

# **Autochthony, Identity, and the "Belonging" Equation'**

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*– This is a draft paper and feedback is warmly welcomed –*

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## **Abstract**

During the near decade between Slovenia's entry into the European Union in 2004 and Croatia's in 2013, conversations on minority populations and rights in South and Central Eastern Europe took on a far larger scope than they had previously. Europe's quickly expanding borders and the presence of myriad diverse identities set against the political backdrop of the post-Cold War era and the start of the 21<sup>st</sup> century required adaptations to older structures to ensure the inclusion of these newly entered states. Now, twenty years after the first large expansion, the question of the success of these measures remains, especially as they pertain to minority experiences. To gauge this success, I will explore the relationship between autochthony – as a political concept – identity validation – as a social experience – and “belonging,” in the specific experiences of Roma populations within three Balkan states: Slovenia, Croatia, and Romania. This paper will deconstruct the individual elements in the relationship between autochthony, identity, and belonging to establish the connection between them that I have termed the Belonging equation. By combining a discussion on minority policy and infrastructure with an analysis of the European Commission's Civil Society Monitoring Reports on the contemporary problems faced by these Roma populations, I will explore the ways a failure in autochthony and/or identity will inevitably result in a lack of membership and a status of “unbelonging.”

In the twenty years that have followed the 2004 European Union (EU) expansion, there have been many questions about the success of this initiative, especially with the possibility of further expansion in the immediate years to come. As success remains something far more ephemeral than tangible, measuring such a qualification is difficult, therefore I have chosen to explore the “success” of the first large expansion of the EU through the lens of minority inclusion and rights. Leaning on the precedent set by policy such as the Framework Convention for the Protection of National Minorities, the EU Action Plan Against Racism 2020-2025, and the first and second EU Roma Strategic Frameworks for equality, inclusion, and participation (2011-2020 and 2022-2030), as well as the focus on human rights and protections that is required of all new EU members during their accession process, I believe an analysis of minority rights and their sense of belonging in the EU to be a fair investigation into the “success” of the EU since 2004. Clearly, based on the preexisting policy and frameworks structures, these topics remain at the forefront of EU discussions. More specifically, in this paper I will explore the socio-political belonging of Roma communities in three member states – Slovenia, Croatia, and Romania – to investigate the success of inclusion, enlargement, and ‘being’ European. To start this conversation, I understood belonging as a “fluid and ephemeral connection” that is a fundamental need for all people, and it has been connected to conversations on biology, society, and world events in recent years.<sup>1</sup> One recent study has suggested belonging draws from a combination of competencies, opportunities, perceptions, and motivations, that when merged result in a sense of belonging from within social, cultural, environmental, and temporal contexts/experiences; this description advances earlier discussions by integrating several areas in which belonging is felt to describe an overarching sense of membership.<sup>2</sup>

For the purposes of this analysis, I take a further nuanced definition of belonging that relates directly to the politics of belonging. Described by Nira Yuval-Davis as the concern with “specific political projects aimed at constructing belonging in particular ways to particular collectives that are, at the same time, themselves being constructed by these projects in very particular ways,” the politics of belonging deals in the isolation of those who, through policy and social structure, do not have membership versus those who do.<sup>3</sup> In other words, the politics of belonging focuses on the structures and control devices that determine boundaries of belonging and acceptance at the socio-political level. These boundaries, or borders, are the processes through which we define “us” and “them” descriptions, or more specifically how we define

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<sup>1</sup> Kelly-Ann Allen, Margaret L. Kern, Christopher S. Rozek, Dennis McInerney, George M. Slavich, "Belonging: A Review of Conceptual Issues, an Integrative Framework, and Directions for Future Research," *Aust J Psychol* 73 no. 1. 2021.

<sup>2</sup> Ibid.

<sup>3</sup> Ann-Dorte Christensen, "Belonging and Unbelonging from an Intersectional Perspective," *Gender, Technology and Development*, 13 no. 1 2009: pg. 23.

“otherness,” making the politics of belonging a type of “boundary maintenance.”<sup>4</sup> This definition is then apt for a conversation on the ways that minorities might experience socio-political acceptance and validation. I have then used this concept of belonging to theorize a relationship between political representation and social validation that would lead to such socio-political belonging as is discussed above. Using a combination of this belonging relationship and data from several European Commission’s Civil Society Monitoring Reports on the contemporary problems faced by Roma populations, I seek to answer the question: What does the socio-political belonging of Roma in three member states tell us about the success of EU integration actions?

### **Section I: Pieces of the Belonging Relationship –**

To begin, I will take some time to first explain the belonging relationship. I argue that this relationship looks at political representation and social validation through two concepts: autochthony, a term I have chosen for its consistent use in policy and legal language, and identity, specifically social identity and external perception. When a community benefits from autochthonous, or similarly protected, representation, rights, and access to political structures, while also possessing an identity and Identity Category<sup>5</sup> that is socially validated and internally accepted, then that community will succeed in gaining socio-political belonging. This equation relies on the existence of both aspects, as without either autochthony-coded representation or social identity validation, the community in question does not belong, and may in fact “unbelong,” a term that I use to describe individuals and groups who find their access to a state of belonging restricted and are forbidden from gaining the membership, even when they may otherwise fulfill the requirements of the belonging relationship.<sup>6</sup>

Politically, autochthony can often refer to those communities who have ethno-cultural connections to another country and who are protected by the mutually beneficial relationship between that country and their country of birth or residence, or those with “long-standing ties to the territory and existing political presence.”<sup>7</sup> The word *autochthon* comes from the combination of the Greek word for “earth” or “ground/soil” and “auto” meaning “same,” and first appeared in Herodotus’ writings where it was used to describe the native and indigenous peoples of several Greek regions. Even at this early stage it was not only a historical-ethnographic description, but also a political value-term, and by the time of Aristotle, it

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<sup>4</sup> Nira Yuval-Davis, “Intersectionality, Citizenship and Contemporary Politics of Belonging,” *Critical Review of International Social and Political Philosophy*, 10 no. 4 2007: pg. 563.

