

The question of Roma mediators and positive discrimination. by Olivier Peyroux, sociologist

Introduction

Ever since the events of summer 2010 in France, the Council of Europe has decided on the large-scale development of programmes of mediation aimed at the Roma implemented by recruiting and training several thousand mediators. In an address made on 20th October 2010 **Thorbjørn Jagland, General Secretary of the Council of Europe**, said: “In my view, Europe is still divided by a wall. A while ago, a part of this wall was actually physical – brick and mortar and concrete - but most of it is now invisible, yet no less effective in maintaining a divide between Roma and the rest of our societies. (...) These are the people who can help us to make a difference. They are the most direct link between our standards and the reality on the ground”.

The discourse presenting Roma mediators as the antidote to the marginalisation of this minority in Europe is one shared by numerous institutional stakeholders, non-governmental organisations, Roma organisations, etc. Although this is the first time that there has been so much talk of mediators, we should still remember that this is something that has been going on for quite a long time. Even back in the 1980s, Spain was using them for its Gitano population. In Romania, which is one of the main countries currently under scrutiny by the European Commission, Roma mediators first appeared in the 1990s. Over the years, these programmes have become institutionalised and partially standardised. There are currently more than four hundred school mediators and six hundred health mediators along with a whole host of community mediators, Roma facilitators, etc. Has this brought the wall down? Is it starting to show any cracks or is it coming out of this even stronger? These are questions which we should raise before we start training hundreds of mediators and then sending them out to the four corners of Europe.

Although the word mediation has a precise meaning, we need to take another look at both the use of the concept and its effects in practice. An examination of the situation in the judeţ of Dolj in Romania, where I have been working¹ since 2008, will offer a specific illustration of the use of this programme. Finally, by compiling what mediators say², I will be setting out both to take a more in-depth look at things and to come up with proposals.

I/ An ambiguous concept

The definition given by the Council of Europe in the “Guide for Roma school mediators/assistants”³ is as follows: “Mediation is a process originally associated with the resolution of conflict situations through the intervention of a neutral third party: the mediator. The mediator participates in the agreement or at the request of the parties to the conflict. The decision resolving the conflict situation is made by the parties rather than the mediator”. The two parties are expressly named in a diagram illustrating this definition and they are the

¹ As part of the Hors la Rue association www.horslarue.org

² Interviews with mediators in the judeţ of Dolj, coordinators and Messrs G. Gheorghe and S. Ion from the association.

³ Education of Roma children in Europe – Guide for Roma mediators / assistants. Published by the Council of Europe. 2009 http://www.coe.int/t/dg4/education/roma/Source/Guide_FR.PDF

School on the one hand and the Roma community on the other. The school mediator is described as a neutral party.

This definition stresses three essential points which we come across again in most of the work done on the concept of mediation⁴:

- the presence of a latent or open conflict between two parties,
- a request or an agreement by these two parties to appoint a neutral mediator,
- decisions taken which lead to changes in both camps.

With regard to the first point, the conflict situation between the Roma communities and the institution does not appear to be the only explanation for their exclusion from the health system or students dropping out of school. When I asked mediators about this point, the reasons mentioned had more to do with poverty than any cultural mistrust of the school or health service. In order of importance, the causes put forward were as follows:

- the weakness of the institutions' modes of operation and the low salaries paid to members of staff⁵,
- the poverty of the beneficiaries⁶,
- hostility from part of the majority population towards the Roma,
- prejudices against the Roma on the part of certain professionals⁷,
- hostility from some Roma parents towards the school (especially for girls).

The emphasis laid on mediation between the Roma communities and the institutions boils down to working on the last two points which sometimes turn out to be the consequences of the previous causes. This means that this programme can only ever have a limited impact if is applied to the letter.

As far as the question of the neutrality of the mediator is concerned, there is no point lingering over it because, in practice, irrespective of the individual project, it is almost impossible to guarantee⁸. Finally, as far as the last condition - i.e. the decisions taken by both parties which lead to changes - is concerned, apart from their behaviour, values or culture, it is difficult to envisage that the Roma in question might change, hence there is some question about the actual goal of this mediation.

