

Realization of rights for Roma in Europe

The Swedish political debate

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Abstract

With the right to free movement for people in the European Union since 2004 it has become increasingly easier for European citizens to travel freely across nation borders, move, or live in another union member state. Sadly the free movement of people has not only brought good things for everyone and is not free from challenges. Roma is Europe's largest ethnic minority group and have historically been excluded and discriminated from society all over Europe, and continue to be so today. Recently many Roma have used their freedom of movement, as European citizens, as an opportunity to look for a job somewhere else. Others flee from discrimination and poverty in their home-countries and some leave with the aim of sending money home to family and dear ones in need. Many people in Sweden have now come to witness another reality of Europe, a reality they have never seen so close to home before. This is a reality of poor and exposed people, often Roma, who are sometimes forced to sit on the streets and beg for money in order to make a living. As people travel across nation borders so do their needs for fulfillment of rights to healthcare, housing and food for the day. A concern for the realization of rights for Roma in Europe is therefore very much present within many political debates all around Europe today, a common concern that is shared by some and opposed by others.

Key Words: Roma; Sweden; Free movement of people; fundamental rights; European Union
Words: 10131

List of Abbreviations

C	The centre party
CDA	Critical Discourse Analysis
DN	Dagens Nyheter (Swedish national newspaper)
EU	European Union
FP	The liberal conservative party
FRA	European Union Agency for Fundamental Rights
HR	Human Rights
KD	The christian democratic party
M	The moderates (conservative party)
MP	The green party
NGO	Non Governmental Organization
S	The social democratic party
SLL	Länsstyrelsen Stockholm (The regional board of Stockholm)
SD	The Swedish democratic party
UNDP	United Nations Development Programme
V	The left wing party

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1 Introduction

1.1 Background and research problem

The directive of free movement of people in the European Union (EU), from 2004, has facilitated for the member states to receive a migrant working force and advantages of resident freedom for European citizens (European Parliament and Council Directive 2004/38/EC). Restrictions were first applied to free movement of citizens from Romania and Bulgaria due to their status as new EU member states but seized to apply as of 2014 (European Commission 2014). Opportunities and advantages of free movement are also followed by responsibilities as fundamental rights move across borders when citizens migrate. According to the free movement directive, and the European framework of rights under which it applies, the home member state is responsible for the social security costs, such as healthcare for their citizens during their visit in another European member state (European Parliament and Council, Directive 2004/38/EC). These are the juridical procedures built under the framework of the EU. However, in some cases, this results in that many European citizens stand without possibility to access their rights due to poverty or discrimination in the home country (Human Rights Watch 2013). The directive states that all union citizens have the right to reside in another EU member state for up to 3 months “without any conditions or any formalities other than the requirement to hold a valid identity card or passport” (art. 6, Directive 2004/38/EC). However, in the instance of a longer stay than three months sickness insurance cover and sufficient resources are required in order to have the right of residence in another union member state. This serves the purpose to avoid that the migrant becomes a burden on the host member states’ welfare system. As no formalities, other than a valid national identity card, are required for traveling within the union it is difficult to confirm the length of stay of EU migrants (SLL 2014:12). This is only one of many fragments of the EU framework that renders rights across borders for EU migrants into a grey zone. As rights travel with migrants across member state borders a dependency is created between the host country and home country in terms of delivering and financing these rights. As many Roma are exposed to discrimination and social exclusion in their home countries they also constitute one of the most vulnerable European migrant groups as their rights across borders in the EU are affected accordingly. The issue has become a common topic of current political debate at EU level as well as national level in many member states. Denmark and Norway are examples of two welfare states that have recently taken measures in forms of constraints, on local level, towards street begging. In Denmark measures have also been taken towards non-profit organizations in assisting exposed and vulnerable EU-migrants (Sveriges Radio 2014).

Roma is the largest ethnic minority group in Europe and has throughout history been, and are still today, exposed to discrimination and social exclusion all

around Europe, also in Sweden (Council of Europe 2012: 11,98). In the aftermath of the economic crisis many European countries experience high unemployment rates and widespread poverty. In many countries, as well as in the European Parliament, extremist right wing parties have gained increased influence and with it a widespread development of xenophobia and discrimination; triggering the vulnerable situation for Roma further (Council of Europe 2012: 49). In a survey on Roma in 11 European countries (FRA & UNDP 2012) the proportion of the interviewed who considered to move to another country within the EU was highest in the eastern European countries, among them Romania (11%) and Bulgaria (13%). The aforementioned countries hold among the highest shares of Roma population in Europe and have received extensive critique for systematic discrimination and social exclusion of Roma (Council of Europe 2012). During the past years this pattern of movement has been noted also in Sweden as the immigration from other union member states has increased. According to a survey conducted by the Swedish social services the vast majority of the newly arrived homeless migrants and people begging on the streets come from Romania and are Roma (SOU 2013). Several NGOs and humanitarian organizations such as Crossroads has reported a recent explosive development of deprived individuals in Sweden lacking access to fundamental rights such as housing and healthcare (Stockholms Stadsmission).

The current presence of the issue in political debates before and in the aftermath of the European Parliament elections illustrate its importance in both a national as well as a European context. What standpoints exist within the debate regarding responsibility to ensure fundamental rights for Roma in Europe? What responsibility does Sweden hold for deprived EU migrants on its territory and what can and should be done at the European level? The protection of fundamental and human rights (HR) in Europe are discussed within a variety of spheres such as the legal and political sphere at a national, international, transnational and local level. The issue puts further matters into questioning such as diverse views upon citizenship, poverty, discrimination, right holders and stakeholders.

1.2 Aims, research question and delimitations

This study will look at the political debate regarding provision and safeguarding of fundamental and human rights for Roma in Europe. It aims to critically study perspectives and standpoints on this issue within the Swedish political debate. The focus of the study is narrowed down through the delimitation to the Swedish context and more specifically it looks at how representatives of different political parties discuss responsibility and obligations on national, local and European level. The main research question through which this will be studied is:

What are the main common and dividing lines in Swedish political debate on the realization of rights for Roma in Europe?