<sup>5</sup> I refer to identity as a social construct and Identity Categories as the mechanisms of legitimizing this construct.

<sup>6</sup> In essence “not belonging” references the fact that we cannot belong everywhere and our memberships are based on where we do fit, but “unbelonging” is being restricted or forbidden from accessing a membership.

<sup>7</sup> Zevnik and Russell, “Asymmetric Representation,” pg. 59.

was being used in political debates and policy decisions.<sup>8</sup> This mix of mythos and historical genealogy paved the way for autochthony to take on a “sort of primordial form of belonging” that began to in turn rival, support, and join with concepts of citizenship and nationality, marking the start of autochthony’s evolution.<sup>9</sup> Contemporarily, autochthony refers to anything from indigeneity to nationality to a long-term, provable presence in a land or territory. Over the past several decades, many countries and states have also used autochthony in discussions on immigration, and modern and contemporary minority rights frameworks frequently utilize autochthony in their design. Now, autochthony comes more from its political categorization rather than its meaning as a degree of indigeneity, nationality, or ethnic nativeness. Autochthony as a policy element is relevant not only to those seeking representation in their home country, but also for individuals and groups living outside of their home country, making it an integral piece of the conversations surrounding minority and immigrant rights.

Second, and socially, identities are not fully realized until an external body, typically the majority voices, recognizes and validates the identity as it has been defined. It is not enough to construct an identity internally or within a group; it must also be *known* by those outside of it.<sup>10</sup> Social Identity Theory (SIT) provides us with a clear explanation for the role that internal *and* external forces have on the development of identity, viewing these developments specifically through the process of learning by experiencing. SIT argues that group and intergroup behaviors, especially negative ones, are maintained on the basis of perceived status differences.<sup>11</sup> SIT also notes a level of positive categorization where individuals self-categorize in order to control our self-definition; once again, by conceptualizing these categories we are able to define ourselves by characterizing what we are as much as what we are not. This categorization is validated through social comparisons – we measure ourselves against others within and without the group to solidify our sense of self – and then finally legitimized by developing concrete appellations for that

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<sup>8</sup> The most famous example is in the case of the Athenians, where their autochthony was ultimately defined as a combination of mythical descendancy from an earthborn and a human, and their historical claim as having continually lived on the land without emigrating, a meaning that was also used politically, as in the creation of Pericles’ Citizenship Law during the 4<sup>th</sup> century. Josine H. Blok, “Gentrifying Genealogy: On the Genesis of the Athenian Autochthony Myth,” In U. Dill & C. Walde ed., *Antike Mythen* (pp. 251-275). (De Gruyter: Berlin, New York, 2009).

<sup>9</sup> Peter Geschiere, “Autochthony, Citizenship, and Exclusion - Paradoxes in the Politics of Belonging in Africa and Europe,” *Indiana Journal of Global Legal Studies* 18, no. 1 (2011) pg. 322.

<sup>10</sup> In using this term “know” I am referencing Michel Foucault’s arguments on the knowledge/power/discourse relationship and the power-pleasure spiral. what we know determines what we talk about and whoever understands that relationship can then control the meaning and importance of things. Michel Foucault, *Discipline and Punish: The Birth of the Prison* (New York: Pantheon Books, 1977), pg. 191; Foucault, *The History of Sexuality*, pg. 35-45.

<sup>11</sup> Henri Tajfel and John C. Turner built this theory out of their work in the 1970s that focused on the way people’s self-understanding is based on social groups and memberships, specifically the positive feelings and self-esteem that is associated with these relationships. Henri Tajfel and John C. Turner, “An Integrative Theory of Intergroup Conflict,” in W. G. Austin and S. Worchel (eds.), *The Social Psychology of Intergroup Relations* (Monterey, Calif.: Brooks/Cole, 1979). 33-47.

identity. According to SIT, these concepts of identity, and the steps required for actualization, create the boundaries and corresponding sense of membership that we have within society.<sup>12</sup>

When not exploring the positive ways that we understand ourselves (through membership and acceptance), identity theories also discuss the negative (lack of membership and acceptance) experiences of those suffering identity-based oppression. The issues of membership can often be distilled to the breakdown between positive and negative identity associations. When we first categorize it is in order to control and develop a clear image of an identity and existence so that we might adopt something we belong to. We next compare ourselves to that group to maintain our concept of self-esteem and sense of self, continuing to update our “categories” to ensure our personal identity – as well as those that we ascribe to others – remains the most up to date.<sup>13</sup> As Leonie Huddy noted, “it is the meaning of...identity, not its existence, that determines its political consequences,” an argument that succinctly supports my claim that political representation (autochthony), identity validation (social identity), and belonging are intrinsically linked.<sup>14</sup>

