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# Romani Minorities and Uneven Citizenship Access in the Post-Yugoslav Space

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**ABSTRACT** This paper discusses the position of Romani minorities in the light of the state dissolution and further citizenship regime transformations after the disintegration of the former Socialist Yugoslavia. While observing closely the repositioning of the Romani minorities in the post-Yugoslav space, it explicates that in the case of state dissolution, the unevenness of citizenship does not only manifest in the rights dimension, but also in uneven access to citizenship with regard to new polities.

## Introduction

The predicament of Romani minorities as citizens of different European states remains a daunting challenge for both scholars as well as policy-makers. In many instances, citizens identified as belonging to Romani minorities have only limited access to the most fundamental citizenship rights, although these rights have been *de iure* granted to them. Since they are not fully included in the bodies of citizenry in different contexts, they are frequently considered *semi-citizens* (Cohen, 2009, p. 72), thus possessing citizenship status, but *de facto* not enjoying the privileges associated with that status: they are formally equal, but their position as citizens is marked by unevenness. As many different academic studies have illustrated, the position of Romani minorities as citizens deteriorated after the collapse of socialist state regimes (Barany, 2002; Guy, 2001; Ringold, Orenstein, & Wilkens, 2005). The importance of Romani minorities' integration was afterwards highlighted during the integration of Central and Eastern European states into the EU. However, one of the unanticipated outcomes of this emphasis was also the rise in local xenophobic and racist discourses directed towards Romani minorities as the attention devoted by the EU to their position was interpreted as yet another of their privileges (Vermeersch, 2012, p. 1209). Some scholars argued that Romani minorities were not simply seen as the European minority *par excellence* (Vermeersch, 2012), but also as

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the ultimate *Other* in the context of different European nation-states and their citizenries (Okely, 1994).

The positioning of Romani minorities in the context of the 2004 and 2007 EU enlargements has been subject to in-depth analysis. However, what remains under-addressed in the academic literature is how Romani minorities are placed on the EU inner and outer margins as citizens of different post-Yugoslav states. Furthermore, it has not yet been sufficiently discussed how Romani minorities are repositioned due to state disintegration, such as in the case of the former Socialist Yugoslavia. The context of the state dissolution namely gives rise to new questions also in connection with citizenship and Romani minorities. As it was revealed in the exploration of the impact of the Czechoslovak *Velvet Divorce*, many Romani individuals residing in the Czech Republic after 1993 experienced difficulties in obtaining citizenship at their place of residence (Kochenov, 2007; Linde, 2006; Šklová & Miklušáková, 1998; Struhárová, 1999). Nevertheless, the post-Yugoslav case has to be studied separately due to different contexts, that is, the position of Romani minorities as well as the violent process of state dissolution and multiple disintegrations.

The aim of this paper is to map how the transformations of post-Yugoslav *citizenship regimes* (Shaw & Štiks, 2010, pp. 5–8) after several disintegrations of the Socialist Yugoslavia affected Romani minorities as citizens of newly established post-Yugoslav states. Furthermore, the goal of this paper is to determine whether certain patterns and trends underlying that impact throughout the post-Yugoslav space could be observed. Many scholarly debates consider the position of Romani minorities through the prism of a single post-Yugoslav *citizenship regime* (Bogdanić, 2004; Friedman, 2002; Jakšić 2002; Jakšić & Bašić, 2005; Klopčič, 2007). This paper instead takes a different approach and focuses on intersecting similarities in the positioning of Romani minorities in the context of different post-Yugoslav *citizenship regimes*, which arose from the common Yugoslav background.

The main research observation serving as the basis for this paper is the fact that many individuals externally categorized as belonging to Romani minorities often faced obstacles, specific to their position, in the access to citizenship in most of the post-Yugoslav states wherein they resided and could not regularize their status as legal aliens with permanent residence. In addition, they often possessed ineffective citizenship of another post-Yugoslav state and were in turn *de facto* stateless. This paper argues that the reasons for this phenomenon cannot be simply attributed to their Romani identity, but to historical and also contemporary hierarchical inclusions of these particular minorities, as can be observed in different policies regarding their position. The paper elucidates that many Romani individuals categorized as non-citizens at their place of residence found themselves in specific horizontally overlapping post-Yugoslav *citizenship constellations* (Bauböck, 2010) as they were under the jurisdiction of several post-Yugoslav *citizenship regimes*.

Building on Joppke's conceptualization of the citizenship dimension triad, this paper considers the *status* dimension (with the emphasis on the *access* component) and to a lesser extent also the *rights* and *identity* dimensions (Joppke, 2007). It highlights the specific obstacles Romani minorities confronted in the access to citizenship in the post-Yugoslav states wherein they resided. Consequently, it also examines the variety of precarious citizenship statuses, which differ from the status of a legal alien with regulated permanent residence in which Romani minorities are highly represented in the post-Yugoslav space, such as legally invisible persons, refugees and internally displaced persons (IDPs).

The main argument of the paper is that the unevenness of citizenship in the case of the state dissolution cannot be solely observed through the new *content* of redefined citizenries (i.e. rights), but also through the uneven *access* to citizenship, especially when it comes to culturally stigmatized and socioeconomically deprived populations, as most Romani minorities are. Although post-Yugoslav citizenship policies did not intentionally target them unequally, they affected them unevenly. Furthermore, the main hypothesis of this paper is that the uneven access to citizenship for the Romani minorities in the post-Yugoslav space cannot be attributed to the positioning of Romani minorities as the ultimate Other, as in other frameworks, but to their placement in a space of specific *in-betweenness* (Bhabha, 1994).

### **Impeded Access to Citizenship for Roma: The Case of Czechoslovak Disintegration**

The impact of multiple Yugoslav state disintegration(s) on the access to citizenship of Romani minorities in the afterwards established post-Yugoslav states has not been specifically researched by scholars focusing on the region. However, there has been a vivid discussion on a quandary of Roma considering their access to Czech citizenship after the 1993 peaceful split of Czechoslovakia (Kochenov, 2007; Linde, 2006; Šklová & Miklušáková, 1998; Struhárová, 1999).

Most scholars have argued that policies towards Roma in the Socialist Czechoslovakia also contributed to their impeded access to Czech citizenship after the *Velvet Divorce*. A vast majority of the Romani population living in the present territory of the Czech Republic before 1939 was killed during the Second World War (Šklová & Miklušáková, 1998, p. 178). In the aftermath of the Second World War, the Socialist Czechoslovakia introduced assimilationist policies to include Roma into its citizenry through the working class, that is, usually as unskilled manual labourers in factories (Barany, 2002, pp. 117, 138). Since most Roma were living in the Slovak part of the country, a policy was introduced to forcibly move some of them to the Czech part where many factories were also situated (Šklová & Miklušáková, 1998, p. 178). However, the main objective of this policy was for Roma to be equally dispersed around Czechoslovakia (Kochenov, 2007, p. 135).

