

CHAPTER 2: OVERVIEW OF THE INTERNAL DIVERSITY WITHIN ROMA COMMUNITIES

The title of this chapter may raise questions among readers, which we shall answer without further delay. The first question - and the most important one - that the reader may ask, is why this text on the exploitation of begging within the framework of human trafficking, is only devoted to the Roma. Both the cases that we follow ourselves and those that are brought to our knowledge through the courts, seem to confirm that this particular phenomenon practically only concerns the most recent generations of Roms from Eastern Europe, whether they are perpetrators or victims. Other cases of exploitation of begging aren't known to us or to other experts in this field, which doesn't however mean that they don't exist.

We are aware that this position may be stigmatic. It seems to reinforce old stereotypes according to which only Roms beg or that all Roms are beggars. Regardless of their ethnic origin, people who find themselves in extreme poverty beg, whether they are from Flanders, Wallonia or Brussels. Rom or not, no-one begs for the pleasure of it, but because they are on the lowest rung of the social ladder. These are desperate people in need. Begging remains synonymous with a social stigma no-one wishes to bear. People who beg are calling on the solidarity of their fellow citizens who are faring better on a socioeconomic level. And these people have a right to do so because this isn't a punishable act, all the more so since in 1993, a provision of the Belgian Criminal Code of 1891 concerning beggars and vagrants was withdrawn. Since then, beggars in our country are considered as people in need of social welfare⁵⁶.

⁵⁶ See especially: S. PLEYSIER (Criminologist, KUL), *Verboden te bedelen – De steriele stad* (2015) (*Interdiction de mendier-la ville morte*);

To be specific, we aren't going to tackle begging in the broad sense of the term. We already explained this in the first chapter, where the legal concept of exploitation of begging was clarified. However, we are obliged to briefly mention begging in general, all the more so since it is the subject of many myths that place begging *through need* on the same level as what we described as "exploitation of begging within the framework of human trafficking". Here, we are going to deal with the Roma, because the biggest ethnic minority in Europe is, stereotypically, linked to begging. At the beginning of 2015, the Council of State declared a complaint made against a general ban on begging in the town of Namur⁵⁷. Namur had already adopted municipal rules concerning begging in 2014, also introducing provisions imposing a general ban on the town's entire territory, such as a ban on begging with a child under the age of 16 and a ban on "begging accompanied by an animal that is

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<http://sociaal.net/opinie/verboden-te-bedelen/>, or different points of view of the League of Human Rights (LHR): <http://www.liguedh.be/2014/2157-le-mendiant-est-il-un-delinquant->; http://www.liguedh.be/2013/17_60-pour-un-projet-de-ville-avec-tou-te-s-les-citoyen-ne-s-.

⁵⁷ The complaint was made by the LHR, <http://www.liguedh.be/2015/2239-le-conseil-detat-suspend-partiellement-le-reglement-anti-mendicite-a-namur>. A complaint by the Flemish counterpart of the LHR, the *Liga voor mensenrechten*, against a similar rule introduced by the city of Ghent in 2011, was however considered inadmissible by the Council of State in 2014. The Council of State did not comment on the substance of its decision but considered that the complaint made by the *Liga voor mensenrechten* against the rule did not justify sufficient interest. Download the Council of State's decision via the following link: http://www.mensenrechten.be/index.php/site/nieuwsberichten/raad_van_state_verwerpt_beroep_tegen_gemeentelijke_politiereglementen.

potentially dangerous or likely to become so". The Council of State immediately suspended these two provisions.

The first one because the Council couldn't see how this fact alone could incur a risk to public order, and the second one because it was too vague. However, the Council suspended the duration of the measure for 12 months because "the limit for the case exceeds the limits usually accepted for measures with a comparable purpose"⁵⁸. The Council of State clearly indicated in its decision that begging couldn't be considered as an element that disrupts public order, and subsequently couldn't be banned. However, the Council emphasised that certain begging practices, such as the fact of begging at road junctions or the fact of begging with physical or verbal aggressiveness could perhaps justify a limited ban, but not an overall ban.