## **Section II: Three Examples: Roma “Belonging” in the Balkans –**

I will here briefly return to belonging as the final piece of the relationship before discussing the case examples. Belonging, referring to something constructed that speaks of membership, acceptance, and validation, is built through a reliance on the narratives that Identity Categories provide and is enshrined in existing policy structures. From a psychological perspective, belonging speaks to a sense of yearning for a shared connection. It is an explicit and tacet acknowledgement of experiences, history, culture, tradition, opinion, etc., that helps us understand ourselves in space; defining the places, interactions, and people with whom we feel we share something intrinsic to our identity further legitimizes that identity.<sup>15</sup> Minority belonging, and the adjacent conversations on the role of multiculturalism in diverse community membership, usually falls into the realm of social integration or inclusion, and the political

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<sup>12</sup> Henri Tajfel and John C. Turner, “An Integrative Theory.”

<sup>13</sup> Mihai Surdu, *Those Who Count: Expert Practices of Roma Classification* (Budapest; New York: Central European University Press, 2016).

<sup>14</sup> Leonie Huddy, "From Social to Political Identity: A Critical Examination of Social Identity Theory," *Political Psychology* 22, no. 1 (2001) pg. 134.

<sup>15</sup> Definition drawn from: Anthony Cohen, "Belonging: The Experience of Culture," in A.P. Cohen ed. *Symbolising Boundaries: Identity and Diversity in British Cultures* pp 1-17 (Manchester: Manchester University Press, 1986): pg. 2.

characterizations of national or ethnic minority/community.<sup>16</sup> In theory, when a minority's identity is successfully recognized and validated, *and* they fall under a definition of autochthony in politics – either as native/indigenous populations or as groups with a homeland that is willing and able to support them in other territories (reciprocal relationship) – the result should be a realized belonging in both society and in policy (i.e. access to rights, representation, and acceptance in the socio-political structure). With these distinctions in mind, in the follow section I will apply the elements of the belonging relationship to the socio-political membership of Roma in Slovenia, Croatia, and Romania to example ways that a minority can experience unbelonging as a result of an incomplete social and political membership.

These states were chosen for several key reasons, most importantly that their status as EU Member States ensured comparability and similar recent history, and that their Roma population numbers relative to total population indicated a prominence of Roma communities. The decision to focus on European Roma communities was also based on similar metrics. Described by the European Commission and Parliaments as Europe's largest minority with between ten and twelve million living in Europe, and around 6 million of those within the EU, the Roma are the focus of multiple framework structures and policy programmes, which is indicative of how the EU, its institutions, and its member states view the communities.<sup>17</sup> The population of Roma in these three countries include some of the largest per state in the EU per official statistics, and with these states joined the EU within the last twenty years and Romania's shared geographic proximity to countries like Moldova, Ukraine, and Georgia, looking at the Roma in these three countries can provide a baseline of their socio-political experiences while also outlining a way to discuss other minority groups' sense of belonging throughout Europe.

#### *Slovenian Roma:*

In Slovenia the difference between autochthonous and non-autochthonous can be explained as the difference between an individual being an inhabitant of a place that is indigenous or connected to the nation state as compared to those without a nationality or nation. Because of this, the Roma in only twenty out of 212 Slovenian municipalities have been recognized as autochthonous, which is the requirement for seats in municipal councils.<sup>18</sup> Rights are only guaranteed to the autochthonous members of society, and the Roma identity is considered not a national minority, but rather a special community,<sup>19</sup>

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<sup>16</sup> Clayton Chin, "The Concept of Belonging: Critical, Normative and Multicultural" *Ethnicities* 19, no. 5 (2019): 715–39.

<sup>17</sup> Referenced from the website for the European Commission.

<sup>18</sup> Large urban areas with sizeable Roma populations, such as Ljubljana, Maribor, Skocjan, and Ribnica, are not included in these twenty municipalities. *European Commission, ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>19</sup> This distinction returns to the Slovenian Constitution from 1991.

meaning only those residents of the twenty municipalities are considered autochthonous.<sup>20</sup> The 1991 Slovenian Constitution named three minority communities, Italian, Hungarian, and Roma, but according to Article 64<sup>21</sup> of the Constitution, “autochthonous” refers only to Italian and Hungarian populations in the state.<sup>22</sup> It is specifically the concepts of “long-standing,” national community, and special community that presents problems in determining which other minorities are given special rights status in the country. Minority, ethnic minority, and special community all refer to a population existing within a community that differs, potentially on the basis of ethnic identity, from the majority and in-power group<sup>23</sup>, while a national community is the legal term for those ethnic groups with reserved and protected rights<sup>24</sup>. In Slovenia, Italians and Hungarians constitute a national community, Roma are considered a special community, and members of former Yugoslavia and other Balkan states are not viewed as recognized minorities at all.<sup>25</sup>

Because of this, the Roma in Slovenia have a sort of half-autochthony that grants a specific portion of them (those who can claim autochthony by proving consistent residence/presence for one hundred years) special rights in the municipalities where they are “prominent”.<sup>26</sup> The state’s definition of autochthony is