After Czechoslovakia was declared a federal republic in 1969, (Czech and Slovak) republican citizenship was introduced in addition to federal (Czechoslovak) citizenship. Republican citizenship for those born before 1954 was determined on the basis of their place of birth, while those born after 1954 acquired citizenship on the basis of their parents' republican citizenship (Šklová & Miklušáková, 1998, p. 180). Thus, most of the Roma living in the Czech Socialist Republic had Slovak republican citizenship. While republican citizenship had no significance beforehand, it became decisive after the disintegration of Czechoslovakia (Linde, 2006, p. 354).

Although by 1993 most of the Roma residing in the Czech Republic have never lived in Slovakia, they had to apply for Czech citizenship. In order to do so, they had to fulfil the following criteria: permanent residence in the Czech Republic at the time of the dissolution, no criminal record five years prior and proficiency in the Czech language (Kochenov, 2007, p.135). These provisions affected their access to citizenship disproportionately. Many Roma were registered as residents in the Czech Socialist Republic only on a temporary basis (Šklová & Miklušáková, 1998, p. 182) and some were convicted of petty crimes, which retroactively prevented them from acquiring Czech citizenship (Kochenov

2007, p. 136). Although there is no direct proof that these policies targeted Roma, some human rights activists (Struhárová, 1999) and scholars (Šklová & Miklušáková, 1998, p. 181) claimed that the Czech government at the time anticipated such an outcome. Thus, as many as 25,000 Roma became non-citizens in the independent Czech Republic wherein they resided and were previously its citizens (Linde, 2006, p. 342). Some of them were even deported from the Czech Republic (Struhárová, 1999). As Linde claimed, such an outcome was even desirable as the position of the Roma was casting a negative light on the overall positive representation of the post-socialist socio-economic prosperity of the Czech Republic (2006, p. 349). Therefore, Okely's argument is applicable in this context since Roma were positioned at the post-socialist Czech *Other* (1994), thus they were excluded from its newly reformulated Czech citizenry.

Due to pressures from NGOs and international organizations (Linde, 2006, pp. 350–351), the provisions of the Czech Citizenship Act, resulting in impeded access to citizenship for Roma, were later amended. However, Šklová and Miklušáková (1998, p. 185) argued that similar phenomena might have occurred in other cases of state disintegration, in particular in the former Yugoslav space. Therefore, the next sections of this paper are dedicated to the contemplation on the Yugoslav case and positioning of Romani minorities in order to conclude whether some parallels can be drawn with the Czechoslovak example.

### **Theorizing Uneven Access to Citizenship and In-betweenness of Post-Yugoslav Romani Minorities**

In order to offer a sound examination of how citizenship regimes' transformations after the Yugoslav disintegration(s) impacted the position of Romani minorities as (non-)citizens in this space, this section of the paper sets out to define the theoretical and conceptual apparatus as well as methodology used in the research. In addition, it also outlines some similarities and differences between the Czechoslovak and the Yugoslav case. I claim that in both cases after the state dissolution many Romani individuals had uneven access to citizenship due to their specific position. Though they were not visibly directly targeted by provisions in different citizenship acts, they were disproportionately (i.e. unevenly) affected by them. This led to impeded access to citizenship at their place of residence and hence they became overrepresented within the different (often irregular) groups of non-citizens in the same territory where they previously enjoyed the status of citizens.

The main arguments of this paper use some of their theoretical concepts from the post-colonial vocabulary similar to that used by other Romani studies scholars (Kóczé, 2011; Trehan & Kóczé, 2009; Trehan, 2009) so as to better grasp the phenomenon of unevenness. My first theoretical hypothesis is that such unevenness can also be attributed to *epistemic violence*<sup>1</sup> (Spivak, 1988; 1999, p. 226) visible in the drafting of new citizenship acts in the states formed after the dissolution, both in the Czechoslovak as well as in the Yugoslav case. This form of non-physical violence latently serves for redefining who among the previously included will now be excluded (Štikš, 2010, p. 15). In this paper, I investigate the post-Yugoslav occurrences of such *epistemic violence* based on the method of *constititional ethnography* developed by Scheppele (2004). This method offers the possibility of critically analysing chosen legal texts (in this case citizenship acts, constitutions, other relevant legal material, etc.) and also acknowledges how the concepts (such as nation, minority, etc.) used in the analysed documents are embedded within the broader socio-political dynamics in a given context.



While certain parallels between the former Yugoslavia and Czechoslovakia can be drawn when it comes to the access to citizenship for marginalized minorities after state dissolution, I argue that the basic difference lies in the positioning of those identified as Romani individuals in the post-Yugoslav space characterized by fundamental *in-betweenness* (Bhabha, 1990a, 1990b). To paraphrase postcolonial theorist Homi Bhabha, who coined the concept of *in-betweenness*, such a position counterposes the grand narratives of ethnically and socially homogenous nations (1990a, 1990b, pp. 300–315). This also corresponds to the latest developments within the field of Romani studies (McGarry & Tremlett, 2013), whereby the position of different Romani populations cannot be fully grasped only in terms of ethnic heterogeneity, but also has to be considered as a hybrid one, as it cannot be reduced to merely one-dimensional ethnic or solely socio-economic terms. However, following the argument of Vidmar Horvat, who transferred the concept of *in-betweenness* to the post-socialist contexts (2009), I underline that they are positioned on the margins of the aforementioned narratives of homogenizing a nation (Bhabha, 1990a, 1990b, p. 302; Vidmar Horvat, 2009, p. 64), especially in the post-Yugoslav settings. Therefore, in this paper, I use the plural form ‘Romani minorities’ particularly when analysing the post-Yugoslav context, while the term itself can also be applicable to other contexts.<sup>2</sup> Such *in-betweenness* could have a liberating effect for the societies in question (Vidmar Horvat, 2009, p. 64). However, I argue in this paper that *in-betweenness* of post-Yugoslav Romani minorities is also an unanticipated result of war conflicts and (inadequate) policies used by different post-Yugoslav states to address (or fail to address) the position of Romani minorities. Therefore, the positioning of post-Yugoslav Romani minorities is marked specifically by *forced inbetweenness* (Vidmar Horvat, 2009, p. 64) as I will explain in the next paragraphs.