This decision is important because in the recent past, several towns in Belgium, such as Antwerp, Aalst, Ghent, Leuven and Blankenberge, in summer 2016, also imposed similar bans on begging, and because the Council of State clearly considers that these bans must be legally limited. One may wonder if the towns concerned aren't trying to reintroduce the former ban on begging through the back door by implementing municipal administrative sanctions. In Blankenberge, the planned ban relates to large areas of the territory, including the historic centre and everything in a 100-metre radius of any publicly-accessible institution, including

stores⁵⁹. One might also wonder if begging by socially disadvantaged people isn't becoming criminalised again. Sometimes, the local authorities even establish a direct link between crime and begging⁶⁰.

However, further explanations regarding the Roma are required. There is no other ethnic group about which so little is known, whether it be in Belgium or in a multitude of other countries. People of Roma origin who have become famous rarely reveal their background. For instance, did you know that Charlie Chaplin, Pablo Picasso and Eric Cantona have Roma origins?

There are certain negative stereotypes that have been maintained over the centuries, and the Roma are still directly and extensively rejected. The confusion starts with the name: the collective name Roma has only existed since the first World Romani Congress on 8 April 1971. During this congress, the delegates decided to get rid of the abundance of traditional, often pejorative names, such as the most well-known one: gypsies. Considering themselves as activists of citizens' rights, the delegates opted for the term Roma, in a gesture of empowerment. To illustrate the difficulty surrounding this title: a group of participants didn't feel the name Roma applied to them and the Congress therefore decided to use another traditional name besides Roma: Sinti, or Manush in French-speaking countries. But besides these two

⁵⁸ Full text of the decision at: http://www.luttepauvrete.be/jur_ce_20150106.htm; the League of Human Rights' point of view on the decision: <http://www.liguedh.be/2015/2239-le-conseil-detat-suspend-partiellement-le-reglement-anti-mendicite-a-namur>.

⁵⁹ Statement by Mayor Patrick De Klerck in the local newspaper: *Krant van Blankenberge*, *Stad Blankenberge wil bedelaars uit het straatbeeld* (15/06/2016) (*The town of Blankenberge does not want beggars on its streets anymore*); http://www.krantvanblankenberge.be/nieuws2016/krantvanblankenberge_01488.html.

⁶⁰ One example is an article published online by the police in Leuven in 2012, explaining the introduction of the limited ban on begging. The article stipulates that for some people, begging serves as a cover for bag snatching or shoplifting: <http://www.lokalepolitie.be/5388/nieuws/867-bedelen-op-bepaalde-plaatsen-verboden>.

terms, self-descriptions are also legion within the community. It is clear that the names have been chosen, above all, in the interest of those who don't belong to the Roma community, in order to facilitate their participation in society. In any case, since then, 8 April has been International Romani Day, in commemoration of the first international meeting.

In the broad sense, Roma refers to all those once referred to as 'tsigans', now known as Roma strictly speaking, Sintis and travellers. They arrived in Belgium in earlier centuries. In the narrow sense of the term, the Roma are those who arrived here after the Second World War. The majority of them are sedentary and not travellers. To our knowledge, the cases of human trafficking don't concern travellers⁶¹.

Therefore, the Roma, travellers and Sintis are part of different communities. There is a common geographic origin in a distant past, somewhere in northern India. It was from here that the first migrants came to Europe, the Middle East and North Africa, more than 10 centuries ago. They have also been living on the territory of present-day Belgium since the 15th century. The Sinti, one of the different groups of Belgian travellers, originate from this initial migratory movement.

Romany, the Roma language, also originates from India. It is an Indo-Aryan language, which developed independently from other languages in north and central India more than 800 years ago. This development

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occurred in a far from uniform manner in the different regions of Europe and the Arab countries. The result? Today, Romani is more the name of a linguistic group rather than that of a language alone. This means that a Rom from Finland who speaks Romani, wouldn't necessarily understand a Rom speaking Romani from Kosovo. And to complicate things further: not all Roms speak Romany.