Most of the previous academic literature and research on rights for Roma in Europe focus on causal factors to poverty and discrimination and how different

rights affect each other. Moreover historical dimensions of discrimination and social exclusion within a national or wider European context are often studied. Very few studies have focused upon their current situation in terms of rights as, not solely exposed Roma in a specific country or region, but as a sub-group belonging to another larger group identity such as European migrants (Mäkinen 2013: 203; Claude 2004: 136). This view is particularly interesting and need further study as the right of free movement, under the EU framework, is tied to EU citizenship and hence not solely to national citizenship. The aim of this thesis is to study this through a critical lens of ideological perspectives as well as an approach of political philosophy, rather than from a juridical point of view. The recent increase of EU migrants in Sweden, and particularly Roma migrants from Romania, legitimize the choice of contextual setting of the study. The Swedish political debate on responsibility has therefore been chosen as a way of contributing to filling in a gap within the field. Moreover only the political parties which are, after the most recent European Parliamentary elections, represented at the local, national and European level of the political sphere are included in the analysis as the issue expands over all of these spheres. Hence it is only these political parties who are in the position of political action within all of these three spheres. Nevertheless, not all parties represented at these levels are part of the analysis as the Christian democratic party (KD) as well as the centre party (C) did not take an active and visible role in the debate, and have therefore been left out. Moreover, clear common and dividing lines could be found among and between the political parties who were ultimately chosen namely; the moderates (M), the liberal conservatives (FP), the left wing party (V), the green party (MP), the social democrats (S) and the Swedish democrats (SD).

The concept of rights, which is at the core of this study, will be considered within the scope of fundamental rights as they are defined within the constitution of the EU and in documents such as the Charter of the Fundamental rights of the European Union (European Union 2010, 2010/C 83/02) and The European Social Charter (Council of Europe 1996). Obligations to these rights are further defined and outlined in documents such as the free movement directive of the EU (European Parliament and Council directive 2004/38/EC). Furthermore, the concept of human rights will be discussed as it has been utilized as a foundation in the formulation of the fundamental rights of the European Union (The constitution of the European Union), which have been mutually ratified by Sweden and the EU. It is not the aim of this study to clarify a definition of these documents nor the realization of these rights but rather to study the use of a diverse set of definitions and understandings of them. Consequently, definitions of right and wrong approaches to the realization of these rights is beyond the scope of this study.

The challenge of this thesis is the conceptualization of rights as their realization are discussed. Both fundamental rights and human rights are somehow discussed in parallel to each other and sometimes even as equals. In order to justify this discursive approach, as I believe that it applies well to the parallel character of human rights and fundamental rights in the context of the European Union and its citizens, I quote Wilfried Hinsch & Markus Stepanians view on human rights in terms of legal and moral rights:

“Perhaps like most philosophers, we think of human rights primarily as moral rights that may at the same time be legal rights in so far as they are part of

international and domestic law (...) legal rights are justified with reference to legal principles; moral rights by appeal to moral principles” (Hinsch & Stepanians in Follesdal & Pogge 2005: 302).

1.3 Methodology and outline

The methodology used for this study will constitute of a discourse analysis as the empirical material used are political debates and hence communicative, textual and social deliberation. This requires a qualitative approach to the analysis, since what will foremost be studied is the language and argumentation used by political representatives. As various authors argue ideology is framed through discourse (Punch 2005:221; Jorgensen & Phillips 2002; Fairclough & Fairclough 2012). Consequently a discourse analysis is suitable for the purpose of studying the underlying values and perspectives, held by the studied discussants, constituting their overall world view affecting the issue and their arguments. Although discourse analysis is argued to constitute of both methodological and theoretical elements (Bergström & Borèus 2005; Jorgensen & Phillips 2002; Fairclough & Fairclough 2012), this study will foremost use the methodological tools of discourse analysis for the conduction of analyses. However, the theoretical framework consist of elements that draws on theoretical elements of discourse analyses such as the role and utilization of argumentation.

The methodological framework will draw mainly on analytical tools from Fairclough’s idea of critical discourse analysis (CDA) departing from the idea that “theoretical or epistemic reasons are reasons for believing, while practical reasons are reasons for action” (Fairclough & Fairclough 2012:35). The analysis will accordingly consist of two parts of practical arguments on the one hand and ideological foundation on the other. Furthermore, Fairclough claims that “argumentation, and practical argumentation in particular, is the primary activity that is going on in political discourse, and analysis of argumentation can make a major contribution to strengthening textual analysis in critical discourse analysis” (Fairclough & Fairclough 2012:35,86). Hence, the analysis will be conducted through a semantic and textual approach in parallel to the study of arguments through a critical lens of ideology and political philosophy. The semantic and textual analysis will foremost consist of identifying discursive themes within the debates as well as key words and expressions that characterizes the debates. The critical lens of ideology and political philosophy is built out of the theoretical framework presented in chapter 2. In Fairclough’s view of CDA “discourse is a form of social practice which both constitutes the social world and is constituted by other social practices” (Jorgensen & Phillips 2002:61). Consequently, an interdisciplinary perspective is desirable where textual and social analysis are combined. The textual and semantic analysis will therefore be compared and analyzed with the previous academic research in chapter 3 which further depicts some historical and discursive aspects, as well as examples of political actions. This is of importance to the wider social contextualization of the debate. The textual and semantic analysis will then be compared and combined with the study of direct arguments seen through a critical lens of ideology and political philosophy. This is done in order to find main common and dividing grounds that

characterizes the standpoints within the political debate. The quotes from the empirical material used for the analysis are freely translated from Swedish to English.

1.4 Material

The empirical material used for the analytical part of the study constitutes of primary sources retrieved from public media sources. One part consists of debate articles from Swedish news papers and the other part of debate programs, on Swedish television, as well as a recorded seminar debate, organized by Save the Children Sweden, and a recorded TV debate, organized by Expressen. The empirical material is not gathered from political debates in formal contexts, such as the Swedish Riksdag, but instead aims to analyze it from a perspective of the public media sphere. This is valuable as it portrays the picture that is perhaps easiest accessed by voters and with a high level of outreach. This, however, means that it needs to be taken into consideration that the analytical findings might not represent the political standpoint of the party lines as a whole but rather communicated standpoints of party political representatives to the public. Similarly, this naturally needs to be taken into consideration when drawing broader conclusions of the party political standpoints on the issue. The material used in chapter 3 consists of academic articles as well as some policy-based research material.