The semantics which go hand-in-hand with this programme do implicitly indicate that Roma culture is designated as the main cause of the marginalisation of Roma communities. Against this background, Roma mediators would thus have the job of encouraging these communities to make cultural changes via school, health education or by learning about means of contraception, etc. This conceptual window-dressing is no obstacle to the achieving of positive results here and there; except that it does avoid any questioning of the structural

⁴ Le concept de la médiation et l'urgence théorique (The Concept of Mediation and Theoretical Urgency) by Michèle Guillaume-Hofnung, Cahier du Cremoc no. 35

⁵ In addition to a certain lack of motivation among supervisory staff this leads - especially in the health system - to widespread corruption which means that although the system is free of charge in theory, in practice, the poorest people do not have access to it. A 2004 World Bank study revealed that corruption in the Romanian health system cost 300 million euros per year.

⁶ Mediators in the department of Dolj emphasise that the main cause of children's failure to attend primary school is the fact that their parents do not have enough money to buy the necessary clothes and other items.

⁷ In the case of health mediators this cause comes ahead of the hostility of the majority population.

⁸ It is hard to imagine a third party paid by an institution which is totally independent of the two parties who are in conflict.

elements which led to the impoverishment of a part of the Romanian population – both Roma and non-Roma. In this respect, although this mediation has a tendency to make us overlook it, we need to remember that not all of Romania's Roma live on welfare and that there are non-Roma Romanians who face poverty, children dropping out of school or exclusion from the health system.

II / School mediators in Romania, the case of the județ of Dolj

The profession of school mediator has been recognised by and enshrined in law since 2007. Training⁹ lasting for around ten months is provided and there is a job description clearly setting out their duties.

A study of this programme in the județ of Dolj will give us a better idea of both the role of and the difficulties faced by mediators. According to the 2002 census, the department has thirty-one thousand three hundred and forty-four Roma inhabitants and ranks second in Romania in terms of self-styled Roma population¹⁰. There are twelve school mediators covering this territory; four of them taken on by the equivalent of the General Council (Consil Județan), two by the communes and six by the school inspectorate (MECT). The coordination is handled by the head of the CRAJE (Departmental Educational Resource Centre) in accordance with the law which lays down the procedures for supervising mediators. This body is funded by the department.

In theory the distribution of these mediators is based upon the following criteria:

- a written request from the school stating its grounds,
- the availability of a mediator who can either be accepted by the local Roma community or is a member of the community him or herself,
- a study by the school inspectorate designed to target the poorest communes.

As the last point is almost impossible to determine in practice¹¹, depending upon where the funding comes from (State, department or commune), assignments are based upon a series of compromises between local stakeholders such as the National Roma Agency (ANR), the departmental Roma offices (BJR), Roma associations, the department, the town and city councils and the schools. Even though it is difficult to combat issues of this kind which are inherent in any project¹², the main risk is that the mediators may get involved only in areas which are already covered by many aid programmes...

⁹ Almost 800 school mediators were trained in the period from the 1990s up until 2010. The curriculum is currently handled by three main bodies over a period ranging from 8 to 10 months with relatively similar modules.

¹⁰ See Mr Olivera's article "Introduction aux formes et raisons de la diversité rom roumaine" (Introduction to the Forms of and Reasons for Romanian Rom Diversity), in *Études Tsiganes* no. 38

¹¹ any income from migrants who send money back to their families is almost never declared, and nor are many paid activities for which there are no invoices.

¹² "Even overlooking its contacts with the population, a project is thus already a partly incoherent whole because it has disparate coherences" J-P Olivier de Sardan, *Anthropologie et développement* (Anthropology and Development), published by Apad Karthala, Paris, 1998, p 130 (221 p)

