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# OHCHR-Questionnaire of the Special Rapporteur on minority issues to National Human Rights Institutions – Request for information on the human rights situation of Roma

# Response of the Belgian NHRI (Interfederal Centre for Equal Opportunities)

## Answer to Questions 1&2:

Yes, the Belgian NHRI (further: the Centre) undertakes work specifically relating to the promotion and protection of the rights of Roma and has a focal point for Roma issues: In summer 2014 the Centre created a new full-time position for a Policy Advisor on Roma and travellers issues. The Policy Advisor is the internal and external focal point for these topics, is responsible for building-up a sustainable network with different governmental and non-governmental actors and self-organizations on local, regional and European level and implements the policy goals as stipulated in the Strategic Plan of the Centre. The Centre drafted in 2014 its Strategic Plan of the organization for the years 2015-2017, but due to the ongoing restructuring process of the Centre, the plan is not yet approved by the new Management Board, that just met for its constituting session. The draft Strategic Plan has 24 main topics. Roma in the sense of Middle- and East European migrants is one of these topics, travellers in the sense of nomadic and semi-nomadic Belgian citizens, calling themselves ‘Roms’, ‘Manouches’ and ‘Voyageurs’ plus EU travellers another. Under these two chapters, the strategic aims of the Centre with regard of both groups are defined. The strategic aims with regard to Roma are as following:

* The anti-discrimination scope of the National Strategy on the Integration of Roma is meaningful and translated in concrete policy measures
* The segregation of Roma children, especially with regard to the above-average percentage of Roma children in the so called special education system is reduced
* The Image of Roma is improved by information and sensitization measures
* The trust of Roma in the authorities is improved by participation and dialogue
* There are reliable data on Roma in Belgium

The strategic aims of the Centre with regard to travellers are as following:

* There is an inclusive governmental policy for travellers
* The structural lack of legal traveller sites is reduced
* Local authorities react structured and coordinated on travellers
* There is more nuanced reporting on travellers in the Belgian media
* There is a concept for the education of the children of travellers, respecting their minority rights

At the moment of writing, an action plan 2015 is drafted, defining for the ongoing year the work of the Centre within the framework of the draft Strategic Plan, including measure already implemented or on the way of implementation during 2015.These measures with regard to Roma are as following:

* Advocacy work on the strategic aims on all governmental levels
* Regional round table talks between local journalists and Roma-representatives (in order to overcome mistrust, lack of information, stereotypes and lack of focal points)
* Work on detected structural discrimination-schemes of Roma (see for examples answer to question 3)
* Serial of visits at editorial offices (media) in order to provide information on Roma and travellers and to sensitize journalists with regard to common stereotypes on both groups – in this context, the Centre is drafting a Q&A document for the media on Roma and travellers
* Participation: consulting Roma-representatives in drafting and implementing measure of the Centre
* Involvement in the planned field research of the city of Gent on the over-proportional representation of Roma children in the so called ‘special’ education system
* Building-up a sustainable network with the Roma community
* Building-up a fruitful dialogue with the National Contact Point of the National Strategy on Roma integration
* Building-up a network with research institutions in order to stimulate research on Roma-issues

These measures with regard to travellers are as following:

* Advocacy work on the strategic aims on all governmental levels, especially with regard to the right of living in a caravan in Wallonia and with regard to the right of education
* Continuing the work as member of a multi-institutional working group on traveller-issues in Flanders, initiated by the Centre in September 2014 *(including, amongst others, the Flemish Children Rights Commissioner (Parliamentarian Ombudsman) and the Association of Flemish cities and municipalities* *VVSG*) – at the moment, the working group drafts a common analysis of the situation of travellers in Flanders and develops a common communication approach versus stereotyping media coverage of traveller-issues
* Stimulating (and supporting) the establishment of a governmental working platform in Brussels, led by the Prime Minister of the Brussels Capital Region to find practical, low-cost solutions with regard to an increase of traveller-sites– first positive talks with the Prime Minister took place and will be continued (these attempts of the Centre were motivated by an individual complaint, see Answer to Question 5)
* Building-up a sustainable network with the community on local level

At the moment, the Centre does not have any staff member of Roma origin.

## Answer to Question 3:

The Centre monitors human rights violations of Roma on the basis of received complaints and on basis of pro-active research on local level. The collection of data, for example on the over proportional percentage of Roma children in the so called special educational system is hampered by the lack of ethnic data. The collection of ethnic data is forbidden in Belgium by law.