2 Theoretical framework

In order to discuss and analyze the issue of responsibility and realization of rights for Roma in Europe some key concepts need to be revised for different theoretical understandings i.e. world views. These different theoretical understandings are then utilized to reflect different political standpoints on the issue of responsibility. The key concepts, from which different theoretical approaches to rights will be discussed, are: rights, duties (to rights), claims (on rights), stakeholders and right holders, citizenship, community and nation. Their relation and function to each other are at the core of this discussion, as well as the diverse approaches to define them and hence understand their role and meaning in the context of this thesis.

Furthermore the contextualization of the European Union is of importance to single out and comprehend the interpretation of responsibility in relation to this institution and the rights that has been formed through it. It is however also crucial to consider the realization of rights in practice as Jonathan Fox describes it; “institutions may nominally recognize rights that actors, because of lack of capacity to make claims, are not able to exercise in practice” (Fox 2005:176). One can therefore discuss responsibility as realization of; protection of; and recognition of rights.

Three diverse theoretical approaches namely moral cosmopolitanism, institutional cosmopolitanism and welfare nationalism will be utilized to conceptualize human rights theory and discuss the role of the key concepts presented above. As main dividing lines as well as distinct values and views are to be identified in order to answer the research question these three approaches have been chosen as they question each other’s view points in their elaboration of the concepts. Moreover some transnational aspects to the thesis subject will be discussed in order to illuminate possible views on rights of Roma in Europe. I consider it necessary to apply a broad set of theoretical approaches to human rights theory for a fruitful analytical discussion of the research question.

2.1 Human Rights theory

The classical idea of human rights theory recognizes positive and negative duties tied to the realization of rights and that this naturally requires both duty bearers and right holders (Orend 2002:139). At the core of a right is a claim for that right as argued by Orend (2002: 129) ”a claim is at the core of any right, and that claim is necessarily a claim on someone or something”. Most modern scholars share this fundamental interpretation. What divides their views on this classical idea is however who these duty bearers are; what rights that should and can be claimed; and by whom (Orend 2002). This discussion then leads further into a conceptualization of negative and positive duties which draws the distinction between the duty not to inflict a violation of a human right on someone, namely a

negative duty, and the duty to protect or secure a human right for someone, although a violation might have been caused by someone else, namely a positive duty. At the core of the distinct theoretical approaches to the idea of human rights realization is therefore what is to be considered positive duties and respectively negative duties, or to be more specific whom is to be regarded as its duty bearer (Orend 2002: 139,140). A brief theoretical discussion of the European Union and its member states is of importance to the theoretical framework as it puts the issue of right holders and duty bearers at the core. Different theoretical approaches conceptualize the idea of citizenship, nation and community in distinct ways. Therefore they differ in their understanding of whom the claim of a right is to be made towards and who the duty bearers of these positive and negative rights are.

2.2 Moral & Institutional Cosmopolitanism

The Cosmopolitan approach is built on the main idea of Universalism. It has its base in an ontological understanding of human rights meaning that all human beings are in possession of human rights as they are all part of a universal community, and is therefore also of equal concern (Pogge 1992; Kleingeld 1999). This universal element stands for both institutional and moral cosmopolitanism as well as the idea of individualism; as human beings are at the core of concern, rather than other formations such as a community of a nation, ethnicity, religion, language or culture (Pogge 1992: 48). What can be considered as the main divide between the moral and institutional cosmopolitan approach from each other is the idea of individuals or institutions as the main duty bearers.

Moral cosmopolitanism explicates individual obligations in form of moral duty and political duty, which ought to be performed by citizens or politicians according to ones capacity “to promote the well-being of all humans wherever they may be”. This is constructed out of the perception that “all human beings belong to a single moral community” and therefore also obtain political duties for reforms of social and moral justice (Kleingeld 1999: 507,508).

Institutional cosmopolitanism has its foundation in a theoretical understanding based on “the basic structure” first introduced by John Rawls. This “basic structure” is what differentiates it from moral cosmopolitanism. This divide can further be explained by an individualist view, for moral cosmopolitanism, and an interactional view, for the institutional cosmopolitanism (Orend 2002: 130). Thomas Pogge describes this differentiation as “interactional cosmopolitanism assigns direct responsibility for the fulfillment of human rights to other individual and collective agents, whereas institutional cosmopolitanism assigns such responsibility to institutional schemes” (Pogge 2008: 176). Consequently it is the social institutions that create the ontological understanding, “the being”, of institutional cosmopolitanism in contrary to the individualistic explanation found in moral cosmopolitanism. The role of individuals as duty bearers is however not entirely neglected. Their influential role is considered as minimal as they are formed by social institutions (Orend 2002: 134). Institutional cosmopolitanism can therefore be seen, not as a distinct separate genre of cosmopolitanism but rather, as an extension or reframing of moral cosmopolitanism.

Within the theoretical approach of cosmopolitanism the idea of moral duties in regards to moral action can be comprehended as separate. As argued by Kleingeld (1999: 508) one view of moral cosmopolitanism suggests that “cosmopolitanism implies moral action aimed at improving the situation abroad”. However, although cosmopolitan theorists agree upon the universalist characteristic to the theory the institutional approach still seem to measure the extent of responsibility by some means. As argued by Pogge (1992: 51) “We are asked to be concerned about human rights violations, not simply insofar as they exist at all, but only insofar as they are produced by social institutions in which we are significant participants”. According to Pogge (2008:39) the various social institutions are intertwined and affect each other also across borders and between different countries and hence it is necessary to utilize a holistic understanding of effects as these correlated institutions shape living conditions for people. Departing from that notion, the basic argument for institutional cosmopolitanism is that “we should conceive human rights primarily as claims on coercive social institutions and secondarily as claims against those who uphold such institutions” (Pogge 2008: 50,51).

2.3 Welfare nationalism

The philosophical approach of welfare nationalism can be seen as an extension of nationalism and its comprehension of rights, citizenship and nation. In order to explain the theoretical approach of welfare nationalism and its characteristics the concept of nationalism will therefore first be reviewed.