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<sup>20</sup> Though the Roma Community Act of 2007 includes Roma in the management of public affairs at the local level, it only pertains to autochthonous community members, resulting in a reliance on an arbitrary distinction of families who have resided in the country consistently for the past 100 years. European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>21</sup> Article 64 of the Constitution looks at the details of minority representation and rights reserved for autochthonous Italian and Hungarian communities, from reserved representation to veto power to cultural identity protections. Article 65 states in more general terms the protected rights for the Roma population, noting that these rights will be laid out and protected in another piece of legislature. The exact, and total, wording of Article 65 is as follows: “The status and special rights of the Romany community living in Slovenia shall be regulated by law.” European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>22</sup> The “autochthonous” Roma are individuals and families who can show their ancestry dates back to at least one hundred years spent in Slovenia. This is an arbitrary definition that serves to make marginalization easier as it seems to only affect the Roma populations. Unfortunately, given that there is no legal definition for autochthonous used in Slovenia’s Constitution, there is no real precedent for pushing back against this meaning. When the Constitution was drafted the prevailing argument was that Roma were underdeveloped compared to Italians and Hungarians, meaning they wouldn’t be able to utilize the full spectrum of ethnic/special minority rights they might otherwise be guaranteed, so, why bother giving them any. Instead, the idea was floated that once the Roma community had time to establish itself (re: integrate) the decision to allow them partial special rights would be revisited and adjusted to total rights. European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>23</sup> Constitution of the Republic of Slovenia (1991), RS 33, Articles 64 and 65.

<sup>24</sup> Right from the start the use of “national community” and “national minority” were used to solidify a distinction between Italian and Hungarian populations and other groups in the state. “About the Office for National Minorities,” *Republic of Slovenia Government*, <https://www.gov.si/en/state-authorities/government-offices/government-office-for-national-minorities/about-the-office-of-the-government-for-national-minorities/>.

<sup>25</sup> Article 64 makes clear the protected rights of Italian and Hungarian minorities in the state, while the *Roma Community Act* of 2007 fills in some of the space left by Articles 65 regarding Roma rights. These three groups are the only named and recognized minorities. European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>26</sup> Put differently, the 20 municipalities where Roma have been recognized as autochthonous are the only ones out of the full 212 who are guaranteed seats on the municipal council and who can avail of the provisions laid out in the 2007 Roma Community Act.



confusingly entwined with the relationship between Slovenia and Italy/Hungary, so only Italians and Hungarians are noted as fully recognized ethnic minorities, while Roma are a special minority, and other Balkan states are not recognized at all. This is all despite the fact that during the last Slovenian census that collected data on ethnic identity (2002) the final numbers showed Italians and Hungarians combined made up only about .4% of the total population, while Croats were 1.8%, Serbs were 2%, Muslims were 1.6%,<sup>27</sup> and Roma were *estimated* at .4%.<sup>28</sup> In terms of the policy that is allocated to recognized ethnic minorities, while Italians and Hungarians have the power of the veto (ability to veto laws that directly affect them but that they might not have had a hand in drafting), Roma as a whole are unable to utilize this right, despite a clear number of them qualifying as autochthonous.

The external validation of the Roma identity in Slovenia is *not* a positive one, nor does it necessarily reflect the ways Slovenian Roma wish to be identified, highlighting a disconnect between the internal and external construction of their identity. Taking the stance that identity is a social construct<sup>29</sup> it is then understandable why the loudest, most prominent voices would hold so much power over the social validation or development of an identity. When reviewing the Civil Monitor Reports, designed to take stock of how well the EU's First Strategic Framework for Roma Integration – 2011-2020 was working, the statistics and interviews they conducted show a clear consistent trend in anti-Roma sentiment across the social sector. Access to suitable living accommodations, health care services, education opportunities, and work is severely limited if available at all, and the statistics show a strong majority (usually in the 90<sup>th</sup> percentile) of Roma experience difficulty or outright hostility when attempting to utilize their rights as a special minority and a member of the community. Despite the lack of conversation on antigypsyism in Slovenia, instances of discrimination are plentiful, and while hate speech, prejudice, and stereotypes are still very present, there are no initiatives to address this specific form of racism.<sup>30</sup> Every individual spoken to in the course of the first Monitoring Report in 2019 stated they were a victim of systemic

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<sup>27</sup> This number was combined with "Ethnic Bosniaks."

<sup>28</sup> In terms of numbers, Croats numbered at 35,602, Serbs at 38,964, Muslims at 32,009, and Roma between 10 and 12,000, though general estimates agree on 8,500, while Italians and Hungarian combined numbered at 8,501. European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>29</sup> My claim that identity is a social construct does not say identity as we experience it internally does not exist, merely it suggests that the way it is interpreted – as related to something intrinsic within us that is witnessed in blood and results in foundational truths – is more representative of society's desire to classify than it is to the actual shared connections individuals make throughout life.