Examples for providing advice to the Government:

* In 2015, the Centre had on request a direct dialogue with the mayor and several aldermen of a major Belgian city on three topics of alleged structural discrimination of the local Roma community. Measure to counter possible discrimination were agreed with the major and will be implemented in 2015
* As mentioned above, the Centre stimulates and supports with its advise the setting-up of a governmental working platform in Brussels on increasing the number of traveller sites in the Brussels Capital Region.
* The Centre is in dialogue with the National Contact Point on Roma Integration in order to define concrete measure to implement the anti-discrimination scope as described in the National Roma Integration Strategy.
* The above mentioned multi-institutional working group on traveller-issues in Flanders, initiated by the Centre, is providing advice to the regional and local authorities in Flanders. Members of the working group are distinct policy advise organizations such as the Flemish Agency for Integration (*Agentschap Integratie en Inburgering*), the Association of Flemish cities and municipalities (*VVSG*) and the Centre itself.
* For spring 2015, the Centre has scheduled several meetings with advisors of different regional and federal Ministers on Roma and traveller issues. Topics are amongst others the equal access to social rights (for example education and the right of domiciliation for EU citizens), the anti-discrimination provisions of the National Roma Integration Strategy, the lack of traveller-sites and the segregation of Roma in the educational system.
* The Centre is formulating a position on a positive-discrimination measure in place in the Flemish educational system, the so called ‘Roma attestation’. In preparing its advice for the Flemish government, the Centre requested the opinion of another public body with human rights remits, the Commission for the Protection of Privacy (CPP).
* The Centre is constant member of different public policy advice platforms and provides via these memberships its advice also on Roma and traveller.

## Answer to Question 4

The Policy Advisor on Roma and travellers visited in 2014 each department of the Centre (including the external – regional – complaint offices) and trained its staff members on the specificities of Roma and travellers. In these meetings, the focal point explained the priorities of the Centre in its Roma and travellers-working and discussed with the different teams the envisaged actions and their possible collaboration. A special focus was put on the reception and treatment of Roma and travellers lodging complaints at a meeting with the service ‘First Line’, which is the internal service that receives individual complaints. It was agreed to tag individual complaints of Roma and travellers in the internal electronic complaint-database in order to monitor these complaints systematically. The team ‘Second Line’, that treat individual complaints and the team ‘Communication’ received additionally an analysis on the news coverage (print media only) on Roma and travellers (research period: June-September 2014, PPP attached – in English, PPP was used during the Médiane project of the Council of Europe). On intranet the document ‘Roma and travellers – the work of the Centre in a nutshell’ was placed for internal use.

## Answer to Question 5

Yes, the Centre receives and treats individual complaints of Roma and travellers via its internal services ‘First’ and ‘Second Line’, its regional complaint offices and directly via its focal point.

Two concrete example of individual complaints:

1. Complaint lodged by a traveller-family in Brussels directly at the focal point (Policy Advisor): the concerned family was three years ago evicted by the authorities from an unauthorized traveller site in ownership of the family itself (reason: infraction against urbanism). Since this time the family was travelling from one illegal site to the next, unable to find any legal stay. In consequence, the family was expelled by the local police after a maximum stay of three months within these three years. The family contacted the Centre because of the unbearable of their living conditions. The Centrum negotiated firstly a delay of the eviction of the family from the site where the family was located. Secondly, the Centrum tried over a period of three months to find an interim solution for the family - without success. Thirdly, the Centre contacted the media to raise awareness for the situation of traveller in Brussels – TVBrussel reported at the site and interviewed the traveller family and an employee of the Centre. Fourthly, because the attempts of the Centre to find a solution were unsuccessful and because the case is exemplary for the situation of travellers in Brussels, the Centre begun political talks on different political levels in the Brussels Capital Regions to achieve progress. These attempts lead finally to:

* An individual solution for the concerned family
* The envisaged governmental working platform on traveller issues in Brussels Capital Region, led by the Prime Minister of the Region (mentioned before)

1. alleged discrimination of a single mother of three sons by other inhabitants of the flat building where the family lives. The complaint was lodged by an employee of a social housing agency, that rented the flat out to the family. The case is an example of alleged multiple discrimination:

* Before the family moved into the flat, reasonable accommodation with regard to the electric wheelchair of the mother was agreed with the owners of the other apartment in the building; after the family introduced themselves to their new neighbors (all neighbors are owners of flats in the building) the agreement was seized, allegedly because of the Roma origin of the family; proposals for alternative reasonable accommodation were rejected by the neighbors in the owners assembly; in consequence, the electric wheelchair of the mother had to stand directly at the street exposed to the elements and to vandalism (the wheelchair was two times vandalized, allegedly by neighbors)
* Several xenophobic insults by neighbors took allegedly place with reference to the Roma origin of the family
* Several insults referring to the alleged Islamic belief of the family took allegedly place (the family is actually of roman-catholic belief)