Nationalism is, according to Suszycki, based on “the idea that nations are real” and that the existence of nations create rights and obligations to its members. The members commitment to the nation can however be conceptualized either on an individual or collective comprehension to national ideas or interests (Suszycki 2011: 53). In the Nordic countries the concept of ‘society’ has become a strongly institutionalized concept reflecting common national economic and social interests before private interests on these issues (Kettunen in Suszycki 2011: 82,83). This reflects the collective comprehension of national commitment. Moreover the relation between rights and membership, according to nationalism, is based on “the principle of fundamental equality of membership” (Kettunen in Suszycki 2011: 53). This is however not to be understood in the ontological definition of equality in terms of rights, such as the cosmopolitan approach characterizes it, as this only applies to fundamental equality of those who are members of the nation. Consequently, this means that obligations are not conceptualized on the same terms for non-members. Although, as argued by Suszycki “it has to be added that ‘not equally’ does not mean that no obligations are owed to non-members; respect for human rights and solidarity (also financial aid) with non-members in need remains a general obligation” (Suszycki 2011: 55). This ‘general obligation’ characterizing the nationalistic approach to human rights can be explained in terms of negative and positive duties. Pogge (2008: 136) argues that according to nationalism negative duties are valued higher than positive duties which leads to the prioritizing of national citizens as area of responsibility while assistance to foreigners is considered a positive duty and

therefore not a necessary duty. This means that citizens of a society still has an obligation towards “non-members” but only in terms of not conducting direct violation of their human rights. In line with Pogge’s understanding of nationalism Emmenegger & Careja (in Suszycki 2011: 170) argues that collective identity and membership of a community has a crucial role in defining the ‘deservingness’ that individuals and societal groups have to rights and social benefits. This argument leads us to the understanding of welfare nationalism.

The extension of nationalism towards the idea of welfare nationalism departs from the idea of welfare benefits in the discourse of nationalism. It aims to justify “the support for preserving political, economic and social institutions that make it possible for the national community to decide on the main rules of its welfare system free from external pressures, allowing a transfer of the main nation-state functions beyond the national boundaries where, on balance, the welfare benefits outweigh the welfare losses” (Suszycki 2011: 55). Moreover welfare nationalist discourse can be divided into an instrumental approach meaning a reflection of interest and an ideological approach of rather moral characteristics to justifying socioeconomic certainty or superiority. When welfare nationalism is driven by a political party it is by Suszycki (2011: 58) described as welfare nationalism at the ‘meso level’ while the ‘macro level’ is instead used to describe the political action of national governments. The strategical approach characterizing the form of welfare nationalism by political actors can according to Suszycki (2011: 66,71) be explained by the measures of national participation in regional integration and globalization. The more extensive this participation is the more the political approach seem to be characterized by contextual welfare nationalism; meaning that political actors use nationalism to justify political stands and arguments in some issues while in others not. In the context of Europe Suszycki (2011: 63) argues that the function of welfare nationalism can be dual in relation to integration. It might contribute to integration if “relevant actors at the meso level and macro level consider it to be advantageous for their states” whereas it can also be a barrier to European integration if ordinary citizens stand to lose more than they can win from this process.

2.3.1 Cosmopolitan critique

The Cosmopolitan critique towards Nationalism can be traced in the conflict that arises between universality and the individualistic and institutional responsibility. It is argued that the idea of responsibility solely tied to the concept of citizenship and a national institutional scheme is not reasonable. As this scheme has been constructed by human beings and due to the changed global order of today we have a collective responsibility to hinder human rights violations according to the current global scheme (Pogge 1992: 53). Moreover, the argument that nations have to be the unit to implement justice to its citizens, since it otherwise would not be realized at all, is only valid from “an instrumental viewpoint and, moreover, only when resources are more or less equally divided among different nations” (Demuijnck in Follesdal & Pogge 2005: 78,79). Further critique is raised towards the argument that limitations to immigration, or emigration similarly, can be justified as a moral right. The argument behind such an attempt of justification is that immigration might lower the welfare prospects of current citizens and that “they have a legitimate claim to their current welfare level”. This is however not a

reasonable argument as people might emigrate for reasons of well-being for others such as to feed their children (Demuijnck in Follesdal & Pogge 2005: 81,82). Hence, they ensure their children's rights and thereby fulfill their own moral (positive) duty to claim a right for someone else. The proposed moral duty of the national government, as an institution, therefore inflicts with the moral duty of the individuals that migrate. Furthermore, the justification as of national identity is criticized as "one should strictly separate identity (...) and particular forms of justice and solidarity" as this today means that "people currently mix up identity and justice, we have to conclude that national feelings nowadays are much more related to racism than to a defensible form of solidarity" (Demuijnck in Follesdal & Pogge 2005:74).

2.4 Transnational elements

The subject of this thesis might appear to have a lot in common with elements of a transnational conceptualization of citizenship and rights as European citizens and their rights within the borders of the European Union are studied. As argued by Jonathan Fox (2005: 171) rights and membership across borders can be seen as "the transnational extension of the national construction of rights and political inclusion". In defining what the concept of 'transnational citizenship' means in practice he argues that it "resonate with those who wants to extend rights and principles of political and social equality beyond nation state boundaries" (Fox 2005:171). One could argue that cosmopolitanism also resembles elements of a transnational definition of rights and citizenship. Kleingeld (1999: 510) presents a political theoretical view of cosmopolitanism with the emergence of "a cosmopolitanism situation" when states form a "great political body" where security and rights are given to its member states through common laws and united power. However, the universal foundation of cosmopolitanism is what distinguishes it from a more transnational approach to the understanding of rights within the European Union. The distinction of transnational elements from moral cosmopolitanism, and the institutional sub genre, can be found in Kleingeld's description of moral cosmopolitanism as: "It refers to moral "citizenship" in a moral community rather than to political citizenship in a transnational state" (Kleingeld 1999: 507). According to Emmenegger & Careja (in Suszycki 2011: 156) it is the increasing transnational characteristics of the conceptualization of human rights that has pushed western European governments to "find new ways to regulate migration flows", i.e. welfare nationalism, as this has decreased "the state's ability to exclude migrants from social benefits".