In most post-socialist contexts, Romani minorities can be perceived as constructed and positioned as the *Other* (1994), including the case of the Czech Republic as discussed above. In this paper, however, I claim that the articulation of Romani minorities as the ultimate *Other* is not applicable neither to the Yugoslav nor the post-Yugoslav settings. In the case of the Yugoslav disintegration(s), Romani minorities have rather found themselves caught *in-between* the war conflict of ethnic majorities and more dominant minorities (e.g. Croatian majority and Serbian minority in Croatia, Macedonian majority and Albanian minority in Macedonia, etc.). As the paradigmatic case of the Kosovo conflict demonstrated, Romani minorities were often forced to flee from their homes (Krasniqi, 2010) since they were *in-between* both major groups in the conflict (Perić & Demirovski, 2000; Sigona, 2003). This paper states that forced migrations, which left many Romani individuals displaced in other post-Yugoslav states and also beyond (Džankić, 2010; Sigona, 2012; Spaskovska, 2010a), were only part of *socially produced migration* (Sassen, 2007) specific to the position of Romani minorities, which played a decisive role in their post-Yugoslav citizenship access.

I argue that *in-betweenness* of Romani minorities became even more pronounced since physical violence was intertwined with *epistemic violence* of reformulating citizenries, which continued as the former Socialist Yugoslavia underwent multiple disintegrations and subsequent proclamations of independence by different post-Yugoslav states (especially Montenegro and Kosovo). Due to overlapping and spill-over effects present in the post-Yugoslav space and *socially produced migrations*, Romani minorities found themselves in the grip of different post-Yugoslav *citizenship regimes* and in a particular post-Yugoslav *citizenship constellation* specific to their *in-between* position.<sup>3</sup> However,



as I intend to demonstrate in this paper, *epistemic violence* in the case of formulating new post-Yugoslav citizenries through different citizenship policies, was not primarily intended to target Romani minorities as in the case of the Czech Republic. They were not perceived as the main threat, that is, the ultimate *Other*, in any of the post-Yugoslav states. Thus, many Romani individuals became unanticipated collateral damage of the post-Yugoslav *epistemic violence* due to their *forced in-betweenness*.

The *forced in-betweenness* of post-Yugoslav Romani minorities was not created merely on the basis of their social exclusion, but due to their longstanding socio-economic and ethnic *hierarchical inclusion* (Hardt & Negri, 2000, p. 194). Such positioning of Romani minorities was not invented completely *ad novum* in the post-Yugoslav settings, but was partially based on reconfigurations of their position in the Socialist Federative Republic of Yugoslavia (SFRY), as I aim to demonstrate in the next section.

### **Position of Romani Minorities in the Context of the Yugoslav Citizenship Regime(s)**

Different studies claim that the position of Romani citizens within the Socialist Yugoslav state was exemplary when compared to treatment they were subjected to in other socialist states (Barany, 2002; Kenrick, 2001). Many of the socialist systems, such as Czechoslovakia and Hungary, adopted assimilationist policies of interpreting ‘gypsies’ as a deviant social group, which needs to be integrated into the working class (McGarry, 2010; Stewart, 1997, 2001). In contrast to this, according to Barany, the Socialist Yugoslavia took an approach of *constructive interference* privileging ethnic integration of its Romani citizens over assimilationist policies (2002, p. 122). Although this view on Yugoslav policies toward Romani minorities is widely accepted, there are some voices criticizing this evaluation of the Yugoslav treatment of its Romani citizens (Acković, 1992; Galjus, 1999; Latham, 1999).

After the Second World War, the Yugoslav state nurtured many different institutions and policies guaranteeing equal access to all of its citizens across ethnic lines, including its Romani citizens. Individual Romani leaders were encouraged to politically participate in the League of Communists of Yugoslavia and also in the international Romani movement (Acton & Klímová, 2001, pp. 159–160; Barany, 2002, p. 145; Kenrick, 2001, p. 406). However, although cultural rights as well as higher employability rates were guaranteed, many individuals categorized as belonging to Romani minorities were living in substandard conditions in comparison to the majority populations in Yugoslavia, coupled with inadequate housing, higher poverty and illiteracy rates, etc. (Bašić, 2010, pp. 34–35; Crowe, 2007, p. 227). Moreover, the position of Romani minorities varied greatly, if one considers the regional micro-levels, since there was no unified Romani policy at the federal level. For example, while in the Socialist Republic of Macedonia the Romani language was integrated into the multicultural educational curricula, a very large number of Romani individuals were placed into schools for special-needs children in the Socialist Republic of Slovenia because it was considered that their mother tongue (Romani) posed an insurmountable barrier for them and prevented them from being included in the mainstream educational process (Barany, 2002, p. 123; Sardelić, 2012, p. 41). The treatment of Romani citizens within SFRY cannot be adequately comprehended without first considering the nested model of *citizenship constellations* (Bauböck, 2010) in SFRY with two levels: the republican and the federal. In addition to

the single federal Constitution of SFRY, every republic also had its own constitution (Kršul, 1974). Taking this into account makes it easier to interpret why many diverse and even contradictory policies concerning Romani minorities existed in Yugoslavia (Barany, 2002, p. 123; Crowe, 2007, p. 226; Sardelić, 2012, pp. 209–215).

The category of Roma, known as Gypsy before the first World Romani Congress in 1971, was already included in the section on ethnic affiliation in the 1948 Yugoslav census and onward (Mrdjen, 2002, p. 92). Although many sources claim that with the 1974 SFRY Constitution, Roma were recognized as a nationality (*narodnost*) (Barany, 2002; Crowe, 2007; Djurić, 1987), this constitution does not in fact contain any reference to Roma, while it refers to the rights of the Albanian and Turkish nationalities in Article 269. Legal analysts of the constitutional ethnic categorization in Yugoslavia claim that Romani minorities, especially after the adoption of the 1974 SFRY Constitution, were considered (although not named) an ethnic group (Várady, 1997). However, the 1974 federal Constitution did not refer to Roma or to the category of ethnic groups in any of its articles, but only to the constitutive nations (*narodi*) with the right to self-determination and to nationalities (*narodnosti*) with a substantive amount of constitutionally granted rights. Yet at the republican level, most of the socialist republics (all but Montenegro and Bosnia and Herzegovina – BIH) included the category of ethnic groups, albeit without identifying them. This left some room for individual Yugoslav republics to decide whether or not to treat Romani minorities as an ethnic group. In the meanwhile, Romani minorities were caught *in-between* due to the lack of a firm definition. According to Várady, although ethnic groups were not identified individually in respective republican constitutions, while nations and nationalities were, the category of ethnic groups was usually reserved for disperse minorities like the Roma (1997, p. 10) who were perceived as lacking strongly constructed *external national homelands* (Brubaker, 1996, p. 55). There were many advocates among the non-Romani (Šiftar, 1980) and Romani (Acković, 1992) political elite who argued that the identification of the Roma as a nationality would not bring them merely cultural recognition, but with adequate policies for the Roma as an *undeveloped nationality* (in analogy to undeveloped regions) also socio-economic prosperity (Crowe, 2007, p. 227). Romani activist Acković even claimed that as long as Romani minorities are categorized as ethnic groups at the republican level, they will in fact remain second-class citizens (1992, p. 22). While simply categorizing Romani minorities as an ethnic group does not classify them as second-class citizens *per se*, we can claim that there was a hierarchy of rights among *nations-nationalities-ethnic groups*.<sup>4</sup> This becomes even clearer if we take into account that most of the constitutions in question, with the exception of those of Kosovo and Macedonia, emphasized equality between nations and nationalities, but not between ethnic groups.