<sup>30</sup> Important to note – there is a general consensus among non-Roma communities that the Roma do face difficulties and negative external opinion, but there is no acknowledgement that these actions stem from targeted responses to the Roma identity itself; by arguing that the Roma populations are discriminated against because of things like their frequent stealing, "delinquency," or general untrustworthiness, non-Roma Slovenian society is making the same argument that edicts in the larger region did from the 16<sup>th</sup> and 17<sup>th</sup> centuries: the Roma identity is a choice and if they don't want to face those struggles, they need to change something about themselves, rather than the truth, which is that the disenfranchisement from non-Roma communities that Roma face on a daily basis restricts and impedes their ability to change anything about their situation.

discrimination in at least one instance, and they further pointed out that the legal structure of bringing forward claims of discrimination to court highlighted that there was little cooperation between civil society, ministry of justice, and the ministry of internal affairs.<sup>31</sup> Law enforcement regularly over-police Roma populations, cases brought forward are generally swept under the rug, and several times Roma families and communities have been put in danger by these systems.<sup>32</sup> Furthermore, the measurable rise in reported hate speech against Roma and the limited use by Roma of the Protection against Discrimination Act shows a dangerous relationship between increasing hate and stagnating legal responses.

The identity of Roma in Slovenia has been seriously impacted by outside voices, especially the autochthonous Slovenians as they have the platforms to share ideas, the government seats to influence policy, access to the legal structure to enact change, and a primary historic role in developing and maintaining the stereotypes used in constructing the Roma identity. Augmenting this problem is Slovenia's decision to not collect ethnically disaggregated data – the most recent “official” statistics on Roma numbers are from the 2002 census (the last one conducted in traditional long-form before they switched to the register-based method) and while the number of individuals who self-identified as Roma came in at 3,246, official estimates at the same time put the number between 7 and 12 thousand, indicating a gap that is far too wide for an acceptable margin of error.<sup>33</sup> The Slovenian Roma identity has historically been drawn from stereotypes and negative external opinions/experiences, and the contemporary lack of accurate data and official statistical information has created a Roma identity that is neither formally accepted/acknowledged by non-Roma voices, nor considered accurately representative by Roma communities themselves.

#### *Croatian Roma:*

Politically, Croatian Roma occupy a space of in-betweens that is positioned between vocal national representation and limited availability for local participation. Croatia's governing structure makes space for ethnic minorities and special minorities, and they certainly recognize more than Slovenia does. Of the current 151 MPs in Croatia's parliament, eight individuals represent the combined twenty-two national minorities, but the representation of the twenty-two are not evenly distributed amongst the eight

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<sup>31</sup> European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>32</sup> European Commission, *ECRI Civil Monitor Report – Slovenia*, 2019.

<sup>33</sup> The 2004 Personal Data Protection Act states that personal information on ethnic or national affiliation should not be collected in public record by government bodies, but there are several ways they could legally argue to collect this data – the EU's GDPR regulations allow for collection of this data as long as it is taken away from the data that formally identifies who each person is and the Covenant on Economic, Social, and Cultural Rights allows for data to document discrimination on the grounds of race and color. European Commission, *ECRI Civil Monitor Report – Slovenia*, 2020.

representatives.<sup>34</sup> One individual, Veljko Kajtazi, a member of the Croatian Roma community, represents Austrian, Bulgarian, German, Jewish, Polish, Roma, Romanian, Ruthenian, Russian, Turkish, Ukrainian, and Vallachian national minorities.<sup>35</sup> On the one hand, the access to national representation shows that Croatia's Roma population has recognition on an autochthonous or special rights stage, and the fact that the MP for the group that includes the Roma has been themselves a member of the Roma community since the 2007 election highlights that political representation on a national level is a thing the Roma have fought strongly for. On the other hand, it is impossible to ignore that one individual is expected to represent twelve of the twenty-two national minorities, while the remaining ten communities are spread across seven politicians, with some minority groups benefitting from multiple representatives.

This representation also connects to an understanding of autochthony and how Croatia defines it in the case of their Roma populations. Generally, there were three main chronological waves of Roma entering into Croatia - first are those viewed as autochthonous to the land who can therefore claim familial citizenship and full representation as part of the national minority, then, those who moved into the country sometime in the last two or three centuries from other areas of Southeast and South-central Europe,<sup>36</sup> and third, those who arrived in the past few decades either fleeing conflicts or taking advantage of the easier movement across European member state borders.<sup>37</sup> In Croatia, accepted recognition into a national minority requires both Croatian citizenship and official registration of the minority community, a slightly cyclical process because only those who can first meet citizenship requirements (geographic residency and autochthonous status) can put their minority community forward for official registration (political autochthony).<sup>38</sup> The communities of Roma in Croatia are distinct from each other, but the current structure only recognizes one of them for national minority rights, the needs of that community are not

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<sup>34</sup> European Commission, *Civil Society Monitoring Report on Implementation of the National Roma Integration Strategy in Croatia*, Brussels: EU, 2018.

<sup>35</sup> There is also one MP for Czech and Slovakian representation, one for Hungarian, one for Italian, three for Serbian, and one for the joint Albanian, Bosnian, Macedonian, Montenegrin, and Slovenian (Balkan groups). Statistically, the official number of Roma in Croatia per the 2011 census was 16,975, or .4% of the overall population, but more recent data projects have estimated this number is actually closer to 25 or 30,000 – the 2021 census results show 17,980 or .46% of the population. Comparatively, the official number puts the Roma as the third largest minority after Serbs and Bosniaks, though the corresponding contemporary estimates would make Roma the second largest minority. National Minority MPs, Croatian Parliamentary Website.