3 Previous Academic and Policy-based research

Previous academic research on the situation for migrant Roma in a Swedish context is scarce, although some recent publications from governmental institutions and NGOs concerning the situation for EU-migrants do exist. The particular situation of Roma is discussed briefly in reports from SOU (2013) and SLL (2014). Academic research regarding means of political action and political approaches to rights for migrant Roma in the Nordic countries, in western European countries, as well as in the institution of the EU is vaster and will be presented below. It is further of interest to this study which language and discursive spheres affect the political discourse on the realization of right for Roma, which is discussed below. The historical dimensions and process over time of the discursive spheres are also of value.

3.2 Discursive spheres and language use

The language use and spheres of the political discourse regarding the realization of rights for Roma has been studied by various authors. Its importance has been emphasized in its relation to how the issues of rights to Roma are discussed. Roma have historically, as well as in present time, been referred to or perceived as ‘nomads’, ‘travelers’ and ‘criminals’ in national discourses as well as within political discourses in the EU (Simhandl 2006; Cahn 2004: 482). Consequently European policy efforts have historically been characterized by aims of racial segregation, social exclusion and increased difficulty of integration (Cahn 2004: 483). As they utilize their EU right, and human right, of free movement it is perceived to be characterized by “lack of purpose, direction and destination” and hence they are “unable to be imagined anywhere, even when they have the human right to move but have nowhere to go” (Beasley von Burg 2012: 366). Moreover Roma has often been pointed out as a threat, by many western European states, to the public order or the welfare state as such (Cahn 2004: 487).

Roma has historically also been excluded from the political discourse within the EU concerning their own situation as knowledge of their situation has traditionally been “gathered *about* Roma/Gypsies, not from them”. Consequently, Roma have been rendered objects of discourse rather than participants as this role has instead been assigned to different EU institutions (Simhandl 2006: 102). The racial discrimination that many Roma migrants have experienced in their home countries, most often in central and eastern Europe, might not only be a direct reason for leaving but also the causal reason for their poverty. Consequently, so called economic reasons for migration then also becomes a dual reason of racial discrimination and poverty (Cahn 2004: 484). On these grounds the question of

possible asylum rights for Roma migrants have been discussed. However, the political language use of “human rights violation” became sensitive as this could lead to claims of justification of asylum to Roma and the political language used instead shifted to “fight against inequalities” (Nacu 2011: 138). Nonetheless, this approach of “fight against inequalities” to political discourse caused political tensions to occur within the EU political discursive sphere. As the institution “was promoting equal rights for the Roma who faced discrimination in the accession countries” while at the same time “pressurized those countries to keep the Roma within their borders” (Nacu 2011: 138). Hence, in certain terms encouraging restrictions to the right of free movement. The discourse therefore became increasingly contradictory in its aims. The concept of ‘human dignity’ has also been present in many political discourses in different EU member states within the context of street begging. According to Mäkinen (2013) it is both a legal and a moral term that; “determines the relationship between individuals and the state. The latter’s responsibility is to protect individual human rights by its legislation”. Although, it is a weak concept as a human rights instrument it is worth noting that within the Swedish constitution the concept of ‘human dignity’ is declared to constitute as part of rights or political order (Mäkinen 2013: 206,207). There seem to be a new legitimacy for contemporary political discussions in western European countries for exclusion of migrant Roma, through means of racism, exclusionary nationalism and anti Romani-sentiment. Cahn argues that this is due to the weakened willingness to confront anti-Romani sentiment in Europe after World War II, in comparison to confront and fight anti-Semitism and colonialism (Cahn 2004: 480).

3.2 Approaches to political action

The current efforts done in order to integrate Roma in the EU, and to secure their fundamental rights, has been the EU Framework for National Roma integration strategies up to 2020 (COM 2011). However, there is a lack of a common approach or practical guidelines for a Roma strategy regarding the large scale of exposed Roma migrants all around Europe. What is needed to enforce and secure fundamental rights for vulnerable groups such as Roma is, according to Dawson & Muir (2011: 774) a combined individual and collective approach to address violations on fundamental rights through individual and institutional mechanisms. These should be characterized by collective monitoring i.e. not only by individuals or EU institutions but by NGOs, equality bodies and interest groups as well. According to Mäkinen (2013: 209) the political action of criminalization of street begging in the Nordic countries can be regarded as a consequence of this lack of common approach.

Examples of political action with the aim of migration control towards Roma can be found also in Sweden as the city of Stockholm in 2010 “deported about 50 Roma people” out of which 29 were argued to have been in “concerted effort”. The justification for this deportation was that “some Roma were suspected of theft” (Mäkinen 2013: 211). Moreover, anti-Romani sentiment is argued by Cahn to have recently been present in Sweden particularly in the media as of the arrival of Roma migrants from Eastern Europe (Cahn 2004: 487). Following this

attention upon Roma migrants, as part of a larger group of European migrants, policy reports have recently been published by Swedish governmental institutions on the matter. In these reports there is an urge for clarifications regarding rights and duties tied to European citizenship, as well as the responsibility and role of Swedish public authorities (SLL 2014:10; SOU: 2013).

4 Analysis

In the analysis Roma are sometimes referred to in the debates as “street beggars” or “EU-migrants” or “homeless” but all of the articles discuss the situation of Roma and all of the quotes used below refer to Roma regarding the realization of their rights in Europe. The debates and practical arguments of rights, assistance and responsibility for Roma illustrate juridical terms as well as moral terms and can therefore sometimes appear even contradictory within the same discourse. This analysis will concentrate on the moral rather than the juridical aspect however the moral arguments will be discussed in relation to the juridical elements. Three main thematic themes have been identified. All concerning the diverse and common views upon the realization of rights for Roma in Europe by the different political parties. These themes are: levels of responsibility; means of action; and justification of inclusion or exclusion. In the analysis the two themes of levels of responsibility and means of action are presented together, as they are much intertwined, and thereafter the justification of inclusion or exclusion.