While many studies retroactively reduce the complexities of the Yugoslav constitutional system to one-dimensional ethnic categories, it has to be noted that they were not the main collective category which had certain rights prescribed by the constitution. According to Dimitrijević, the other collective category was represented by the working people, who were also the main holders of power and had the right to socio-cultural organization (1995, p. 69–70). Although Romani minorities were not recognized as a nationality, the Romani social movement flourished through various socio-cultural organizations as many Romani individuals, and especially those who formed the Romani elite, belonged to the working class.

However, because Socialist Yugoslavia did not simply treat Romani minorities as a social group, but also as ethnic, it did not introduce a unified plan, as was, for example, done by Hungary (Stewart, 1997, 2001), on how to assimilate them into the working class. Romani minorities in the Yugoslav case were left somewhere *in-between*, that is, not completely included in the working class, but also not completely excluded. According to several research studies, more than 75% of the Romani population in the Socialist Hungary were included in labour processes, and hence in the working class<sup>5</sup> (Kertesi, 2004, p. 44), while this number never exceeded 50% in SFRY. This was because most of the Roma were employed in (what was considered to be) ‘traditional Romani crafts’, which in most cases were not recognized as formal employment (Crowe, 2007, pp. 222–223). According to my interlocutors from Romani NGOs that I interviewed during my fieldwork in November/December 2012 and my other research (Sardelić, 2011, 2012), although some Romani individuals were included in the working class and in official working processes, many more were (officially or unofficially) self-employed in ‘traditional Romani crafts’ such as trough making as well as (what is considered to be less traditional Romani activity) trading. Through this economic niche, many individuals recognized as belonging to Romani minorities gained some respect similar to the respect that would have been accorded to them if they were officially part of the working class.

While some members of Romani minorities were traditionally settled (especially in the Socialist Republic of Macedonia), many more found gainful employment in economic niches that required internal migration across the republican borders of SFRY. In addition, many married across republican borders (particularly where they were localized close to an internal border), and there have also been reports of continuous migration due to harassment by state bodies such as the police (Komac, 2005, pp. 139–140). All this contributes to the fact that migrations cannot be simply described as an inherent characteristic of the Romani culture, but should rather be understood in the context of all migration being, as Sassen claimed, socially constructed and produced, even if it seemingly happens on a voluntary basis (2007, p. 131). This includes ‘Romani nomadism’. The impact of these continuous internal migrations was that in the end many Romani individuals frequently settled down in informal settlements in a Yugoslav republic the citizenship of which they did not possess.<sup>6</sup> With the disintegration of the Socialist Yugoslavia, the consequences for these individuals, many of them belonging to Romani minorities, were two-fold. Firstly, from being Yugoslav citizens they in many cases became post-Yugoslav aliens who had to go through the process of naturalization, or as Igor Štiks puts it, they became *the excluded* from the new *citizenship regimes* (2010, p. 15). Secondly, their alternative economic niche was to a large extent destroyed with the change of the modes of production from socialist to capitalist<sup>7</sup> and by the fact that with the re-positioning of their citizenship status, or a lack of any legal status, many of them became less mobile via newly established borders.

### **Re-positioning of Romani Minorities after the Yugoslav Disintegration and their Access to Citizenship in the Post-Yugoslav Space**

Romani minorities faced numerous obstacles in their access to citizenship of post-Yugoslav states. The difficulties did not arise only from the armed conflict or forced migrations in the post-Yugoslav region, but also from *epistemic violence* that redefined different

citizenship acts and hence also re-positioned Romani minorities in the context of *citizenship regimes*. Although it cannot be simply deduced that persons identified as belonging to Romani minorities were direct targets of this *epistemic violence* enacted through citizenship acts, the resulting position of Romani minorities was an unanticipated side effect of the discriminatory citizenship regimes created by these acts. These side effects resulted from the dismantling of bifurcated citizenship of the Socialist Yugoslavia (Štiks, 2010), and also from some of the features of the position of many Romani individuals before and after the disintegration of SFRY. These included inter-generational poverty, living in informal settlements (and births in domicile conditions) and hierarchical inclusion in the educational system. Thus, belonging to a non-dominant ethnic group was not the only decisive factor for Romani minorities, and the socio-economic position of the vast majority of Romani individuals also has to be taken into account when studying their access to citizenship.

Not all Romani individuals were denied access to citizenship of the SFRY successor states in which they resided. Since legal continuity between the SFRY republican citizenship and citizenship of the newly established states was provided, those Romani individuals who possessed the citizenship of the socialist republic where they officially resided automatically became citizens of the respective successor state. However, those individuals who did not possess birth certificates because their births had not been registered experienced problems although they should in fact have been among the *included* (Štiks, 2010, p. 12). Yet, the main subgroups of Romani minorities who faced the greatest difficulties in regularizing their citizenship status were those who formerly did not possess the republican citizenship of the socialist republic where they (formally or informally) resided. Although Romani minorities were not the only ones who found themselves *excluded* in this type of post-Yugoslav *citizenship constellations*, the reasons why their access to citizenship was in many instances obstructed lie in the determinants of their positioning specific to Romani minorities.<sup>8</sup> Such positioning was not taken into account and thus the unanticipated consequences in citizenship access arose.

Those former Yugoslav citizens who fell into the category of *the excluded* (Štiks, 2010, p. 13) in the new states became aliens in the country of their residence, where they were lawful citizens, and had to undergo the process of naturalization. Even in those cases where the option of facilitated acquisition (in a provisional period) of citizenship was provided, the former SFRY citizens with other former republican citizenship had to meet the requirement of registered residence in most cases, for example, in Slovenia at a certain date (Deželan, 2011), or the requirement of permanent residency for up to 15 years in Macedonia (Spaskovska, 2010a). Since the majority of Romani individuals in all of the post-Yugoslav states lived in informal settlements<sup>9</sup> (Jakšić & Bašić, 2005; Klopčič, 2007; Štambuk, 2005) and many migrated across republican borders within SFRY due to their employment in a specific economic niche, it was often the case that they were unable to prove *de iure* their *de facto* residency. Due to this *in-betweenness*, they were unable to prove that they met this criterion for the acquisition of citizenship. Administrative registration still remains a difficulty for many Romani individuals in the region living in substandard housing conditions. This problem was to some extent bypassed in Montenegro, where individuals could register their legal address at the Roma National Council offices (UNHCR, 2011, p. 31). The same can be done in Serbia at the social services office according to Article 11 of the Residency Act (Zakon o prebivalištu i boravištu Republike Srbije, 2011).