The case of Gighera will help us gain a better understanding of the discrepancies brought about by this method of selection. This commune in the south of the department, in which Roma account for twenty per cent of the population, had its school closed for a year and a half due to renovation work. Pending the end of the works, the children were sent to the school in a neighbouring village, which was four to eight km away depending upon exactly where they lived. The lack of school transport and the great poverty in which both the majority of the Roma and many of the non-Roma families live led to a record rate of absenteeism. Even so, neither the village's school nor that of the neighbouring village made any attempt to apply to the authorities for a mediator. Their reasons were to do with the complexity of the administrative procedures and a lack of confidence in the chances of bringing the matter to a successful conclusion. All that would have been required in order to avoid this situation was the assigning of mediators according to the rate at which children were dropping out of school. However, although this is the mediators' main task, this rate is not taken into account. I was given a simple reason for this, which is that official statistics are very often false. A reading of the pupils' attendance registers confirms this information; very few children from Gighera were reported as absent. In fact, some of them were even recorded as having very good attendance records and being allowed to move up to the next year in spite of the fact that they had been living in France for a number of years. So this is not a case of negligence but rather a strategy which consists of hiding the number of children who are dropping out of school. Indeed, in order to avoid classes being cancelled and thus the loss of teaching jobs, the official figures which the schools send to the Ministry often have only a distant relationship with reality. The stand-by agreement signed between the International Monetary Fund (IMF) and Romania in 2009 may have something to do with this because, as one of the conditions for the loan, more than fifteen thousand teachers have to be dismissed¹³.

In order to guard against the lack of any credible diagnosis about the school drop-out rate, the authorities, aware of this problem, included numerous tasks dedicated to the drawing up of statistics in the mediator's job description (here are a few extracts from them):

- Recording (*monitorizeaza*) the number of primary schoolchildren from the community who do not go to school,
- Recording the number of secondary schoolchildren who have never been registered at school,
- Gathering relevant data in order to be able to record the number of children who access education,
- Updating the database of pupils who are about to drop out of school, etc.

As I moved ahead with my research, I noticed that, depending upon the participants, the school mediation programme responded to precise, distinct interests buried beneath the issue of preventing children from dropping out of school.

- The Romanian government believes that taking on a large number of mediators and having them supervised by the law is a way of proving the authorities' goodwill in attempting to integrate but above all to identify the number of Roma in

¹³ "letterRomaniangovernmentin 2010at leastin 2011afteralreadysince the start of the year". Taken from the French Embassy in Bucharest's press review dated 5th August 2010.

Romania to the European Commission, the Council of Europe and certain member countries¹⁴,

- As we saw a moment ago, the Ministry of Education believes that it is a matter of getting a better grasp of what is actually happening in terms of children dropping out of school, especially for the Roma minority¹⁵ and of proceeding to carry out certain checks on the information sent in by the schools,
- For the school, the main role played by mediators lies in avoiding conflicts both between Roma and non-Roma children and between teachers and the parents of Roma pupils,
- Many Roma organisations (whether they are associations or institutional organisations) feel that the emphasis placed upon the need for a knowledge of Romani or even to belong to the Roma minority reinforces the idea that Roma organisations are key intermediaries and the best interfaces in order to deal with this minority. This situation, set against a background of competition for access to grants, is a guarantee of financial stability and power¹⁶,
- Finally, for certain more general-interest non-governmental organisations, often formed and financed in the 1990s using the methods employed in the English-speaking world, mediators match the ideal of community development, i.e. training the leaders who are supposed to act as role models and interfaces with the outside world.

3/ What the participants say

Against this background in which multiple interests come face-to-face, how do school mediators see their work? The following synthesis is the result of interviews and discussions with mediators and coordinators.

With regard to their status, the mediators see the official recognition of their profession by the Ministry of Education as progress. Their training was often a time in their lives which they particularly enjoyed and, in addition to this, after years of uncertainty and fixed-term contracts, the events of summer 2010 appear to have led to jobs being made permanent and additional staff being taken on.

In spite of these improvements, many see their positions as a genuine handicap. The cause of the problem lies in the lack of consideration of their actual level of study. Indeed, their

¹⁴ *The declaration acknowledges that the “challenges” posed by the situation of the Roma have “cross-border implications and thus call for a Pan-European response”. Even so, it underlines that it is “the Member States of which the Roma are nationals or in which they reside legally on a long-term basis who have primary responsibility for their social integration”.* Extract from the Council of Europe’s Strasbourg declaration after the adoption of the European Action Plan for the Integration of the Roma on 20th October 2010.

¹⁵ Article 9 of chapter 3 of order 1539 of 19th July 2007 issued by the MECT (the Romanian Ministry of Education) defines the duties of school mediators. Among the fifteen or so points mentioned, more than a third relate to the gathering of data about the situation of the children of the Roma community.