4.1 Levels of responsibility and means of action

All political parties agree that the main responsibility for delivering these fundamental rights to Roma lies within the home-countries primarily. However, the opinions differ somewhat regarding responsibility on EU-, national domestic-, local municipality-, and individual level. This also depends on what types of rights the parties are referring to in their practical argumentation. There is, moreover, a notable red thread in the political debate regarding long-term and short-term solutions for the situation of Roma and the realization of their rights. However, there is also a deliberate use of what these long-term and short-term solutions should consist of. Some political representatives argue for no possible short-term solutions and some argue for the combination of both. The common line in terms of levels of action is that all political parties, included in the analysis, argue for means of action at the EU level, however, the definition of what type of action differs to some extent.

Within the Swedish context the liberal conservative party argues for short-term, acute means of action, in form of relief assistance to homeless Roma and street beggars and it is made clear that this lies on the municipality level of responsibility. It is further emphasized that the foremost responsibility lies with the home-countries:

“This is a situation that puts humanity to a test and at stake. It is of concern to you and me as well. We all have to do this as individuals but at a systematic level it is the responsibility of the EU and this issue is of such character that it is the

EU that has to take the lead. Roma are a minority population in the EU and can be found in many of the EU member states” (Wikström (FP) in SVT 2014).

“...we have systematically discriminated this group throughout history and in present time. Therefore it is a European responsibility to stop this and it is my responsibility and your responsibility and yours and yours and everyone’s, and we need to do this together. But civil society has to stand up and I am actually proud when I see that there are actors from civil society in Sweden that actually manage this, helps out and takes a responsibility. We have to do that on the overarching political level that will trickle down all the way to the reality on our streets and squares” (Wikström (FP) in Save the Children 2014).

The left wing party representatives discuss the importance of long-term and short-term solutions. They, like all other parties, leave the main responsibility on the home-countries. Although, the left wing party at the same time also recognize the moral responsibility that single politicians have towards people in vulnerable situations simply as a duty to fulfill the rights of those who are not able to claim them for themselves, regardless of where they are in the world. This is very much in line with the moral cosmopolitan definition of duties towards other human beings in vulnerable situations.

“...the long-term solution lies with the EU, it lies with those countries, for example Romania, where one is from but the everyday solution for people who are poor, who are starving and freezing lies with us. And we have a responsibility to make sure that these people have a worthy life when they are, in my case, in Stockholm” (Livh (V) in SVT 6 February 2014).

The left wing party’s arguments also have strong characteristics of a institutional cosmopolitanism approach to responsibility, as institutions are held responsible. This can be explained by the fact that EU, as an institution, is held responsible for how it has influenced Romania and through that the current difficult situation for Roma people. Hence, EU as an institution should be held responsible and has duties to change its political action to change the situation for Roma in Europe.

“Why is Romania so poor? (...) the European Union and its politics of austerity forces Romania to large scale cuts (...) The politics of austerity is one of the main causal factors to why poor Romanians leave the country to search for jobs, and in the worst scenario are forced to beg, in northern EU-countries (...) For Romania to have a chance to construct a social security net for its citizens the European Commission’s harsh demands of austerity must cease” (Livh & Gustafsson (V) 24 January 2014).

This quote also illustrates the left wing party’s institutional cosmopolitanism approach to the issue. However, this quote instead illustrates the positioning of individuals as affected by institutional structures. Meaning here that the cause for the current discrimination that is practiced by people in Europe towards Roma can be found in the downfall of society’s security, hence, it is not foremost those individuals that are blamed for the discrimination.

“When the societal security system is torn apart there is always the risk that one finds scapegoats among the weakest groups in society. In Romania and many

other countries these obscurantist aggressions are directed towards Roma” (Livh & Gustafsson (V) 24 January 2014).

The green party as well as the social democratic party differs somewhat in their discourse on responsibility and means of action from that of the liberal conservatives. They argue for a local as well as governmental responsibility in cooperation with each other. The means of action, in terms of fulfillments of rights to the deprived individuals, are also more clearly stated and do not only recognize the three rights of employment; healthcare and housing but also suggests the guarantee to enforce them:

“I said that Sweden is never to make other countries’ discrimination ours, that we here shall give health care regardless of ethnicity, fight homelessness regardless of from which country the effected homeless person is from. No one shall have to give birth in the snow in Sweden 2014” (Fridolin (MP) 14 May 2014).

“Rules such as the roof-over-head-guarantee that exists in Stockholm must apply also to people who have become homeless due to discrimination in other EU-countries. The state can and should function as a coordinator for the municipalities in order to make sure that no one is forced to live on the street or in a tent in Sweden” (Fridolin (MP) 14 May 2014).

The social democratic party also argues for responsibility on EU institutional level, as well as on local municipality level and of actors as NGOs, through means of action in form of intergovernmental dialogue:

“As part of the strategy the government should deal with the problems within the scope of the EU-collaboration. It does not only concern guiding EU-politics into a more work friendly direction and of social responsibility, but also to, pragmatically cooperate with governments and other actors in the EU-migrants home-countries (...) also the municipalities shall have such contacts, but it facilitates if the government begins to lead the way” (Ludvigsson & Jonsson & Espiga (S) 31 August 2013).

“Different actors must work closely together in order to make sure that the migrants can improve their situation. Municipalities, NGOs, the employment agency, the social security agency and actors of the labor market constitutes those actors who ought to contribute” (Ludvigson & Espiga (S) 25 April 2014).

By the Swedish democrats Roma immigrants are depicted as a threat towards the Swedish welfare, both in terms of a group characterized as criminals and dishonest people and, moreover, as exploiters of welfare benefits. The suggested political action by the Swedish democrats as a mean of solution to the issue, and to secure the safety of the own citizens, is therefore to render street begging illegal:

“There is a very large amount of people who come to Sweden, this has an enormous influence on the Swedish welfare society, an enormously negative influence. The housing situation, school, work, social care, everything is immensely affected in negative terms” (Jomshof (SD) in Expressen TV 2014).

"...no concrete suggestions what so ever are presented to how we at this very moment shall solve the issue of massive street begging in soon all of Sweden's cities. We see a wide spread phenomena of street begging which leads to that Sweden more and more starts to resemble a development country lacking a social security net" (Winberg & Lundgren (SD) 26 March 2014).

"With one concrete legislation against street begging the police is given the opportunity to evict street beggars and issue a fine (...) all of these steps are positive for society and the security and well-being of people" (Ekeroth (SD) 22 April 2011).