The groups of migrants of Roma origin who recently arrived from Eastern Europe are anything but a homogeneous ethnic group. It is true that there are certain common cultural traditions, but what makes a Rom a real Rom is an awareness rooted in a both historical and contemporary experience, which makes the non-Roma world a hostile and negative place. Subsequently, the term Rom often, and sometimes above all, comes from the outside: it is non-Roma who define those who are Roma and those who, based on this observation, are also sometimes discriminated against. In the recent past, Belgian police notices still collectively referred to gangs of itinerant thieves from Eastern Europe as gypsies, whether the people concerned were Roma or not. For the police, this term had two different meanings above all: a foreign itinerant gang and people whose physical appearance could mostly be found in the Balkan regions. In the perpetrators' description, the term lacks precision. Many people could fit the description. This is why this term

can't really be used by the police. But worse still: the term also collectively criminalises an ethnic group. Police notices, warning people against gypsy-type perpetrators, like the one published by the police in Leuven in 2015⁶², suggest that all Roms are potential

⁶¹ CENTRE DE MÉDIATION DES GENS DE VOYAGE ET DES ROMS EN WALLONIE, <http://www.cmgv.be>; KRUISPUNT MIGRATIE-INTEGRATIE, infofiche *Roma, woonwagenbewoners, rondtrekkenden: wanneer gebruik je welke term?*, beschikbaar op http://www.kruispuntmi.be/sites/default/files/bestanden/documenten/infofiche_roma_def_20130313.pdf.

⁶² <http://www.lokalepolitie.be/5388/nieuws/2284-daders-gebruiken-list-om-handelaars-leuven-te-bestelen>.

suspects in the eyes of the majority of the population. In 2015, the Belgian police withdrew the use of the word 'gypsy' to describe perpetrators from its General National Database (GND). This gesture is the result of an actual police initiative, as some officers were starting question this practice. But it is above all due to pressure from the press that the term, evoking strong connotation with the genocide of the Roma in the 1940s, was indeed withdrawn⁶³.

The genocide by the Nazi regime was the paroxysm of the segregation and secular discrimination of the Roma and their predecessors, affecting nearly all European countries. The fact that the majority of society, but also the public authorities, could potentially be dangerous and hostile, is rooted in the collective memory of the Roma throughout the whole of Europe. Roms refer to non-Roma as *gadje*, a term with a pejorative connotation. According to tradition, Roms should avoid contact with non-Roma and certainly the public authorities, who can't be trusted. Even within the framework of current hate crimes, and even murders, committed against Roms, the Roma believe that the perpetrators are from their

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immediate *gadje* environment and that the police or the law aren't always ready to take effective legal proceedings⁶⁴.

Therefore, it is mainly the outsiders' views of this ethnic group that has given the Roma a sort of unity that actually doesn't exist. And there is no denying its existence if we look at how the Roma have evolved in Europe: the Roma and their predecessors migrated over the centuries from South-East Europe to other regions in the continent. Contact between the Roma of the north and south, east and west was therefore lost. The split between Eastern and Western Europe, which occurred after the Second World War, further strengthened the distance between the Roma and these countries. Today, Belgian travellers of Roma origin feel there are few or no bonds at all with the Roma who have recently arrived in Belgium from Eastern

Europe. To our knowledge, the cases of human trafficking do not concern travellers. However, the Belgian press makes little difference when talking about the Roma, travellers, or Sintis. They paint an image of poor people from Eastern

Europe, who live in a caravan and have criminal links. In reality, there are approximately 200,000 travellers in Belgium many of whom have no Roma origin. The majority of Roma are actually sedentary and don't live in a caravan. Some of them, including the Sinti, have been living here for

⁶³ All elements that encouraged the director of Minderhedenforum (Minorities Forum), Wouter van Bellingen, to get things moving. See different articles in the press in April 2016, such as the opinion piece by Yves Delepeleire published in De Standaard, "Het is gewoon geen plaats voor het woord 'zigeuner'", 15/04/2015: http://www.standaard.be/cnt/dmf20150414_01630507; see the opinion piece by the director of Minderhedenforum (Forum des minorités), Wouter van Bellingen.