Secondly, Romani individuals were in many instances unable to fulfil the so-called ‘language and culture’ requirements for the acquisition of citizenship of post-Yugoslav states. Although they were not the main targets of these requirements—for instance, in Macedonia the Albanian minority was targeted while in Croatia the targeted group was the Serb minority—they were caught *in-between* and these requirements affected them the most. For example, pursuant to Article 8 of the Act on Croatian Citizenship, one must be ‘proficient in the Croatian language and Latin script, and [ . . . ] familiar with the Croatian culture and social arrangements’ in order to acquire Croatian citizenship (Zakon o hrvatskom državljanstvu, 2011). Although the Serb minority was the main target group in the context of conflict,<sup>10</sup> this condition indirectly affected the illiterate since this meant that they were unable to demonstrate their knowledge of the Latin script. According to the UNDP report (2011), illiteracy rates among Romani minorities are much higher when compared to the majority populations in all post-Yugoslav states.<sup>11</sup> This stems from (both past and present) hierarchical inclusion of many Romani individuals in the educational system, and is, for example, visible in their placement in segregated classes or in schools for children with special needs. Furthermore, Romani children (and also especially women) in some cases never attended school altogether (Sardelić, Vidmar Horvat, & Samardžija, 2010). The illiteracy of many Romani individuals was therefore the result of the discursive practices of institutional racism (Balibar, 2004). According to the European Roma Rights Centre (ERRC), the case of an illiterate Romani woman who claimed that she had been denied access to Croatian citizenship was brought before the Constitutional Court of Croatia. However, the Constitutional Court ruled that she was not entitled to Croatian citizenship, even though she had lived in Croatia since 1987, due to her lack of knowledge of the Latin script. The ERRC criticized this decision harshly because Croatia offered facilitated naturalization to non-resident individuals of Croatian ethnicity, while failing to take into account the special conditions under which non-majority residents, such as Romani minorities, live (ERRC, 2004).

Finally, one of the major problems many Romani minorities’ members face when acquiring citizenship in their country of residence (in virtually all the post-Yugoslav states) is the lack of guaranteed funds. For example, even in those cases where they fulfil all the criteria for the acquisition of citizenship, many Romani individuals are unable to pay fees and taxes pertaining to the administrative procedure of naturalization (PRAXIS, 2011). Furthermore, after the disintegration of Yugoslavia, many Romani individuals (especially women) in Slovenia fell into the category of *the erased* (Dedić, Jalušič, & Zorn, 2003). These were not only ‘non-autochthonous’ Romani minorities living in the urban centres of Slovenia, but also many residing within the ‘autochthonous’ area of a Romani settlement (Sardelić, 2012, pp. 327–335). Since they missed a six-month period for acquiring Slovenian citizenship in 1991, they were erased from the register of permanent residents (Deželan, 2011, pp. 11–12). Once more, they were not the ones who were explicitly targeted in this case, but were caught *in-between* redefining the *Other* in Slovenia. Although most of these Romani individuals were able to get their permanent residence registered two decades later, being erased meant they had no right to work, and as a result were unable to provide for themselves. Furthermore, they are currently still discriminated against on the labour market in Slovenia and have difficulties acquiring employment (Sardelić, 2012, pp. 327–335). Pursuant to Article 10(4) of the Citizenship Act of the Republic of Slovenia, a person who wants to acquire Slovenian

citizenship by naturalization must 'have guaranteed funds that enable material and social security' (Zakon o državljanstvu Republike Slovenije, 2007). Although this provision is not atypical for citizenship acts, it is especially dubious considering the Slovenian Citizenship Act in the case of the erased whose rights, such as the right to work and health care, were annulled by that very state.

### The Wide Variety of Post-Yugoslav Non-Citizen Statuses and the Position of Romani Minorities

The next question that needs to be addressed in respect to the status dimension of citizenship is the position of those Romani minority members who were unable to regularize their status as citizens of the post-Yugoslav state in which they reside, as well as the circumstances in which their position was shaped. It has to be taken into account that several transformations of post-Yugoslav *citizenship regimes* reshaped the position of Romani minorities. According to the UNHCR *Report on Statelessness in South Eastern Europe* (2011), individuals identified as belonging to Romani minorities are one of the most affected in the region. This report points out that due to their marginalized, yet not completely excluded position, Romani individuals have become an overrepresented group of people among those who fall into the category of non-citizens in their place of residence (UNHCR, 2011, p. 16). However, their status was in many instances also not regulated as legal aliens with permanent residence, but with a plethora of various other non-citizen statuses such as: legally invisible persons and displaced persons, both as IDPs and refugees (Džankić, 2012; UNHCR, 2011).

After the disintegration of SFRY, the phenomenon of statelessness *en masse* was avoided due to the principle of legal continuity of the former republican citizenship with the citizenship of the respective newly established post-Yugoslav states. However, republican citizen registers were in many instances incomplete. Furthermore, a bigger problem was that many people did not possess the republican citizenship of the state wherein they resided, which left them in a sort of a 'legal limbo' (Štiks, 2010) as they became non-citizens. Most of these people could not be considered *de iure* stateless since they possessed the citizenship of another post-Yugoslav state, which left them positioned in a very specific legal *in-betweenness*.

Many cases of *de iure* statelessness in the post-Yugoslav states were resolved through the use of ad hoc procedures (UNHCR, 2011, p. 11). The post-Yugoslav states that are UN members are all parties to the 1954 *Convention relating to the Status of Stateless Persons*, obliging them to address the position of stateless persons, who are protected under this international convention. Although most post-Yugoslav states did not offer the so-called 'zero-option', *de iure* statelessness did not pose an exceptional difficulty according to the UNHCR (2011). A much bigger problem after the armed conflicts (but not simply for this single reason) in the post-Yugoslav region that especially affected Romani minorities was *de facto* statelessness, or, as the UNHCR puts it: a large group of people found themselves in the position where they were at risk of becoming stateless.<sup>12</sup> This category of people found themselves in very unfavourable *in-between* conditions. On one hand, as they were not recognized as *de iure* stateless, they were not protected by the 1954 Convention. On the other hand, they were not protected as citizens by their own states either. According to the majority of reports on this issue in the former Yugoslavia,



Romani minorities were affected the most and found themselves in this sort of predicament (UNHCR, 2011).