¹⁶ The difficulties encountered by NGOs are linked to the recession which Romania has been going through since 2009. In addition to this, for historical reasons, the Romanian social services are often reluctant to entrust certain kinds of work to NGOs. The 2009 USAID report on the situation of NGOs in Romania shows that this tendency develops over the years. If we look at the services provided by NGOs, in 2006 they accounted for two-thirds, in 2009 they were estimated at 50%. On the other hand, and again according to the same report, services to the Roma are provided almost exclusively by NGOs.

http://www.usaid.gov/locations/europe_eurasia/dem_gov/ngoindex/2009/complete_document.pdf

profession calls upon an intermediate level of qualification which matches the end of secondary school. However, the majority of the mediators we spoke to had university degrees. They say that this situation is responsible for a lack of consideration by teachers who see them more as people who are there to keep an eye on the Roma children than as colleagues. This lack of prestige at school has a tendency to reduce their standing in the community and is sometimes used as an example not to be followed. Some Roma parents, who are reluctant to send their children to school, seeing that graduate mediators are employed doing little more than odd jobs, feel that this strengthens their position that there is no point in studying. In order to avoid losing their credibility, they actually carefully hide how much they are paid, which is the minimum wage, i.e. one hundred and twenty euros per month. In the department of Dolj, in order to increase the number of positions, the judeţan council has chosen to recruit part-time mediators at a wage of sixty euros per month! Even though a lot of them say that they signed on in order to help their own community, it is obvious that eventually the low salaries will have an impact on both motivation and attendance.

Now let us look at how they see their main task, which is to prevent children from dropping out of school. Although some of them do highlight the fact that they have managed to register a hundred pupils, overall, they feel relatively impotent on this question for three reasons:

- it is difficult for them to persuade families who do not have the money to buy clothes and other items for school,
- they do not have any binding legislation allowing them to put any pressure on parents who refuse to send their children to school,
- They are powerless in the face of the parents' migrations, when they leave the little ones with the older children who are thus forced to give up going to school.

Even so, they do not feel that their work is a waste of time and often throw themselves into other fields which they deem to be important for the community. At departmental level, the coordinators explain that mediators have helped provide a greater awareness of the families' actual circumstances. A lot of them have introduced extracurricular activities such as setting up folk groups and have developed all kinds of projects. In fact, in order to win back prestige (and also to augment their incomes) some of them get involved locally in order to improve the situation in the commune. This may range from the conveyance of water to the building of infrastructures or the development of local economic activities.

As far as the question of belonging to a community or ethnic group, which is claimed to be necessary by some Roma organisations, is concerned, the usefulness of this approach in terms of influence appears to be ambivalent, to say the least. There are some Roma mediators (although fewer than a quarter of those we spoke to) who enjoy significant recognition within their groups and who have very considerable influence as a result. For the others, in addition to the previously mentioned problem of the image of the Roma mediator often being a negative one due to the way s/he is treated at the school, there are other aspects to be taken into account. Although among the most traditional groups, cultural or ethnic proximity needs to be considered as a decisive asset, this is not the case. Indeed, because they belong to other groups, because they have been educated or because they have married late, the mediators are seen as Roma who have abandoned the traditions. *"They say that we're "kaćtale", so they refuse to listen to us"*. In actual fact, these groups consider them to be Roma from "deviant" families hence there is enormous mistrust from certain quarters - and in some cases even a refusal to mix with them. In these situations, a mediator who is Romanian or belongs to another minority would find it easier to be accepted because the issues are not of the same

kind. Indeed, these groups take up positive or negative positions in relation to other Roma rather than in opposition to the *gadje*¹⁷. If the mediator were not Roma, they would be less concerned about him or her having a good or bad influence on their offspring.

Conclusion

When we ask both mediators and the people responsible for this programme about their recommendations they all stress three points:

- the need to increase human resources,
- the need to improve status and pay,
- the need to provide training which takes into consideration the intercultural aspects between Roma and non-Roma people and the issue of migration.