⁶⁴ For instance, there was a series of Roma murders involving the deaths of six people in Hungary in 2008-2009. Different international stakeholders were highly critical of serious errors in the investigation and during the prosecution of the perpetrators and the punishments handed down. See in particular: Amnesty International: *Violent Attacks Against Roma in Hungary – Time to investigate racial motivation*, 2010: https://www.amnesty.nl/sites/default/files/public/ap_hungary_violent_attacks_against_roma.pdf.

centuries. To this number, we must add some 30,000 Roma recently arrived from Eastern Europe. These figures are crude estimates, since the public authorities have never attempted to obtain a realistic image of the Roma population living in Belgium. The people concerned have very diverse profiles. There are as many highly qualified people as there are people living in extreme poverty, people who have decided to flee following acts of hate or violence against their ethnic group, such as the Roma of Kosovo after 1999, or because their country didn't offer sufficient development or employment opportunities⁶⁵.

In terms of religion, there are Muslims, Protestants, Catholics and Orthodox Christians. Even within the different countries of origin of the Roma migrants, we see major disparities between Roms, whether on a religious, cultural or economic level. Hence, there are Roms who have (or had) a relatively prosperous profession and Roms who, after the fall of communism, were the first to lose their jobs and have never had the opportunity since to be part of economic life⁶⁶. Some popular surnames among Romanian Roma, such as Caldarari

(metalworker) or Ciurari (sieve maker), refer to traditional crafts. Some Roma also use these names for the purpose of social categorisation, thus providing a means of ethnic self-identification⁶⁷.

All elements indicating that every stereotype concerning the Roma is problematical. Only a small minority beg, and they do it through necessity. The idea that the Roma *massively* indulge in begging should therefore be put into perspective.

The ones who do beg, often did so in their country of origin, and are in a situation of inherited structural poverty. According to the information provided by the Centre Régional d'Intégration 'Foyer', the majority of beggars known in Brussels come from Romania, for instance, whereas the Roma from Slovakia are hardly every involved in begging.

Which doesn't mean that all the Roma from Romania tend to beg. According to Foyer, we should also emphasise the fact that a relatively large number of Roma beggars come from a single district in Romania: Giurgiu, in the south, on the Bulgarian border. It would be interesting to examine the socioeconomic situation in this district in order to find out the cause.

The Council of Europe Commissioner for Human Rights notes that according to estimations, the number of Roma migrants varies between 7,000 and 10,000 in Brussels and is close to 10,000 in the whole of

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⁶⁵ The work of the German photographer and journalist, Rolf Bauerdick, offers a good impression (unorthodox but very informative) of the diversity among the Roma. *Zigeuners, Ontmoeting met een onbemind volk (Gypsies - Encounters with Unloved People)* (2013, traduction néerlandaise 2014).

⁶⁶ You will find an interesting insight into the rich socioeconomic diversity of the Roma in Romania in: GÁBOR FLECK/COSIMA RUGHINIȘ, *Come Closer. Inclusion and Exclusion of Roma in Present-Day Romanian Society*, Bucharest 2008; brief introduction to the socioeconomic situation of the Roma in Kosovo: FRAUKE DECOODT, STIJN DE REU, *Kosovaarse Roma in het Waasland – 10 jaar beleid met Roma in Temse en Sint-Niklaas*, 2009 (*Kosovan Roma in Waasland - 10 years of politics with the Roma in Temse and Sint-Niklaas*).

⁶⁷ KOEN GEURTS, *Roma in beweging. Diverse groepen en evoluties in Brussel*, asbl Foyer, 2014 (*The Roma in action, various groups and evolutions in Brussels*).

Flanders and 8,000 in the Walloon region⁶⁸. Foyer believes that approximately 200 of them beg in Brussels. It points out that for these people, begging is a survival strategy, and that it is mainly women who do it. When they earn enough from economic activities, they stop begging. They generally beg in the neighbourhoods in Brussels where they live⁶⁹.

Among the survival strategies principally used by Roma men in a precarious socioeconomic situation is the sale of street newspapers, selling flowers in cafés, washing windscreens at junctions (less frequently than a few years ago) or playing music in the street.

