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AD HOC COMMITTEE OF EXPERTS ON ROMA ISSUES¹ (CAHROM)

THEMATIC REPORT ON

ENCAMPMENT AREAS AND OTHER ISSUES RELATING TO TRAVELLERS

(further to the CAHROM thematic visit to Belgium from 20 to 22 February 2013)

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¹ The term "Roma" used at the Council of Europe refers to Roma, Sinti, Kale and related groups in Europe, including Travellers and the Eastern groups (Dom and Lom), and covers the wide diversity of the groups concerned, including persons who identify themselves as Gypsies.

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I. INTRODUCTION

1.1 Context of the thematic report

The thematic group on encampment areas and other issues relating to Travellers was set up at the request of the Belgian member of CAHROM at the latter's 4th meeting (Strasbourg, 28-30 November 2012)², following Belgium's confirmation of its willingness to be a requesting country for a thematic group on halting sites (provision of sites and infrastructure, dealing with unauthorised sites, recognition of caravans as a home, relations between travelling communities and the local population, etc.). It was agreed that the thematic group would also look at other issues such as access to healthcare, education and other services.

A letter confirming the invitation sent to the CAHROM's group of experts to visit the country was received on 15 February 2013 (see Appendix 1).

The setting up of such a thematic group was also a response to requests from France and Switzerland for the CAHROM to address certain Traveller-related issues in greater detail.

Furthermore, the setting up of this thematic group and the organisation of a thematic visit to Belgium, were also of relevance to and tied in with the activities of the Council of Europe, in particular in the light of the (recent or forthcoming) opinions of the Advisory Committee on the Framework Convention for the Protection of National Minorities, the reports and recommendations of ECRI, the reports of the Commissioner for Human Rights, and recent decisions of the Committee of Social Rights following a number of collective complaints concerning violations of the revised European Social Charter³. In Collective Complaint No. 62/2010 *International Federation for Human Rights (FIDH) v. Belgium*, registered on 30 September 2010, the complainant organisation alleged a violation of Travellers' rights to housing under the European Social Charter. The complaint concerned in particular the inadequate number of halting sites, the problems stemming from the failure to recognise caravans as a dwelling, the inadequate guarantees governing evictions, and the lack of a global and co-ordinated policy to combat poverty and social exclusion affecting Travellers.

In order to prepare the report and thematic visit to Belgium, a questionnaire on the situation of nomadic groups was sent to CAHROM members in the countries participating in this thematic group and to those representing Ireland, Italy, Norway and the Netherlands⁴. The replies to the questionnaire received from the countries in the thematic group have been reproduced or summarised in this report. Those from the other countries mentioned above appear in Addendum 3.

The background papers presented by the requesting and partner countries, the extracts from relevant international reports and texts, and the presentations given during the visit appear in an addendum to this report, available from the CAHROM Secretariat.

1.2 Composition of the thematic group

The choice of partner countries, approved by the CAHROM at its plenary meeting on 28-30 November 2012, can be explained by the desire to include member states which have a relatively large itinerant population and which have introduced legislation or measures specific to these communities taking account of their lifestyle. In order to facilitate the functioning of this thematic group, French was chosen as the working language. France, the United Kingdom and Switzerland were chosen as partner countries as they fulfilled these criteria and were able to put forward French-speaking experts.

² See paragraph 10 of document CAHROM (2012)21 Abridged report of the 4th CAHROM meeting and paragraphs 10 to 13 of document CAHROM (2013)3 Report of the 5th meeting of the CAHROM Bureau, available on the CAHROM website (<http://hub.coe.int/web/coe-portal/cahrom1>).

³ See Addendum 1 of the thematic report for any references and links to relevant case law and reports.

⁴ See document CAHROM (2013)4 replies to the questionnaire on nomadic Roma and Travellers.

Consequently, other countries interested in the subject but which had a smaller itinerant population or no French-speaking expert – such as Ireland, Italy, the Netherlands and Norway, were given the opportunity to contribute to the issues addressed in the thematic report via a questionnaire, the replies to which are given in Addendum 3.

Given their positions at national level, the CAHROM members for Belgium, France and the United Kingdom naturally took part in this thematic group.

In view of the very specific topics being addressed by the thematic group, Switzerland appointed a person specialising in Traveller-related issues, working in the field as mediator for the Canton of Vaud (in French-speaking Switzerland) with responsibility for relations with *Gens du voyage*. The profiles of all the thematic group experts can be found in Appendix 3.

1.3 Programme of the thematic visit

The programme of the thematic visit was finalised by the Belgian expert following a preparation meeting held with the CAHROM Secretariat in Brussels on 16 January 2013 at the Private Office of Joëlle Milquet, Deputy Prime Minister, Minister of the Interior and Equal Opportunities.

The agenda included on the first day meetings with officials at the federal level and at the level of the three regions, civil society and various institutions. The second day was devoted to field visits in Wallonia (Namur) and Flanders (Ghent) when the experts were able to meet associations and field workers. They noted that the two regions had significantly different approaches. The morning of the third day was taken up by a debriefing meeting between the thematic group experts. The detailed programme of the thematic visit is reproduced in Appendix 2 to this report.

1.4 Terminology and scope of this report

In view of the variety of terms used at national level to refer to travelling groups (see the details for each country in the next chapter), this thematic report follows the recommendations given in the Council of Europe's descriptive glossary⁵.