Within Romani minorities, there are two main (and in many instances overlapping) groups who live not only as non-citizens, but also as *de facto* stateless. Both of these groups have difficulties accessing their personal identity documents. Firstly, according to many NGOs in the post-Yugoslav region as well as to international organizations (especially the UNHCR), many Romani individuals fall into the category of the so-called legally invisible persons (PRAXIS, 2011; UNHCR, 2011). The second group of those who are often at risk of becoming stateless, to use the UNHCR's concept, are those who are long-term post-conflict displaced persons, and are mostly with no prospect of return.<sup>13</sup> According to the UNHCR official data, there are 29,301 displaced individuals identified as belonging to Romani minorities in the post-Yugoslav region, excluding Slovenia. However, unofficial estimates of the undocumented and displaced are much higher (UNHCR, 2011, p. 92).

Romani minorities comprise the vast majority of those considered to be legally invisible (PRAXIS, 2011). This occurs because of the failure to register them in birth registration books. Regardless of the reason, the effect is the same: these persons do not exist legally. For example, the UNHCR office in Kosovo disclosed that between 20% and 40% of the Roma, Ashkali, and Egyptians (RAE) population are not registered, are therefore legally invisible and hence at 'risk of becoming stateless' (OSCE, 2007, p. 5). It is difficult to make estimations with any degree of certainty in most of the other states.<sup>14</sup>

According to the UNHCR data and the data held by the NGO PRAXIS in Serbia and also the NGO Your Rights in BiH,<sup>15</sup> there are many reasons why Romani individuals often lack birth registration documents. In many instances, this problem is inter-generational. Although in line with the *UN Convention on the Rights of the Child*, no child should be deprived of personal name or citizenship (UN, 1989), legally invisible persons, many of whom are children, are effectively deprived of both. For example, many children who are born at home are not registered within the legally prescribed period of time, or their births are not even reported, which is the first step for registering a birth. In many such instances, they are born to mothers who either lack identification documents themselves or are unable to cover hospital fees. When children are born in hospitals, hospitals are usually obliged to report the birth of a child to the authorities. However, this step alone does not complete birth registration, which has to be completed by the parents (or legal guardians) of the child. This step gives rise to additional problems if the mother lacks proper identification. Due to their socio-economic position, many Romani women give birth to a child in a hospital under the name of another woman who possesses health insurance (UNHCR, 2011, p. 29). Furthermore, in some cases, such as in the Republic of Macedonia, the registration process is more complicated when no marriage certificate can be produced (UNHCR, 2011, p. 31).

All of these cases then require subsequent registration, in turn also requiring funds for the payment of related fees and taxes, which a legally invisible person does not possess. Furthermore, these procedures can be very lengthy since in some instances the mother has to first become registered herself in order for her child to be registered. Additionally, the burden of proof lies with the person (e.g. proving that he or she is not registered in another country) who wishes to register himself/herself in a birth register and, having done so, also in the citizenship registry books. According to the UNHCR and to several



legal advocacy NGOs in the region, many individuals would qualify for citizenship in their country of residence immediately if they were not legally invisible.<sup>16</sup>

While in many cases the existence of legally invisible persons is connected to the armed conflicts, many of them in fact migrated internally in SFRY before the wars even started. In some instances, such as in Montenegro, many of the so-called Romani minorities actually migrated from Kosovo in the 1970s and their position is somewhere *in-between* the domicile Romani minorities and Romani IDPs.<sup>17</sup> Although they were not displaced by the Kosovo War, they faced its spill-over effects as well as the subsequent proclamations of independence, first by Montenegro, then by Kosovo. Although their situation was seemingly different from the displaced RAE, they also found themselves in a position that made it difficult to regularize their status. Many of them are unable to prove their initial citizenship due to displaced or destroyed registry books from Kosovo. In order to regularize their status, they have to initiate a re-registration process (UNHCR, 2011).

Another category in which many Romani individuals in the post-Yugoslav region fall and which also illustrates their *in-betweenness* is the category of displaced persons. It includes individuals who have the most difficulties regularizing their non-citizen status in the county they reside in, hence also impeding their access to citizenship. For example, the Republic of Macedonia offered facilitated naturalization for those with the status of refugees after the Kosovo crisis. However, this option is reserved only for those who have six years of uninterrupted legal residence in Macedonia (Spaskovska, 2010b, p. 17), which presents a difficulty for those Roma who live in informal settlements without legal registration. Many Romani individuals throughout the post-Yugoslav region face problems as the result of similar provisions.

A very vexing and complex issue also illustrating the *in-betweenness* of Romani minorities is the case of IDPs in Montenegro after the proclamation of independence in 2006. In Konik, on the outskirts of Podgorica, we find the largest refugee camp in Europe (Matsha-Carpentier, 2012), with most of its inhabitants belonging to Romani minorities. They are IDPs who were forced to migrate within the then Federal Republic of Yugoslavia from Kosovo (as part of Serbia) to Montenegro (as the second federal unit) during the Kosovo conflict in 1999. Although the 2011 UNHCR report insists that these people should have the status of refugees, the Government of Montenegro considers them IDPs since at the time of their forced migrations they did not cross an internationally recognized border, as Montenegro was not an independent state at the time. The *Strategy for Durable Solutions of Issues regarding Displaced and Internally Displaced Persons in Montenegro with the Special Emphasis to the Konik Area* (2011) also includes legal provisions on how the status of these IDPs should be regulated in Montenegro. According to the legal provisions in Montenegro, these 'IDPs' should obtain the status of aliens with permanent residence (Montenegro Ministry of Labour and Social Welfare, 2011, p. 11). The *Act on the Amendment of the Act on Aliens* envisages a transitional period (which was prolonged until the end of December 2012) by the time all the IDPs are supposed to regulate their status as aliens with permanent residence. Should they fail to do so, they will be considered illegal residents in Montenegro, unless they opt to regularize their status on a temporary basis. In order to acquire Montenegrin citizenship, one must first have the status of an alien with permanent residency for 10 years and renounce his/her previous citizenship since Montenegrin legislation in general does not permit dual citizenship (Džankić, 2010). The problem for many Romani IDPs in this respect is

two-fold. Firstly, many of them are unable to gain the non-citizen status of an alien with permanent residence due to their lack of documents. In January 2013, the discussion on prolonging the transitional period for the second time began in the Montenegrin Parliament. However, the proposal on extension was still not passed by the Parliament in June 2013 (Milošević, 2013). Secondly, those who are able to regulate their status as aliens with permanent residency are unable to gain Montenegrin citizenship due to the procedural costs of renouncing their previous (usually Serbian) citizenship (UNHCR, 2010).