The Centre visited the household and discovered that the situation for the family toughened dramatically: the mother was hospitalized and her health-situation is further deteriorating, the two (adult) sons of the (non-EU) family were put in the meantime into a closed detention facility for migrants due to their loss of legal stay, the underage third son was therefore left unguarded at the flat. The owner of the flat decided in the meantime to sell his property due to continuous complaints of the other owners against the Roma-family. The Centre always tries to achieve the best solution for the complainants and therefore interfered first in the case of the detained sons of the family, secondly took contact with the owner to achieve delay in the planned disposal of the flat and thirdly wrote a letter to the other owners indicating that the refusal of reasonable accommodation for persons with disability and discrimination on the ground of religion and origin is illegal. The case is ongoing.

## Answer to Question 6

The Centre involves Roma-representative in all aspects of its work on Roma and traveller issues. Roma-representatives are participating in internal brainstorming staff meetings in order to provide their views such as at the planning of the Centre’s activities on the upcoming International Roma Day. The Policy Advisor on Roma and traveller issues briefs Roma and traveller-representatives before and after each scheduled meeting with policy makers. Local Roma and traveller communities were visited and briefed about the work of the Centre and the existence of the regional complaint offices and Roma-delegations were received at the premises of the Centre. The Centre participates regularly on meetings and seminars of the Roma community in Belgium. The Centre is in direct contact with several Roma and traveller associations, key-figures of local Roma and Traveller communities and in Flanders with the so called ‘neighborhood stewards’ – a Flemish Roma mediator program in Brussels, Antwerp, Gent and Sint-Niklaas. The Centre maintains close relations with fieldworkers working with Roma and traveller. One of the staff member of a regional complaint office works half-time as a manager of a traveller-site in Flanders and is therefore an excellent contact person to the community. Individual complaints of Roma and travellers triggered policy initiatives of the Centre (as mentioned above).

Since 2012, the Centre hosts the annual ERIO meeting with Equality Bodies.

## Answer to Question 7

No, the Centre does not apply a gender perspective throughout its activities. However, the Centre has a special attention for gender perspectives in its work. In 2008, the Centre commissioned a research on the gender perspective in opposing racism (*Nouria Ouali, Isabelle Carles, L’usage des lois  visant à lutter contre les discriminations raciales : une perspective de genre*)

With regard to the Roma community, the Centre has special attention for the gender dynamics within the Roma community, leading also to problematic situations such as the dramatic high rate of dropouts of Roma girls within the education system– in certain Roma communities the percentage of girls finishing school is nearly zero. The Centre has also special attention for gender patterns and stereotypes used by the media in reporting on Roma. The Centre includes this particular problematic issue in its talks with editorial offices.

## Answer to Question 8

Yes, the Centre conducts a periodic ‘Diversity Barometer’ (every two years, structured on the topics housing, work and education) with regard to ethnic and religious minorities. Roma are included as a minority group in the barometer. The first ‘Barometer’ ([work](http://www.diversite.be/barom%C3%A8tre-de-la-diversit%C3%A9-emploi)) was published in 2012, the second ([housing](http://www.diversite.be/barometre-de-la-diversite-logement-0)) in 2014, the third (education) is scheduled for 2016. The Centre published in the past data collection on several minorities, such as a demographic study on [50 year of Moroccan migration to Belgium](http://www.diversite.be/belgique-maroc-50-annees-de-migration) (2014), a [statistic and demographic report on migration and migrant population in Belgium](http://www.diversite.be/migrations-et-populations-issues-de-limmigration-en-belgique-rapport-statistique-et-demographique) (2013) or a demographic study on [50 year of Turkish migration to Belgium](http://www.diversite.be/belgique-turquie-50-ann%C3%A9es-de-migration) (2013). The Annual Migration Report[[1]](#footnote-1) offers each year data and analysis on migrant populations in Belgium, including Roma communities. The [Annual Migration Report 2010](http://www.diversite.be/rapport-annuel-migration-2010) devoted for example one chapter on the topic: ‘Roma and EU-citizen: which right of stay?’. In 2009, the Centre conducted a research on the ‘[Housing conditions of Roma and Travellers in Belgium](http://fra.europa.eu/sites/default/files/fra_uploads/574-RAXEN-Roma%20Housing-Belgium_en.pdf)’ in the framework of the RAXEN-project of the European Union Agency for Fundamental Rights (FRA).

1. Until 2014, the Annual Migration Report was published by the Department Migration of the Centre. In 2014, the Department became by law an independent body, the Federal Migration Centre. The Annual Migration Report 2014 will be the first report of this new body. [↑](#footnote-ref-1)