This strong cohesion between the socioeconomic situation and begging in Brussels was also recognised by the police: in 2003, the West police district created a special youth brigade in Molenbeek, in reaction to a major influx of Roma with an uncertain residential status.

It was initiated with the goal of combating begging, but quickly changed its focus to fighting for the level education, a view adopted by the police after direct and

intensive contact with the local Roma community⁷⁰.

We don't have any information concerning begging for other Roma groups. This is especially the case regarding the Roma from Kosovo, who mainly live in Sint Niklaas and Temse. According to the stewards for the Roma neighbourhoods in the town of Sint Niklaas, no member of the local Roma community, which includes approximately 900 people, begs. This Roma community, which has been living in Sint Niklaas since 1999, has undergone a distinct change in habits: school absenteeism among Roma children has considerably decreased and some Roma have found jobs that seemed inaccessible to them in the past. For instance, one Rom has become a bus driver for De Lijn. Such success stories have a background to them. A proactive local authority and a committed civil society have worked to integrate the Roma. It has taken a long time: the Roma must first of all learn that they have the opportunity to participate in Belgian society but that these opportunities are of course linked to their education⁷¹.

The strong loyalty that reigns within the different Roma communities also has consequences on the attitude of Roma victims regarding exploiters, who are also generally members of the Roma community.

The late Professor Eycken, from the Université catholique de Louvain (KULeuven), had a doctorate in anthropology on the Vlasika Roma of Prague, with whom he lived. He later extended his research to Roma communities in Slovakia, Hungary and

⁶⁸ Report by Nils Muiznieks, Council of Europe Commissioner for Human Rights, visit to Belgium from 14 to 18 September 2015, Strasbourg, 28 January 2016, point 141. The report is available in French and English on the Commissioner for Human Rights' website: [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH\(2016\)1&Language=lanFrench&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CommDH(2016)1&Language=lanFrench&direct=true).

⁶⁹ Information from a meeting between Myria and the non-profit organisation Foyer, on 1 March 2016.

⁷⁰ K. GEURTS, *De Roma van Brussel (les Roms de Bruxelles)*, 2ème éd. révisée, 2006, p. 146, http://www.foyer.be/IMG/pdf/Les_Roma_de_Bruxelles_Actualisations-doc.pdf; C. ROELANDTS and G. VERVAEKE, "De aanpak van bedelende kinderen", *Cahiers Politiestudies*, 2015/35.

⁷¹ Information given to Unia by stewards in the Roma neighbourhood in the town of Sint Niklaas, June 2016.

Romania. According to him, some of these Eastern European Roma communities are based on compulsory solidarity, not through charity, but through pure necessity: if you don't help others, don't expect to receive help when you have problems. And without the support of the community, a Rom is nothing. This elaborate form of solidarity doesn't exist in Western culture, for instance, where the individual occupies a key position⁷².

The strong loyalty that reigns within the different Roma communities also has consequences on the attitude of Roma victims regarding exploiters, who are also generally members of the Roma community. This situation often leads to a strong relationship of dependence with the exploiter and partly explains why the victims are particularly mistrustful and reticent about the idea of making a statement to the police. Past negative experiences with the police only further reinforce this situation.

As in other ethnic groups, a sort of code of honour exists within the Roma community. Traditionally, honour is of great importance to those who move in larger family configurations. This isn't a written code, but an evolving concept of what might endanger a family's honour. But this doesn't mean that every Rom feels bound to this code. As with other migrants, certain cultural traditions have also become diluted among Eastern European Roma. Values change, above all among the young Roma born in Belgium. The famous myth according to which the Roma's code of honour approves the theft of non-Roma is complete fabrication.

⁷² MAURITS EYCKEN, *Roma-zigeuners. Overleven in een industriële samenleving*, Acco, 2006 (*Roma gypsies. Surviving in an industrial environment*).

However, it is true that in some minority groups in Roma communities, certain customs, such as early marriage, still exist. This is a subject that was dealt with in our previous annual report in the part devoted to early marriages⁷³.

Many of the problematic situations between non-Roma and Roma are based on a socioeconomic rejection rooted in direct discrimination and segregation. In Belgium too, acts of discrimination and segregation have come to light.