<sup>36</sup> Some of this movement coincided with larger events like the abolition of slavery in Romania. European Commission, *ECRI Civil Monitor Report – Croatia*, 2018.

<sup>37</sup> As these last two groups settled in the country more recently, it is more likely that they are unable to avail of the national minority status and the promised political access. *Minorities and Indigenous Peoples in Croatia*, Minority Rights Group International. Croatian constitutional law contains no formal definition of “autochthonous” to be used in these situations, however the language does liken it to “indigenous” and “native,” implying, if not directly stating, that the quality is not simply attained, but relies on birthplace and home state, meaning only those Roma from the first chronological group can be a part of the autochthonously-recognized national minority group. Andreja Zevnik and Andrew Russell, "The Problem of Asymmetric Representation: The Marginalization, Racialization, and Deservedness of Roma in Slovenia," *Political Studies Association* 43, no. 1 (2023): pg. 123.

<sup>38</sup> *Ibid.*, pg. 59.

necessarily the same as the others, *and* the “national representation” is one individual representing eleven other minorities as well.<sup>39</sup>

This external opinion of homogeneity complicates the social validation of the Croatian Roma identity, leading to consistent experiences of discrimination and antigypsyism. Per the Civil Monitor Reports from 2018-2020, one in five Roma in Croatia have been discriminated against in the last five years with a majority (68%) of those who faced such experiences not taking any action, believing that to do so would either make *no* difference or would actually make it worse.<sup>40</sup> These experiences of discrimination occur in all levels of society, with many reporting feeling policed in public and social spaces, others being targeted by welfare authorities and police in other situations,<sup>41</sup> and continuing problems of education and residential segregation.<sup>42</sup> The percentage of Roma who are at risk of poverty is well over a simple majority (93%), many report cases of blatant discrimination during employment or job seeking, and there continue to be concerns that the discrimination Roma face is not being reported by the victims. Finally, the role of the media, especially in the digital space, is quickly growing, with a notable rise in witnessed and reported hate speech illustrated in the reports. It is clear that negative opinions tied to stereotypes and biases continue to contribute to the accepted Roma identity, with the reports making sure to note that for those Roma who do not fit the stereotypical visual description of Roma, there are more opportunities and acceptance offered because they are able to hide the fact that they are Roma.

There is a descriptive nature of the Roma identity that has a proscriptive political version as well, further exploring some of the consequences that come with limited and bounded autochthony. The process of

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<sup>39</sup> The Croatian Constitution describes the following: “autochthonous national minorities: Serbs, Czechs, Slovaks, Italians, Hungarians, Jews, Germans, Austrians, Ukrainians, Rusyns, Bosniaks, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Poles, Roma, Romanians, Turks, Vlachs, Albanians and the others who are citizens, and who are guaranteed equality with citizens of Croatian nationality and the realization of national rights in accordance with the democratic norms of the United Nations Organization and the countries of the free world.” Presumably, those members of the recognized autochthonous Roma community would represent the needs of the other groups, but this is not guaranteed and sometimes makes little sense. For example, the autochthonous population of Roma in the state make up roughly 20% of the total Roma population while the second wave of Roma, especially those whose ancestors came from Romania (the Boyashe) make up about 80% of the total Roma population, but only one Romanes language is offered in schools to teach children and it isn’t the one spoken by the Boyash majority. European Commission, *ECRI Civil Monitor Report – Croatia*, 2018.

<sup>40</sup> European Commission, *ECRI Civil Monitor Report – Croatia*, 2019.

<sup>41</sup> Police stop cars in highly Roma-populated areas, take down the personal information, and submit it to the welfare authorities who then cut social benefits if the driver is found to be Roma because families on benefits are forbidden to own cars or to use cars owned by companies or other persons. Though this welfare requirement does include provisions for those living in isolated areas more than two kilometers from public transport, this was not expanded until the process of stopping all cars in case they were driven by a Roma individual had occurred enough that it was raised to a higher authority. European Commission, *ECRI Civil Monitor Reports – Croatia*, 2019.

<sup>42</sup> As classes are not typically offered in Romanes, or they are only offered in one Romanes language that is not necessarily used by the majority of Roma in that school, frequently Roma children are placed in special needs classes that are ill-equipped to handle theirs as individuals who do not speak Croatian. European Commission, *ECRI Civil Monitor Reports – Croatia*, 2019.

recognizing Roma as a national minority relies on two official registers – the list of voters officially registered as members of the national minority (a process that also requires citizenship and membership to a recognized national minority), and the list based on the ethnic self-identification on the census, a process that has no way to take into account the diversity amongst the groups and the stigma surrounding self-identifying as a Roma that might convince the individual not to claim that identity.<sup>43</sup> To gain access to the list of voters, one must be 18 or older and “declared as Roma” by proving this status with a printed document that notes their membership to the recognized identity. Here it is obvious that access to political representation relies on the social perception of identity as well as the arbitrary rules for establishing autochthony and the willingness of the individual to claim membership to that Identity Category.

