



CEIPA/Payoke Round Table on the Mobility and Integration of Roma Minorities

2014 State of Play of EU Practices and Policies Towards Integration of Roma into the European Societies

9 December 2014

Venue: Belgian Ministry of Justice

115 Boulevard de Waterloo/Waterloolaan
1000 Brussels

In cooperation with the Belgian Ministry of Justice, CEIPA Round Table on the Mobility and Integration of Roma Minorities took place on 9 December 2014 in the premises of the Ministry. Some thirty participants representing governments, civil society, international organisation and academia attended the event.

The following is a brief summary of the proceedings.

In his opening address **Mr. Peter von Bethlenfalvy**, CEIPA Executive Director, thanked the Ministry of Justice in particular Mr. Jean-François Minet and Ms. Barbara Vangierdegom for hosting the Ceipa meeting under the auspices of the Ministry. He stressed the longstanding, good cooperation between CEIPA/Payoke and the Belgian Ministry of Justice.

Mr. Jean-François Minet, Attaché, General Directorate Legislation, Civil Liberties and Fundamental Rights, Chief of the Bureau of the Interdepartmental Coordination Platform for the Fight Against THB at the Ministry of Justice, Brussels, Belgium opened the round table, reiterating the successful and enduring cooperation between the Ministry and Payoke organisation and Ceipa in the area of organised crime and trafficking in human beings. Underlining the sensitivity of the issue of Roma mobility and integration he placed great importance on prevention, integration and non discrimination policies, as well as their monitoring and implementation. Because of their vulnerable condition caused by poverty and discrimination the Roma minority, especially young girls, are at high risk of being exploited

and trafficked. To counter racial prejudices the Justice and Home Affairs department of the MoJ brought out in 2013 the common guidelines for prosecutors on the investigation and prosecution of discriminating and hate crime. But because of the Roma people tight ties and community rules that bind them together it is very difficult to bring up the evidence of exploitation- the fact that came to light as a result of the MoJ evaluation through interviews carried out within the National Referral Mechanism procedures. The best prescription for remedy is therefore the trust building between the law enforcement and Roma community and the support to civil society (organisations such as Payoke and Foyer). The integrated Belgian approach towards Roma carefully avoids any counterproductive measure that can further aggravate marginalisation and increase vulnerability. Hence the new provisions that criminalise exploitation of begging but do not directly criminalise passive begging of parents with children, because the aforesaid are often being committed out of fear of deportation and without criminal intent. Instead of prosecuting certain behaviour it is more productive to mobilise the players working in the social field. In this regard, the institution of Cultural Mediator has been recently established in Brussels and other Belgian cities in order to help better understand the Roma community mores and behaviour and help building bridges that can facilitate dialogue and understanding of Roma minority. But the gates have to be opened from both sides, meaning that cooperation both from the Roma and state authorities should be promoted.

Ms. Ilona Negro, Team Leader, Roma Coordination and Non-discrimination Unit, DG Justice, European Commission. On behalf of Commissioner Vera Jourová and Director Sammilainen, Brussels, started by pointing out to the coordinating EU policies related to Roma minority. The sheer fact of an estimated 6-8 million Roma in Europe explains the high priority attributed to the Roma question, especially after 2004. With the breakthrough EU Framework for national Roma integration strategies up to 2020, adopted in 2011, the EU has provided the guidelines in the fields of education, employment, housing and health, leaving to the Member States the definition of the specific, tailored policies that reflect the size of their Roma population. The EU Council called on the EU Member States to appropriately monitor and evaluate impact of the Roma inclusion strategies, appoint National Contact Point and promote the active involvement of Roma civil society. The results are expected to be fully evaluated in 2020. What is of a paramount importance is to focus on Roma children's school enrolment as this is the only way to break the vicious circle of perpetuating the same predicament generation after generation. Equally, closing the labour market gap will take time, as the education and employment strongly correlate. The 2013 EU Council recommendations on effective Roma integration measures, although not legally binding sent a strong political message and are relevant for enlargement countries, as it form an integral part of the EU *acquis*. After only 2-3 years of the adoption of the EU Framework it is too early to make conclusions on the effectiveness of the EU policy. One should take into account that some Member States this was the first coherent strategy ever and that long term, fundamental changes do not happen overnight. Because of the time required to see the change, we need to resist the temptation to question too soon the viability of EU measures