It is also of importance to note that in the last quote above, the "well-being of people" is referred to in terms of the well-being of Swedish citizens and not to people in general and clearly not to the street beggars themselves. Means of action at the European level are discussed in somewhat diffuse terms of help by all SD discussants. However, a statement by Richard Jomshof provides us with some understanding of what this help refers to:

"It needs to aim at helping Romania, I mean we have the Romanian ambassador to Sweden who has herself expressed a desire of a legislation against street begging in Sweden. She considers it wrong that we allow that they are here to beg. She considers it to be Romania's responsibility and naturally we have to help Romania if they need our help" (Jomshof (SD) in Expressen TV 2014).

All of the means of political action presented above are within the context of the national level, whereas the local municipality level is not mentioned at all in terms of means of action. The delivery, claim and securitization of rights are strongly and clearly explained as responsibilities that lies with national governments without exceptions. Furthermore SD is the only party suggesting clear restrictions to the free movement of Roma. The means of action, referred to as help to Romania, on the EU or European level is described as part of the legislation against street begging.

4.2 Justification of inclusion or exclusion

The perhaps most clear distinction of SD's discursive justification, with the aim of the exclusion of Roma from the Swedish society, lies within their rhetorical strategy. First of all, Roma are depicted as a group and not as individuals. Second of all, they are depicted in negative terms in contrary to the Swedish citizens:

"The top candidates for FP in this spring EU elections (...) write that Roma are insulted in Europe and that they want to see countries punished for this claimed discrimination. True is that a large group of this Roma group have had severe difficulties to become a functional part of society, regardless of which country that is talked of. It is also true that prejudices exist concerning Roma all around Europe. The error that FP does is however to fully depart from the view that the problem monotonously lies with the gathered majority population in Europe" (Winberg & Lundgren (SD) 26 March 2014).

"I do not even feel ashamed on regards of the Roma when they to a very large extent consciously decide upon Sweden as their destination so that people will pity them. It is rather cynical of them to use our naive system and our naive attitude" (Ekeroth (SD) 22 April 2011).

As Roma are depicted as a group rather than individuals, it is rendered possible to accuse them for a common negative attitude and hence responsible for their own situation. The first quote above illustrates, not only the description of Roma as a group, but also the fact that they are put in contrast to the majority population. This indicate on strong characteristics of nationalism as the prosperity of the majority is put in contrast to the prosperity of a minority. In the following quote below, Roma are even depicted as criminals and a clear distinction is made between them and actual citizens. The subject "street beggar" is connected to a negative word of "ruin" whereas "citizen" is combined with a positive word of "honest". The former is what the latter is not and vice versa, a clear distinction is made between "us" and "them".

"Street beggars ruin the street scene and moreover constitute a direct disturbing element for many honest citizens that walk the streets and squares. That the police also fear that a large part of these street beggars have ties to organized crime does not make it any better" (Ekeroth (SD) 22 April 2011).

This claimed negative attitude held by Roma is enlarged towards a claimed negative attitude towards work and school. This is then used to justify the argument of measuring "deservingness" of social assistance as they are depicted as non-contributors, not fulfilling their duties towards society.

"We wonder what sort of attitude the Roma group have towards work in Sweden, or school for that matter" (Winberg & Lundgren (SD) 26 March 2014).

This depicted unwillingness of commitment to work or education is further enforced as Roma are referred to by Winberg & Lundgren (SD) (26 March 2014) as "the group of traveling Roma" and hence associated with definitions of Roma as nomads that lack destination or will to settlement. However SD do recognize some extent of moral obligation towards other people, even towards non-Swedish citizens:

"As world citizens it is natural that one has a responsibility in so far that one should try to obtain a world where all people generally speaking are well off but primarily we have a responsibility for our own population and our own Swedish people first of all" (Jomshof (SD) in Expressen TV 2014).

A moral responsibility is here recognized for other world citizens. This is, however, in line with nationalism, as this moral responsibility only stretches to individual responsibility i.e. "one has responsibility" not to inflict a violation of a human right towards another human being but only in terms of negative duties. Furthermore, Jomshof once more emphasize the true responsibility that "we" have i.e. the state towards members of the nation. This limited moral responsibility toward Roma is, however, diminished as the key to the justification of responsibility towards them lies within an ongoing discrimination of Roma. As a form of strategic approach it seems that the SD attempts not to recognize the certainty of this, by other parties, claimed discrimination:

“In case that there are examples of worse treatment of parts of the population, then of course we should pressure Romania and tell them that if you are going to be a part of the union we assume that you treat all people, all citizens in your country, equally; it is usual practice” (Jomshof (SD) in Expressen TV 2014).

The claim of different treatment of parts of the population is left uncertain and is not confirmed as a truth. As the national responsibility towards a country's own citizens is again pointed out so is the value and importance of “the principle of fundamental equality of membership”, as defined by Kettunen (in Suszycki 2011: 53), tying it further to the ideology of nationalism. The strategic approach to discrimination as an uncertain fact is illustrated once more later on during the debate. When Jomshof answers to the claimed difficult situation of Roma due to discrimination he only recognizes it as a historical phenomenon and the present situation is instead once more blamed on Roma's lack of own effort and responsibility:

“Yes, to a certain extent I understand that (discrimination), not least historically considering how they have been treated, yes. However it is also on one's own responsibility, one can not only continue to come with the argument of looking backwards” (Jomshof (SD) in Expressen TV 2014).

When analyzing the discursive justification of inclusion or exclusion by some Moderate (conservative) political representatives some elements of common lines to SD's arguments and characteristics of nationalism appear. This quote concerns the role of work and “pride of work” which also draws on the justification of work as a measure of ‘deservingness’ of “social and cultural integration” while contributing to “us”.

“For the Moderates the work strategy has had double standard of principality and practicality. It is through integration into the Swedish labor market through own work and maintenance, that the social and cultural integration fosters the people best that comes from, or have their background in other countries. It is within the pride of work and the essence of business that we all have clearest use of the efforts that people with this background do for us all (Magnusson (M) 13 August 2014).