#### *Romanian Roma:*

Unlike the situation of Roma in both Slovenia and Croatia, the Roma in Romania are categorized as national minorities while larger numbers of them are also considered autochthonous, helping to connect their rights to those guaranteed to other autochthonous populations in the state.<sup>44</sup> Romania’s unique history as a country of multiple, distinct, ethnically diverse territories that only came together in its contemporary shape in the 20<sup>th</sup> century sets it apart from other European states. The state’s policy towards autochthony and national minorities references this backdrop by including multiple identities in the recognized and named minorities, and incorporating several articles in the Constitution on the basic description and rights of all individuals.<sup>45</sup> The inclusion of Roma as a recognized national minority came after the overhaul and reconfiguring of the state following the Romanian Revolution of 1989.<sup>46</sup>

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<sup>43</sup> As a further issue with the census structure regarding Roma data, the included Romanes as a language option for “native language” is not the one spoken by the majority of Roma in the state. This has resulted in inaccurate or incomplete data that would suggest a certain number speak one specific language, while the real number of those who would benefit from targeted programming in schools to bridge a language gap, might actually be higher, their language simply is not represented on census forms. European Commission, *ECRI Civil Monitor Reports – Croatia*, 2019.

<sup>44</sup> Relying on census results from 2011, as the full data from the most recent census is still being collated and reviewed, the Roma population numbers at 621,573 people, or 3.08% of the total population. As of February 2024, the preliminary published data from the 2022 census indicates this number has decreased slightly to 569,477, or 2.99% of the total population. It is important to remember that these numbers rely on self-identification, accordingly, the official estimate from the Council of Europe puts the Roma population in Romania at 1.85 million, or 8.32% of the population.

<sup>45</sup> Though the document does not explicitly describe these rights, the several of the articles include a description of governing political attitudes towards these minorities, effectively enshrining their existences in the political community of the modern state.

<sup>46</sup> The language in the Romanian Constitution stipulates protection measures for “the preservation, development, and expression of identity,” ensuring the right to speak and learn in a native language as well as representation at the local and national level. The Roma are now recognized with seventeen other minorities (or nineteen depending on how individual groups are categorized) and constitute the second largest minority group in the state after Hungarians. The other recognized national minorities are: Ukrainians (Ruthenian and Hutsuls), German, Russian-

Representation for the Roma populations increased following the pre-accession process as the state sought to join the European Union and by 2018 there were over 600 recorded organizations implementing programming focused on Roma populations. This guarantee of rights has had noticeable benefits to the Roma populations, for instance, while Roma children still face, to some extent, segregation in classroom settings,<sup>47</sup> teaching in the Romanes language for preparatory and primary education student has been a provided part of the curriculum since 2003, and places have been set aside at universities specifically for members of the Roma communities.

Despite these clear trends towards a more inclusive and developed representation of Roma, there still exists several impediments to this growth, namely the lack of an officially defined concept for “national minority.” It is not so much the inclusion of exemplary language in the Romanian Constitution that makes its articles useful in this conversation, rather that this gap between the legal and social parameters of minority rights *requires* the Constitutional context because it is the only place where language focused on the description of national minorities exists at all.<sup>48</sup> The language in the Constitution does little to clear up potential confusion or establish precedent for future discussion, focusing primarily on outlining a foundation. As such, “the predominant policy discourse about Roma...relies on the general stereotype that Roma are a social category in a vulnerable situation.”<sup>49</sup> Dating back to the earliest introduction of Roma in Europe, this further complicates their access to rights as a national minority, their social standing as defined by external opinion, and ignores that the description of “vulnerable social group” stems not from an understanding of Roma, but from the structural and systemic discrimination they face.

While Roma do constitute a national minority, their identity is also defined as a “socially vulnerable group.”<sup>50</sup> This category includes seven groups, and the other groups are organized based on a lifestyle, socio-economic context, or age – things outside the realm of ethnic or community identity – so the inclusion of Roma, while understandably drawn from a generalization of their needs, further muddles any discussion on their existence as an ethnicity versus a social identity.<sup>51</sup> The soft definitions of Roma as both a recognized ethnic minority and a social group has, according to reports, also played a considerable

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Lipovan, Turkish, Crimean Tatar, Serbian, Slovak, Bulgarian, Croatian (Krasovani), Greek, Jewish, Czech, Polish, Italian, Chinese, and Armenian.

<sup>47</sup> Official segregation in classrooms has been banned, but the outcome of situations like teaching Roma children in their native language is a separation of students in schools that results in a feeling of segregation despite the clear benefits of Romanes-based curriculum.

<sup>48</sup> As of 2018, Romania did not have a law on national minorities, further requiring the use of the Constitution in conversations of this nature, despite its limited specificity or actionability. European Commission, *ECRI Civil Monitor Report – Romania*, 2018.

<sup>49</sup> European Commission, *ECRI Civil Monitor Report – Romania*, 2019, pg. 12.

<sup>50</sup> European Commission, *ECRI Civil Monitor Report – Romania*, 2019b.