For the time being, the European Commission has instituted three infringement proceedings⁷⁴ against three European countries: the three proceedings were initiated because the Member States concerned were implement structural and systematic discrimination against the Roma in education through segregation. Roma children are often put in schools for mentally handicapped children suffering from a mental handicap. The infringement proceedings against Slovakia, the Czech Republic and the latest one against Hungary, are based on an infringement of the Racial Equality Directive (2000/43/EC), banning any discrimination on the basis of racial or ethnic origin⁷⁵. In the three cases, a long preliminary investigation took place, conducted by civil society organisations,

⁷³ Annual Report 2015, *Trafficking and smuggling in human beings, Tightening the links*, Part 1, Chapter 1, pp. 11-25.

⁷⁴ Infringement proceedings are legal steps the European Commission takes against a European country that does not comply with its obligations in accordance with European Union legislation. They are only instituted if a country does not remedy the deficiencies observed during the transposition of the European legislation following an informal procedure.

⁷⁵ See the European Commission press release concerning the opening of the infringement proceedings against Hungary on 26 May 2016: http://europa.eu/rapid/press-release_MEMO-16-1823_fr.htm.

independent anti-discrimination organisations and the law. The Czech Republic was already convicted for the segregation of Roma children in a famous judgement handed down by the European Court of Human Rights⁷⁶. Based on the investigation, the Court considered that Roma children in the Czech Republic were placed 27 times more often in special schools for mentally handicapped children and that, in the Ostrava region, more than half of all Roma children were placed in these types of schools⁷⁷. Even though we have known of these abusive practices for years, they still continue. This is why the European Commission has also instituted infringement proceedings.

But in Belgium, it has also been revealed that there is a disproportionately high presence of Roma children in special education⁷⁸: for instance, the city of Ghent observed that Slovakian Roma children were six and a half times more often to be found in special education. The city is aware that this phenomenon needs to be carefully examined because the same isn't true of Bulgarian or Romanian Roma children. In other towns, where neighbourhood stewards and other people acting as a

bridge have noted possible indications of the segregation of Roma children in special education, no investigation relating to this phenomenon has been initiated.

Many Roma, who are the victims of discrimination in their country of origin, are in despair about their situation and have lost all illusions. Some are recruited in their home country by their exploiters with the promise of a job, and find themselves dependent on their exploiter and confronted with human trafficking practices. This is the only link between the fact of being a Rom and the phenomenon of exploitation of begging dealt with in this document.

Therefore, the goal of this chapter is to focus essentially on a single fact, that appears to be obvious: the Roma form a group that is just as heterogeneous as any other. Hence, we don't want to reinforce the stereotype of the begging Roma victim. The exploitation of begging within the framework of human trafficking is a phenomenon that is rarely dealt with, and deserves greater attention, especially considering the vulnerable position of the victims. However, the extent of the phenomenon isn't comparable to that of sexual and labour exploitation. As regards human trafficking as a whole, it is clear that Roma victims are often victims of sexual exploitation. We have already dealt with various cases of sexual exploitation with a Roma link in greater detail in previous annual reports. A Hungarian case⁷⁹ alone involved 40 Hungarian Roma victims.

⁷⁶ European Court of Human Rights, Grand Chamber, *D.H. and Others v. Czech Republic*, Application No. 57325/00; within this framework, the European Roma Rights Centre (ERRC) prepared and supported the complaint and put links on its website to the judgement and other important documents concerning this case: <http://www.errc.org/article/ostrava-case-dh-and-others-v-the-czech-republic/2945>.

⁷⁷ Besides the ERRC website, the Open Society Foundation (OSF) website also has information on this case. The OSF also supported the complaint against the Czech Republic thus bringing it to fruition. Information available at <https://www.opensocietyfoundations.org/litigation/dh-and-others-v-czech-republic>

⁷⁸ On this subject, also see the report by Nils Muizneks, Council of Europe Commissioner for Human Rights, visit to Belgium from 14 to 18 September 2015, Strasbourg, 28 January 2016.

⁷⁹ Annual Report 2015, *Trafficking and smuggling of human beings, Tightening the links*, pp. 60.