Ms. Angelika Molnar, Team Leader, EUROPOL, The Hague, the Netherlands introduced the Europol's management project that provides operational support, coordination and expertise on cross border investigations to EU Member States in combating and preventing THB. Europol is not allowed to store data based on ethnicity, but the strategic data provided

by some EU Member States are helpful for developing packages that facilitate cross border investigations in THB. According to these strategic information most victims from the Roma minority are exploited in forced criminality, forced begging, pick pocketing, theft, burglary and sexual exploitation. Tainted by poverty, unemployment and social exclusion many Central and Eastern European Roma community members are forced to criminality by high interest rates imposed on them by traffickers in debt bondage patterns . Children are taken away from their parents and are forced to commit criminal activities to pay back incurred debts. All the money earned by victims is taken away by the organised crime groups, that often use intimidation, threat, violence and other forms of manipulation, including constant supervision of offenders. Despite the provisions enacted in the EU Directive against trafficking there is also evidence of secondary victimisation (meaning that victims are prosecuted for crimes they were forced to commit). Children are particularly vulnerable and often run a risk of being re-trafficked. Particular difficulty for the authorities is the victims' identification, as they often do not possess ID cards, neither are they registered in state registries (children born on the road do not have a birth certificate). Europol's main challenge is the intelligence gap and the identification of victims, particularly those vulnerable to exploitation. The Eurojust data show however that more cases have been detected but less of them prosecuted as THB, although prosecution may be based on other ground.

Ann Lukowiak, Federal Prosecutor, Ghent, Belgium presented two recent investigations carried out in the Ghent area. The first case known as GANCY concerned a child forced marriage, involving a French/Albanian family who bought 13-16 year old girls from poor families in Macedonia, Serbia ad Kosovo and then sold them (for 10-15 000€) in France to Kosovar nationals as house slaves. Victims were living in precarious conditions with no income or perspective, which made them easy prey for criminals. In Belgium a guardian is assigned to a minor, but because of the separation between criminal and juvenile court neither the tutor nor the magistrate had knowledge of the circumstances in this case. The result was that the girls, having no family in Belgium, were sent back to the family that bought them from the French perpetrators in the first place. The case revealed the deficiency of Belgian law, being out of step with the situation in the field, as well as the lack of cooperation between authorities. In the second, GALATON case 18-25 years females of Hungarian origin who dropped school and had children were transported to Belgium/Netherland and Switzerland and were forced to work as prostitutes in window bars, brothels and private houses. Although they knew they would work in prostitution, victims were deprived of their earnings and were trapped in debt bondage, afraid to escape of file a complaint against their perpetrators. Not only did they not see themselves as victims but were convinced that they need the pimps to protect them against the violence of clients. In all, 42 victims were identified during a police operation. Usually, victims come first in contact with the police before being given protection, instead of being protected immediately after identification. Also, linking the status of a victim and consequently the protection to the obligation to cooperate with law enforcement should be reviewed, as victims have to be protected in the first place, as soon as they are identified as such. Part of the solution could be also the reciprocity between the countries of origin and destination regarding the recognition of the victims' status.

Marian van der Zwaan, Visual Artist and Investigator on Gender Discrimination and

Ethnic Groups, Lisbon, Portugal presented a Bianca snapshot film/installation, linking her artistic vocation and skills with the conditions of Roma prostitutes, victims of human trafficking in Portugal. The film revealed a desperate condition of Roma victims, living in fear of violence and being ashamed of their situation. Ms. Van der Zwaan also mentioned a good example of Roma integration in Portugal where the three years work by the Roma mediator with the members of Roma community resulted in their acceptance to enrol their children to school. This proves that working with Roma representatives and understanding their culture can make visible results.