<sup>51</sup> The Roma join other communities in this classification, such as the poor, children and youth with no parental care, and lonely or dependent elderly people. European Commission, *ECRI Civil Monitor Report – Romania*, 2019.

role in Roma experiences of discrimination and antigypsyism. First, with the existence of Roma as a national ethnic minority, there is the unwelcome side effect of the majority population believing that policy supporting Roma and dismantling discriminatory structures (like in school) is actually promoting discrimination *towards* the majority and non-Roma populations.<sup>52</sup> In instances where the law enables Roma to bring forward their cases and seek justice, studies have shown sentencing upon convictions are more severe for Roma than for Romanian or Hungarian defendants.<sup>53</sup> Second, there continues to be ongoing debate on which word – racism, discrimination, antigypsyism/Romaphobia – to use when discussing the negative experiences of Roma in the state, leading, as happens elsewhere, to the kind of arguments where Roma can themselves face the blame for the external opinions and the discrimination they experience. The Civil Monitor Reports note that “every second Roma respondent had been discriminated against at least once in the previous twelve months” and on average one in five Roma “were victims of racially-motivated crime including assaults, threats, and serious harassment at least once in the [preceding] twelve months.”<sup>54</sup> Even more concerning, of those who reported these instances, they experienced on average eleven incidents over the twelve-month period.<sup>55</sup> While there is the acceptance of some 40 different subgroups within the umbrella identity of Roma, indicating the change for a more detailed and nuanced interpretation of the larger identity, there remains ongoing discrimination and little differentiation between the groups from external perspectives, leading to the continued normalization of stereotype-based identity construction.

Focus was placed on human rights and minority protections as a result of accession negotiations for each of these countries, opening pathways for activists, politicians, and groups to prioritize this work. However, when taken collectively, the socio-political experiences of Roma in these three states show an uneven distribution of rights and acceptance, as well as a lack of consistency in the core themes of autochthony and identity used to develop the framework and policy for minority protections. Despite work on Roma-specific policy over the past three decades, including the Decade of Roma Inclusion from 2005-2015, the first Framework for National Roma Integration Strategies from 2011-2020, and the current Second Framework (2020-2030), the socio-political membership of Roma in European states is still severely limited. It is clear that the current structures are too convoluted to be wholly functional, relying on country-specific histories that result in difficult to use arbitrary definitions when outlining

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<sup>52</sup> European Commission, *ECRI Civil Monitor Report – Romania*, 2018.

<sup>53</sup> European Commission, *ECRI Civil Monitor Report – Romania*, 2018.

<sup>54</sup> European Commission, *ECRI Civil Monitor Report – Romania*, 2019a.

<sup>55</sup> This discrimination appears in media as well, and the language used in reports and media indicate either that those in the Roma community tend to naturally trend towards criminal behavior, or that such cases deserve more focused and deliberative coverage. Furthermore, the crimes that are allegedly committed by Roma people tend to be extensively covered by the Romanian mass media. European Commission, *ECRI Civil Monitor Report – Romania*, 2019b.

social validation and political representation. Addressing these structural inequalities then has both immediate and long-term future implications for the success of minority rights across the EU.

## Conclusion

With abbreviated status as autochthonous through recognition of a small percentage of the full Roma population, and an external identity mired in negative perceptions that are validated through discrimination in socio-political structures like work, school, and culture, there is no real sense of “belonging” to a positive, communal membership felt by Roma populations in Slovenia. A lack of ethnically disaggregated data collection further complicates their membership as there is no existing baseline or data to help cement their identity and presence in the state’s socio-political realm. The half measure of autochthonous rights, only successfully recognizing one group of Roma in the state, and a representative structure that limits the ability for even autochthonous Roma to utilize the national minority rights that are guaranteed to them mean the Croatian Roma exist in a grey space of political membership. An accepted version of their identity that homogenizes several groups into one description has formally restricted their abilities to counter this narrative in social or political spaces, placing their sense of belonging in the realm of some but not all and limiting the feeling of shared membership and “belonging” in the larger communities. Finally, there is an odd contradiction in the case of Roma in Romania, where they have gained a measure of rights and representation which has shown to be growing and expanding further, however, negative, stereotype-based opinions and a confusion on whether they are a social group or an ethnicity continues to dominate contemporary policy, discussions, and media in ways that seem antithetical to the acceptance of Roma in the space of politics and governance. The Romanian Roma identity is so deeply rooted in historic biases and the synonymizing of “Roma” with “crime,” “natural delinquency,” and social vulnerability that the social validation of their identities remains a point of concern.<sup>56</sup> In each case, either a lack of political representation and access to autochthonous rights, a minimal and restrictive socially validated identity that does not match the group’s internal self-identifications or relies on stereotypes, or some portion of both has succeeded in characterizing the Roma communities’ socio-political memberships to one of unbelonging.

It has been twenty years since the largest expansion of the EU brought ten countries into the Union. In many ways the past twenty years have shown the limitations to equal representation that can appear

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<sup>56</sup> Perhaps most telling in the historic construction of what it means to be Roma in Romania; though the state has recognized its role in the genocides against both the Jewish and Roma communities during WWII, there has been no real opening yet for debate and discussion on the subject of 500 years of slavery and its effects on Roma development. European Commission, *ECRI Civil Monitor Report – Romania*, 2018.



during the EU's enlargements. Keeping in mind the prevalence of these issues, the past decades have perhaps been most useful in driving home that the conversations surrounding Roma protections, rights, support, and needs are not so straightforward and require nuanced approaches to meet these complexities, something mirrored in other minority communities' experiences. The EU now moves into the next stage of candidacies and accession negotiations with several South-central and Eastern European countries, each bringing their individual context of frozen conflicts, active fighting, diverse identities, minority communities, and/or border relations into the conversation. As we continue into the next years of the European Union's evolution, it is integral that portions of the structuring and policy developments build off of the experiences over the past two decades, otherwise we stand to make only limited gains.

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