### Representation and Visibility of Romani (Non-)citizens in the Post-Yugoslav Space

In previous sections of the paper, I analysed the specific obstacles Romani minorities face in accessing citizenship and examined how they are consequently frequently positioned as non-citizens at their place of residence in post-Yugoslav space. I postulated a claim and illustrated with various examples that Romani (non-)citizens cannot be conceptualized as the post-Yugoslav *Other* since they were not the main addressees of *epistemic violence* in redrafting of citizenship policies in analysed contexts. Their position in regards to citizenship access and status was more of an unanticipated side effect, due to their specific *forced in-betweenness* originating from their disadvantaged position. However, the fact that their disadvantaged *in-between* position was not addressed while redrafting citizenship policies led to their indirect discrimination by what in many instances seemed to be neutral provisions of citizenship acts.

The question remaining is whether the post-Yugoslav Romani non-citizens had the means to voice their uneven position. The representation of Romani minorities in the post-Yugoslav space, especially those whose position is characterized by non-citizen status at their place of residence, was also caught in certain *in-betweenness*. The position of Romani minorities in the post-socialist Europe was put at the forefront by international organizations (e.g. the Council of Europe and the European Commission) in the prospects of eastward EU enlargement. In this context, the protection of Romani minorities and granting their representation became one of the more visible requirements set by the EU conditionality (Kymlicka, 2007, p. 220), also for the most post-Yugoslav states. Consequently, many post-Yugoslav legal acts on minority protection, which usually also refer to Romani minorities, directly stated that they were constructed in alignment with the norms set by a number of international organizations.<sup>18</sup>

However, contrary to the norms of international law, most of the minority protection national acts at the same time explicitly refer to citizens as potential carriers of minority rights, and not to residents (Džankić, 2013). This means that they do not acknowledge the actual reality that some minorities, especially the Romani as discussed above, are overrepresented in the group of residents with different irregular non-citizen statuses. *Strictu sensu*, following the minority acts, they are not represented by Romani representatives, although Romani minorities, who are unable to regularize their citizenship status, belong to the most disadvantaged populations in need of special representation and protection. However, the minority protection of their states of residence does not include them. This points to unevenness that further stipulates a *circulus vitiosus* where many Romani minorities are again kept in forced *in-betweenness*.

Finally, the issue of Romani minorities as non-citizens at their place of residence became especially prominent during the visa liberalization process<sup>19</sup> since it was

considered one of the benchmarks of visa liberalizations. The post-Yugoslav countries in question (e.g. Serbia, Macedonia, Montenegro, and BiH) had to offer facilitated access to identity documents for those who had not been previously registered (Kacarska, 2012, pp. 9–10) due to EC pressures in the negotiations for visa liberalization. Although most of the countries in question completed the process of visa liberation in 2009 and 2010, legal advocacy NGOs in the region (PRAXIS, Your Rights, and Legal Centre) disclosed that the issue of legally invisible persons is still far from being resolved. Many Romani citizens of the post-Yugoslav states again found themselves caught *in-between* politicized juggling between some post-Yugoslav states and some EU Member States concerning a debate on the Schengen visa-free regime and post-Yugoslav asylum seekers in the EU. The visa liberalization benchmarks included ensuring the freedom of movement for all citizens as well as protection of minority rights (Kacarska, 2012, p. 6). After the visa liberalization process was concluded, there was an increase in asylum seekers from the Western Balkans. The overwhelming majority of these individuals belonged to Romani minorities. Many EU Member States then demanded that restrictions are to be introduced by the countries in question. This led to specific ethnic and socio-economic profiling of certain groups, especially Romani minorities, whose freedom of movement was put into question by their own countries (Kacarska, 2012, pp. 19–20).

Paradoxically, the countries in question (especially Serbia and Macedonia with the largest Romani populations) practiced *de facto* discrimination to preserve visa-free travel for all citizens by restricting the freedom of movement of the most vulnerable group within their citizenry so as to prevent them becoming ‘bogus’ asylum seekers. Those Romani individuals who were able to apply for asylum in the EU had their citizenship status regulated and were able to obtain a biometric passport and were thus from this perspective in a better position than those who found themselves within the plethora of non-citizen statuses. However, although they were slightly better off than the latter, most of them still live below the poverty line, and are thus hierarchically and unevenly included even as citizens.<sup>20</sup> This illustrates well that Romani minorities remain on the margins of *citizenship regimes*.

## Conclusion

This paper demonstrated that in the case of state disintegration and *a posteriori* transformation of newly established citizenship regimes, the unevenness of citizenship can also be observed at the access dimension. I stipulated that in the post-Yugoslav case the uneven access of Romani minorities can be mostly attributed to their socio-economic disadvantages and culturally stigmatized hybrid position marked by their *forced in-betweenness*. Although the disintegration of the Socialist Yugoslavia was accompanied by the armed conflict and wars, when considering uneven access to citizenship and the positioning of Romani minorities as non-citizens at their place of residence, we can still identify some similarities with other contexts of state disintegration (i.e. Czechoslovakia) since *epistemic violence* is one of the most important characteristics in drafting citizenship legislation in virtually all the post-Yugoslav States. What is specific of post-Yugoslav *citizenship regimes* is that the Romani minorities cannot be understood as the ultimate *Other* since they were not the main target of such *epistemic violence*, but were collateral damage due to their disempowered *in-between* position also characterized by multiple silencing and the lack of representation. Although they were not the main targets of *epistemic*

*violence*, their position worsened since the fact that they had previously already been disadvantaged was neglected in the post-Yugoslav space.

While the post-Yugoslav *citizenship regimes* are being rapidly transformed in the prospects of the next EU enlargement, the re-positioning of Romani minorities needs to be studied further in order to produce viable policies that would address their uneven access to citizenship and also citizenship rights. To avoid similar unanticipated consequences, state authorities need to henceforth consider how new and even seemingly neutral policies they are drafting could affect the most disadvantaged groups such as the Romani minorities. Furthermore, according to Kochenov (2007), the European Commission did not fully use its leverage to address the uneven citizenship access of Romani minorities, while the Czech Republic was joining the EU. Since then, the EC has introduced new mechanisms, such as the *EU Framework for National Roma Integration Strategies up to 2020* (EU Roma Framework), in order to improve the position of Romani minorities. The EU Roma Framework addresses the integration of Romani minorities in the EU Member States as well as in the (potential) candidate countries. However, more attention will have to be paid to the fact that the unimpeded access to citizenship for Romani minorities represents the first precondition for their integration.

