CONCLUDING REMARKS

Opinions of the Framework Convention for the Protection of National Minorities (FCNM) describe the situation of all national minorities in all State parties of the FCNM and offer recommendations to authorities for improving the situation. From 140 opinions on 39 countries who ratified the Framework Convention, Roma (or any other group related group) were not mentioned at all only in opinions on Malta and Lichtenstein, and Roma were mentioned only once in San Marino opinions. Regarding countries in Caucasus – Armenia, Azerbaijan and Georgia a few references to Roma were made with a brief reference to Lom minority.

³⁷ First Opinion on Kosovo, Article 3, paragraph 27.

From the above analysis it is clear that the Advisory Committee never used in its opinions the term “Roma and Travellers” as an umbrella term encompassing all groups that might be relevant. Instead, it is evident that AC prefers to use an umbrella term “Roma”, which is used mostly in general circumstances where specificity is not possible and not necessary, for example in titles of chapters and subchapters in opinions. However, only in those opinions where the term “Roma” refers to groups which are predominantly recognised as Roma and identified as Roma, for instance countries of Central and Eastern Europe and Balkan and those instances where there are more groups and some of them not familiar with the appellation Roma, the Advisory Committee follows the pattern of naming them specifically even in general circumstances. The practice of the Advisory Committee follows the specificity of groups addressed and generalisations potentially misleading and confusing are avoided.

The most frequently used term is “Roma” which is present in the vast majority of published opinions. Following a logical pattern, there are more references and not only of general character in countries with a large population of groups identified as Roma. These countries can be divided into four geographical groups, specifically countries of Eastern and Central Europe, namely Ukraine, Poland, Slovakia, the Russian Federation, Moldova, Hungary and the Czech Republic, secondly Balkan and former Yugoslavia countries like Romania, Slovenia, Serbia, Montenegro, Kosovo, FYROM, Croatia, Bosnia and Herzegovina and Albania. The third group consists of Nordic and Baltic countries Sweden, Norway, Lithuania, Latvia, Finland, Estonia and Denmark. The fourth group of is made up of countries of Western and South Europe, such as Spain, Portugal, Netherlands, Italy, Germany, Cyprus and Austria. However, in cases where there are also other groups who rather identify differently than Roma, the Advisory Committee mentions them separately along with Roma, specifically Sinti in Germany, Italy, Netherlands and Slovenia; Egyptians in Albania, FYROM, Kosovo and Montenegro; Ashkali in Kosovo; Beash/Boyash in Croatia and Hungary, or Caminanti in Italy.

Then there are countries where Roma are not predominant groups and the AC opinions refer to other groups, as is evident in the case of Ireland and the UK with Travellers, or in case of Switzerland with Yenish and Travellers. Also in these countries there are trends in practice of the AC to refer specifically to a group which is discussed, either Irish Travellers, or Roma. It needs to be emphasised that in case of UK and Ireland the AC referred to Roma mostly in cases when addressing migrant Roma groups from Eastern and Central Europe.

Then there were countries where the Roma groups use also other endo-ethnonyms, however, these were not reflected in the AC opinions, for example Kaale in Finland were addressed as “Roma”, or similarly Romanichal in the UK. In case of Spain and Portugal the AC used predominantly the appellation “Roma” and only in rare case “Cale” or “Kale” were mentioned, mostly in linguistic contexts. In this context, the AC should be focused more in their monitoring visits to discuss the wish and use of these appellations with local interlocutors and minority representatives.

In general, as is demonstrated in this paper, the variation of ethnonyms used for minority groups’ appellations reflects the practice of the Advisory Committee on the Framework Convention for the Protection of National Minorities, which follows principles of a person’s free self-identification.

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