Ms Helga Konrad, Former Federal Minister and OSCE High Representative for Trafficking in Human Beings, Vienna, Austria noted that there are no ready-made solutions for the Roma minority problem, except that we have to strive to better translate policy into practice. According to the 70 years old Roma counsellor in Vienna things have hardly changed in the past few decades, although some progress has been observed. In Austria, there are two different types of Roma- those who declare themselves as Roma and those who are assimilated Austrians. In general, Roma communities are quite heterogeneous (some are settlers, but often considered “at the end of the value scale” other are travellers) and there is little solidarity between different groups. There is an estimated number of 25000 Roma in Austria, originating from Romania, Slovakia, Czech Republic and former Yugoslavia. This number is however problematic as Austria doesn't allow ethnic profiling, mainly due to the Nazi past memories. Austrian Roma are divided in five different groups which have different culture, dialect and place of living. Vienna Romano Centro is known for representing different Roma groups, and is possibly the only European association with such a broad coverage. In spite of these differences Roma do share a common feature of history of discrimination and marginalisation. A century long fringe existence resulted in the absence of their representation on political, economic and decision making level as racial prejudices continue towards settlers and travellers (the latter being often treated as migrants). Even though Austria recognised the Roma as ethnic minority 25 years ago (Volksgruppengesetz), providing for specific language courses, teaching assistance and establishing an advisory board to consult on Roma matters the negative image of Roma, being prone to begging, theft and forced marriages, persists. On a positive side there are some good examples of successful Roma integration. In the late 90s income-generating programmes were introduced for ethnic Roma from Southern Slovakia (i.e. production of pasta, pickles). After fifteen years, the market has been well established between the producers in the Roma community of Hostice and the buyers in Graz, among them supermarkets like the chain Spar. Through the existing projects in Hostice, currently some 50 people – former beggars – have now found alternative income-generating strategies. Such measures are replicable for other cities and regions and could help to prevent human trafficking and reduce people's vulnerability. However, many Roma continue being frustrated with the existing policies which they say are defined by a top down approach, without their participation.

In conclusions Ms. Konrad stressed the importance of a longstanding, closely monitored Roma integration strategies that should be continuously evaluated, corrected and improved in order to reflect the conditions in the field.

Ms. Patsy Sörensen, Director, NGO Payoke, Antwerp, Belgium began her intervention by posing the question of happiness, setting the stress and hyper connectivity of our time against the more traditional Roma way of life. Citing her long term ground experience she

mentioned the example of Monte Negro where she was acting as the EU TAIEX designated expert. One of the remarks made by her Montenegro Roma interlocutors concerned the lack of interest of local politicians in Roma leaders complains and their refusal to listen to the Roma leaders in general. The example is the tacit acceptance of early marriage practices, in spite of the existence of the law that explicitly proscribes it. With regard to housing, Roma camps are often destroyed without being replaced by an alternative, good housing. Because they fear punishment, Roma are very often afraid to denounce such irregularities. Even though the Montenegro authorities want to give the impression to comply with the EC rules, as this might please the Commission and enhance their chances for the EU accession, there is no control mechanism in place which would guarantee the follow up. What is therefore needed is a more active role of civil society, better education and training of different professionals, including law enforcement social workers and health practitioners. In such a way the Roma human rights will be better observed and protected. Instead of denying their arguments, we should start listening to the Roma representative, as positive results in Flanders demonstrate (Antwerp and other Flemish cities with a sizeable Roma population have established Roma platforms which include city policy strategy on how to better work with the Roma). The EU platform is certainly a good beginning, which will hopefully yield encouraging results.

In his concluding remarks **Mr. von Bethlenfalvy** touched upon the problems of local and regional representatives who feel increasingly frustrated with existing administrative rules and procedures that hamper the effective implementation of policy principles and funding .

During a lively discussion the participants voiced the need for independent monitoring mechanisms, that would improve the implementation on local and regional level. Practices such as the placement of Roma children in special schools for handicapped and mentally disabled or massive eviction of Roma travellers should be forbidden, whereas a dialogue with and participation of Roma representative should be promoted. Structural deficiencies such as discrimination by law enforcement or the employment of Romania and Bulgaria policemen to track Roma community members should be effectively addressed. European Regional Fund should be better used to tackle Roma minority integration and positive Roma integration practices should be promoted. EU Member States cannot be named and shamed for non-compliance of EU Strategy, as its four pillars (education, housing, health and employment) do not fall within the scope of EU competence. However the infringement procedures are possible (Czech Republic) but are usually long and cumbersome. Fundamental Rights Agency issues regular reports, which assess implementation and address existing gaps. Bottom up approach versus top down approach should be favoured with better participation of civil society. Education, training and sensitization of officials dealing with Roma should be further supported and funded.

Rapporteurs: Ms Jelena von Helldorff, Senior Policy Advisor, CEIPA, Brussels, Belgium and Mr Dirk Calemyn, former Head of Migration Service of the Federal Police, Brussels, Belgium