Although everyone agrees that this programme is a step forward for deprived groups, the point which appears to be most problematic is that of the ethnicisation of social problems. Indeed, the more projects are set up aimed solely at the Roma, the more currency this gives to the idea that the Roma are a social problem by their very nature. As we have seen, many mediators who are looking to improve the situation locally set up projects for the whole of their communes or neighbourhoods and do not simply restrict themselves to helping a specific group. Like anyone else, the Roma face a socio-economic situation which leads to similar social difficulties. In the judeţ of Dolj, according to information gathered by the mediators, twenty-one per cent of all pupils who drop out of school are allegedly Roma. It is true that this minority is overrepresented compared to the rest of the population but this means that the issue is not limited to a particular group. We could offer numerous examples on questions of children who have stayed at home while their parents are working abroad or difficulties in accessing the health system which have just as much of an impact upon Romanians.

Any attempt to designate a group according to its supposedly different – or even incompatible - cultural origins brings with it a number of dangers. Obviously this brings to mind nationalism and certain forms of populism and it also drives the designated group to retreat into its own identity. Even though the vast majority of Roma do not have any feelings of belonging to a transnational minority, the mediators are coming across an increasing number of situations involving children who do not speak Romanian very well. This is a relatively new phenomenon and demonstrates a sense of isolation from wider society. The use of school or health mediators does involve a risk of seeing the Roma treated as foreigners in their own country. In discussions, a number of professionals have complained about the fact that teachers no longer wish to meet the parents of Roma pupils, under the pretext that this is the mediator's job. There are similar cases with doctors who prefer to refer their Roma patients to health mediators, and this practice can also be used on a political level. During the negotiations for the European action plan for the integration of the Roma of 20th October 2010, Romania had a provision adopted which states that, after spending three months residing in a Member State it is up to the host country to implement a full set of measures for

¹⁷ M. Olivera "Romanes, on l'intégration traditionnelle des Gabori de Transylvanie, thèse de doctorat en ethnologie" (*Translator's note*: I assume the meaning here is: "Romanians, or the Traditional Integration of the Gabori of Transylvania, ethnology doctoral thesis") Université Paris X, 2007

their “integration”. Although this notion can be interpreted as a reminder of the rights linked to the European citizenship of Romanian Roma, it strengthens the image of the Roma as a stateless extra-European minority without ties.

The assertion of the right to education, the right to health and the specific measures which go with them appear to be the healthiest basis for preventing children from dropping out of school and exclusion from the health system. The mediators, whilst retaining their duties, fight to help prevent children from dropping out of school or to help them access healthcare, and without abandoning their main asset, which is a good knowledge of groups in difficulties, could become social workers. Rather than being oriented towards particular groups because of their ethnic or cultural backgrounds, they would end up working with all sections of the population who are in difficulties. The Roma problem would then fade away leaving us with social questions...

Bibliography

DIMINESCU D, *Visibles mais peu nombreux, les circulations migratoires roumaines*, published by Maison des Sciences de l’Homme, 2003, Paris.

GRIGORE D, *Evaluare politicilor publice educationale pentru rromi*, published by Alpha Mdn, Bucharest, 2009.

GUILLAUME-HOFNUNG M, *Le concept de la médiation et l’urgence théorique*, Cahier du Cremoc no. 35

LITS G, *Tiers et objectivité sociale chez Georg Simmel*, Revue Émulations no. 5, Brussels 2009

NACU A *Un double langage : les usages du « politiquement correct » dans les programmes destinés aux Roms en Roumanie et en Bulgarie*, Revue d’Études Tsiganes no. 38

OLIVIER DE SARDAN J-P, *Anthropologie et développement*, published by Apad Karthala, Paris, 1998.

OLIVERA M, *Romanes, on l’intégration traditionnelle des Gabori de Transylvanie*, ethnology doctoral thesis, Université Paris X, 2007

PORUMB A, (et al), *Review of Donor Support for the NGO Sector in Romania*, Princess Margarita Romanian Foundation, Bucharest, 2001.

RUS C, *La formation des assistants et médiateurs scolaires roms/tsiganes*, Report on the Timsoara seminar, April 2004.

RUS C, *La situation des médiateurs et assistants scolaires roms en Europe*, Report for the Council of Europe, 2006

RUS C and ZAETRAN M, *Education of Roma children in Europe – Guide for Roma mediators / assistants*, published by Council of Europe. 2009.

USAID, NGO Sustainability Index for Central and Eastern Europe and Eurasia, 13th Edition – June 2010.