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### Notes

1. In this paper, I use the term *epistemic violence* in connection with the post-colonial theory, specifically Spivak's understanding of the term, who originally took the term from Foucault (Spivak, 1999, p. 226). *Epistemic violence* is a non-physical form of violence and refers to specific discursive practices of knowledge/power interplay. This can also include the redefinition of certain categories within the legal framework (Spivak, 1999, p. 267) so as to serve new societal hierarchies. The concept of *epistemic violence* was also used by Nidhi Trehan in her analysis of the position of Roma in Central and Eastern Europe (Trehan, 2009, p. 64). However, she does not apply it to the analysis of the position of Romani minorities in the context of post-Yugoslav *citizenship regimes* transformation.
2. I use the term Romani minorities in the plural form to acknowledge both hybridity and heterogeneity of these populations in the post-Yugoslav context. The populations identified as Romani minorities are in fact very heterogeneous and hybrid since this designation included various perceived and self-identified 'ethnic' sub-categories (e.g. Ursari, Kalderash, Sinti, Beash/Boyash, etc.), who usually share a very similar socio-economic predicament. The literature focusing on the post-Yugoslav context usually portrays these heterogeneities by extrapolating on the division of RAE in Kosovo (Marushiakova & Popov, 2001; Sigona, 2012). However, what tends to be ignored in the literature is that there are also other ethnic identifications connected to subdivisions within Romani minorities, such as Sinti in Slovenia, Vlach Roma in Serbia, and Bayash Roma in Croatia. All these subdivisions (as in the case of non-Romani populations as well) are situational as well as relational and they are being permanently (re-)constructed due

- to the endeavours of different political actors and also in everyday contexts to paraphrase Brubaker, Feischmidt, Fox, and Grancea (2006). Furthermore, as Claudia Lichnofsky (2013) explicates in Broube-karian manner, simply dividing Romani minorities in Kosovo into pro-Serb Roma and pro-Albanian Ashali and Egyptian communities is static and not applicable to all situations. Therefore, in this paper I shy away from using simply the term “Roma” or “Roma communities” since they both reduce the complexities in regards to their position found in the post-Yugoslav space.
3. This paper focuses specifically on the themes of access to citizenship and post-Yugoslav citizenship constellations affecting specifically Romani minorities. For examples of minorities and migrants see Stjepanović (2015) and Koska (2015) in this special volume.
  4. A similar observation has been made by Gëzim Krasniqi (2015) in this special volume on the post-Yugoslav Kosovo where he claims that there is a hierarchy between different communities, although they are put on equal footing in the constitution.
  5. When using the concept of the working class, it has to be taken into account that the working class itself was always in the process of being constructed and, similarly to ethnicity, cannot be simply essentialised.
  6. According to the several of my interlocutors (Sardelić, 2012, 2013), it was only in the 1970s when Yugoslav policies became oriented towards permanently settling Romani minorities. Although sedentarism was required, many Romani individuals still migrated seasonally due to economic niches they employed.
  7. One of the side effects of the post-socialist transition was not only that Romani individuals were the first to be dismissed from their regular employments, but the shift to the capitalist system dismantled their own economic niche since there was no more demand for their unique products (e.g. wooden troughs were replaced by cheaper plastic ones).
  8. The paper explores which specific features in the Romani minorities’ post-Yugoslav position contributed to their impeded access to citizenship. While some studies were conducted in order to gather sociological data on Romani minorities in individual Romani countries (Bogdanić, 2004; Friedman, 2002; Jakšić 2002; Jakšić & Bašić, 2005; Klopčič, 2007), there is still a lack of comparative research with the focus on how the position of Romani minorities has changed after the Yugoslav state disintegration.
  9. The report by Marina Simeunović explains that the largest Romani settlement in Novi Sad called Veliki Rit has only two legalised streets, while other parts are not legalised. Most individuals living in the legalised part of Veliki Rit did not face problems in accessing citizenship, while many living in the informal streets face several obstacles (Simeunović, 2013, p. 13). I observed something similar during my fieldwork in Macedonia. In the famous Romani municipality of Skopje, Šuto Orizari, which is usually portrayed as the model of coexistence, there is a clear division in living standards. While the main roads are paved, have streetlights and larger houses, many side streets are unpaved and muddy, without illumination and with ‘cardboard’ houses. According to the information given to me by the local NGOs (especially the Romani NGO Ambrela), most of the Romani individuals living in these side streets face several obstacles in their access to citizenship at their place of residence. The spatial segregation does not exist only between the Romani and Non-Romani community, but also within the Romani community itself.
  10. The targeting here was on the symbolic basis since most of the individuals identified as belonging to the Serb minority were fluent both in Cyrillic and Latin orthography.
  11. Illiteracy rate here measures absolute illiteracy, which includes inability to sign one’s own name according to the definition of UNESCO: [http://www.unesco.org/education/GMR2006/full/chapt6\\_eng.pdf](http://www.unesco.org/education/GMR2006/full/chapt6_eng.pdf) (last retrieved April 15, 2013).
  12. The legal definition of a stateless person is ‘a person who is not considered to be a citizen by any state’ (Weissbrodt, 2008, p. 84). On the other hand, as Weissbrodt claims, this legal definition is too narrow to encompass all the cases of people who are stateless in effect although they are *de iure* citizens of a certain state. Therefore, another category needs to be used, that of *de facto* statelessness: ‘Persons who are *de facto* stateless often have nationality according to the law, but either this nationality is not effective or they cannot prove their nationality’ (Weissbrodt, 2008, p. 84).
  13. For detailed analysis of the politics of return, see Biljana Đorđević (2015).
  14. I had the opportunity to conduct fieldwork in all post-Yugoslav states, where I also visited Romani settlements in the majority of these states. In each Romani settlement I visited, I usually identified at least one person who had irregular status and was thus legally invisible.
  15. This information is based on the interviews conducted during my fieldwork in November and December 2012. This information is also included in the work published by UNHCR and the aforementioned NGOs.
  16. This information is also based on the interviews conducted during my fieldwork in November and December 2012 in different post-Yugoslav states.

17. UNDP includes this group of Romani minorities in the category of the domicile Roma (they dealt with around 700 such individuals who lacked birth registration), although they do not fit the standard definition of the domicile Roma in Montenegro, who have been living in Montenegro for many generations and who all possess Montenegrin citizenship (Džankić, 2010, p. 17).
18. For example, the Constitutional Act on Rights of National Minorities in Croatia in its preamble stresses that it was drafted in accordance with the principles of international law (it also lists the convention and declarations), while the Act on the Protection of Rights of Members of National Minorities emphasises that the Framework Convention for the Protection of National Minorities (FCNM) is part of the legal system in BiH.
19. The impact of visa liberalization processes deserves further attention in a special paper as one of the most volatile topics considering the position of Post-Yugoslav Romani minorities.
20. According to the interlocutors, I interviewed during my fieldwork, most of the Romani individuals from the Post-Yugoslav states in question (Macedonia and Serbia), who sought asylum in the EU, were aware that they will be returned to their country of origin, which shows a different pattern of migration from those Romani individuals who are EU citizens. However, this was one of the economic strategies of survival during more difficult periods (e.g. winter time), while Romani individuals with EU citizenship intend to stay in the EU Member States to which they migrated.

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