When Magnusson refers to “double standard of principality and practicality” it seems that the debater aims at justifying the political standpoint to the issue as means of a practical political solution. This could indicate elements of contextual welfare nationalism as described by Suszycki (2011: 63), i.e. that characteristics or elements of nationalism is used in some issues while not in others. When discussing the right of free movement it is rather based on ‘deservingness’ as certain duties are to be fulfilled first, in similarity to SD's arguments, rather than in terms of a naturally owned right:

“The long-term solution is of course education, employability and absence of discrimination within the countries where one has family and roots. Then there is a natural access to the EUs labor market departing from the principles of free movement and own maintenance of work” (Magnusson (M) 13 August 2014).

Furthermore, the argument of human worth is used to legitimize the non-acceptance of street begging in “our” society. Once again this argument is supported by the aspect of work or availability to the labor market in order to “deserve” access to social assistance and rights:

“Through communication with those who beg and through legal frameworks, we send a clear signal to the home-country/-countries that street begging is not human worthy and therefore not excepted in our society. If one instead chooses to make oneself available to the labor market, on its terms, naturally one has the same opportunities as everyone else” (Solberg (M) 30 March 2013).

The core of the argument that needs to be emphasized and clarified here is that “we” do not obtain any obligations towards the street beggars. Humanity is tied to street begging in moral terms and, therefore, to some extent as a right held by these people, though it is clear that “we” do not have any responsibility to enforce that right. Only that in our strive for an equal society there is no acceptance, moral or legal space in terms of duties, made for that minority. If, however, these street beggars choose to work then they are “deserving” to obtain the same equality as others. Hence, the duties are here instead placed on these individuals to deserve their rights within “our” society.

The approach to justification of exclusion by SD is confronted by some political representatives within the debate in line with the moral critique on nationalism, presented by Demuijnck (in Follesdal & Pogge 2005: 81,82) in the theoretical framework. As a conflict might arise between individual duties to claim and ensure rights for someone else and the definition as rights tied to duties by nations to its citizens. Below are two quotes by MP and S from debate articles supporting this justification of individual moral duty before national (state) duty:

“People who come to Sweden and Stockholm do so with the hope of maintaining themselves (...) In a report series in DN we can read about Claudia who is begging on the streets of Stockholm in minus 18 degrees Celsius in order to afford medicine for her daughter Vandana who is still in Romania. The daughter has difficult scoliosis and is almost blind. For the sake of her daughter, Claudia left for Sweden” (Nilson & Jernberg (MP) 2 April 2013).

“Only last week I met a Roma woman in Kalmar, who had come to Sweden together with her mother and brother to gather money for her sons operation. The son lack identification papers, which means that he is not included into the home-country’s social security- and allowance scheme” (Hedh (S) 18 March 2014).

The first quote depicts the aim of a woman together with her family that has come to ensure the human right to health to another individual, her daughter, and hence is fulfilling a duty she has to others within her society. Sending her away would therefore conflict with her duty to claim and ensure a human right. Likewise the second quote tells the story of a woman with the aim of ensuring the right to healthcare for her son, who also lack the right to identification. Here, likewise, a conflict of interest would occur between national duty of exclusion of non-members and the individual duty that the woman holds to her son. The following quote from the green party illuminates the responsibility held in accordance to the logics of human rights in front of which all humans are considered as equal right holders:

”Departing from the human rights conventions and every humans equal worth it becomes increasingly difficult to motivate strict lines of municipalities. Stockholm is a rich city, the population grows and the tax revenues increases (...) The city can afford more generous support” (Nilson & Jernberg (MP) 2 April 2013).

This quote might be considered to contain elements of both moral cosmopolitanism as well as institutional cosmopolitanism as the basic argument of responsibility is simply moral as of the economic capacity to help and hence the positive duty to do so, at the same time as it is an institution and not a single individual that is held responsible.

4.3 Final analytical discussion

The perhaps most notable aspect of common lines within the political debate is the recognition of responsibility of political action at the EU-level. Although, as the analysis reveals, the perspectives on what this political action should entail differ. While SD, as well as some representatives from the liberal parties, call for a fast and effective solution namely sending these people away, representatives from the red-green coalition argues for the very opposite and to some extent also of inclusion into the Swedish society. It is, however, difficult to locate if the will for political action on EU-level is a real aim in practice for SD or if it is discussable whether these are political standpoints emerged out of actual believes or if it is rather to be considered a strategic approach. Moreover, the analysis depicts elements, that were perhaps less expected, illuminating that representatives of diverse political parties show characteristics of welfare nationalism within some of their arguments (Solberg 2013; Magnusson 2014; Edholm & Scheller 2014). It is though of importance to emphasize that this does not necessarily represent the common view constituting the political party line. The main pattern of common and dividing lines lies within the question of long-term and short-term solutions to the issue. Whereas, the red-green coalition seem to be ready to build up a functioning system of relief assistance to these individuals (Fridolin & Ferm 2014; Nilsson 2014; Lundmark 2014; Ludvigsson & Espiga 2014), the liberal conservatives are very careful of arguing for longer perspectives on the local domestic level in Sweden on the issue, but instead advocate for a common strategy for change and common responsibility on the EU-level (Wikström & Schmidt & Paulsen 2013; Paulsen & Wikström 2014; Save the Children 2014). The fundamental rights are discussed and recognized more or less in equal terms by all political parties in the debate, except for SD, although means of action regarding degree and levels of responsibility to enforce such rights differ to a great extent.

5 Conclusion

The difficult situation for the ethnic minority group of Roma in Europe is not to be expected to change over night and it has taken many years for countries all around Europe to start to work with these issues with the goal of the realization of their rights. The political debate analyzed in this thesis illustrates some of the uncertainties and gaps between European and national legislation that are left open for political deliberation to decide. The consequent of this is clear as the people affected worst by this uncertainty are the already marginalized people in society. It seems clear that an EU characterized by free movement of people, as well as common political and economic rights for European citizens, is in need for a common approach. A common European approach which is open to long-term and short-term solutions within and outside of the home-countries of these people with considerations to the diverse aspects of fundamental rights in practice. As a suggestion for future academic research on the issue I would argue that the possibilities and prospects for intergovernmental cooperation as well as cooperation with other actors from civil society to achieve progress for the realization of rights for Roma across borders in Europe would be suitable.

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