At the express request of certain members of the thematic group, this report focuses on nomadic or semi-nomadic populations which correspond in Belgium to the so-called *Gens du voyage*, as well as to Sinti/Manush and to some Roma groups, in Switzerland to *Gens du voyage* (Yenish, Sinti and Roma), in France to *Gens du voyage* (including Roma, Kale, Sinti/Manush and Yenish) and in the United Kingdom to Gypsies and Travellers. This excludes sedentary Roma and Travellers, and the Roma who have migrated since the early 1990s to these countries (coming primarily from Bulgaria, Hungary, Romania and Slovakia). There was also a wish to draw a clear distinction between migration (mainly relating to Roma from Central or Eastern Europe who were sedentary in their country of origin) and a travelling lifestyle still practised in western Europe which is the result of a personal choice and culture and sometimes for economic or religious reasons (e.g. for large-scale gatherings).

The information gathered on Roma migrants from the replies to the aforementioned questionnaire or from the discussions held during the thematic visit to Belgium appears in Addendum 2. One exception to this approach is, however, made in Chapter 2.1 below, in order to enable readers to have a clearer picture of the difference in terms of challenges and approaches, as some of the countries dealt with in this report have a migrant Roma population higher than the national Roma/Traveller population, whereas the opposite is the case in others.

⁵ See the Council of Europe Descriptive Glossary of terms relating to Roma issues for further details on the different groups. It is available at the following address www.coe.int/roma, "Tools and Texts of Reference".

II. SITUATION AND POLITICAL AND LEGISLATIVE FRAMEWORKS

2.1 Size, composition, language and lifestyle of the groups in question

2.1.1 Belgium

According to Council of Europe estimates⁶, there are almost 40,000 Roma (in the broad sense) living in Belgium,⁷ equivalent to 0.29% of the Belgian population. Those with whom the group spoke in Belgium said that a distinction should be made between four main groups of Roma and Travellers in Belgium.⁸

The first three groups have Belgian nationality and are therefore dealt with in the main body of this report, while the 4th group is dealt with in Addendum 2:

- **The Manush (Belgian Sinti)**, numbering about 1,500. They live chiefly in caravans. The first language of the Manush is Sinti Romanes.
- **The Roma descendants of migration which took place in the mid-19th century (following the abolition of slavery in the Romanian provinces of Moldavia and Wallachia)** numbering between 695 and 750. They live semi-nomadically, travelling in summer and occupying private or public caravan sites in winter. The language of the Roma is Vlax Romanes.
- **“Gens du voyage” (indigenous Belgian Travellers)**, numbering about 7,000. They live at present in caravans or houses.
- **“Migrant” Roma from Eastern Europe** (who have been arriving since the 1990s), numbering around 30,000⁹. The majority are sedentary, living in houses or flats. Some Roma are of no fixed abode; a minority is not sedentary. Consequently, they are not systematically registered. Families of non-sedentary Roma readily move from one municipality or country to another. Although considered as non-nationals, or indeed as “migrants”, some of them have been in Belgium for over twenty years.

It can therefore be seen that the descendants of the oldest migration waves are predominantly still nomadic whereas the Roma (from Eastern Europe), who are more recent arrivals, are generally sedentary. It should also be noted that in Belgium the number of “migrant” Roma is three times higher than the number of Roma/Travellers who have Belgian nationality (see under France below for the opposite situation).

2.1.2 France

The distinction between two main groups is primarily based on whether or not the people in question have French nationality (the first case is dealt with in the body of this report, the second in Addendum 2)¹⁰:

- First, all members of **“Gens du voyage”**, i.e. the Traveller community (nomadic or semi-nomadic), who are **French citizens**. Ministry of the Interior estimates put the total number of French *Gens du voyage* at between 240,000 and 300,000 persons (an estimate tying in with that of the *France Liberté Voyage* association, which puts forward the figure of 250,000 itinerant *Gens du voyage*). A larger number of 400 000, also quoted in official sources, includes those who today are sedentary but are from the *Gens du voyage* community. There can, however, be no official figure at any point, as the collection of ethnic data is prohibited by the French constitution. The vast majority of *Gens du voyage* speak French, but many speak their own language.

⁶ These estimates are available on line on the Council of Europe’s Roma portal (<http://www.coe.int/roma>) under the heading “Tools and Texts of Reference”. These estimates do not differentiate between nationals and migrants.

⁷ <http://www.coe.int/t/dg3/romatravellers/Source/documents/stats.xls>.

⁸ During the discussions and field visits in Belgium, it was mentioned that there was also an unquantified number of Travellers from Ireland and the United Kingdom. Such Travellers were also to be found in the Netherlands (see Addendum 3).

⁹ See Appendix 5 for estimates of the 2012 Flemish Action plan for migrants from Central and Eastern Europe by town in the regions of Flanders and Brussels-Capital. There are no estimates for Wallonia.

¹⁰ At its meeting of 16 October 2007, the National Advisory Committee on *Gens du voyage* reminded that Roma cannot be assimilated to *Gens du voyage* (French Travellers).

The definition of members of the *Gens du voyage* community in France is “persons of French nationality whose traditional form of dwelling is a mobile home”. In practice, this covers both those designated in other countries as “Roma”, “Sinti/Manush” or “Kalé/Spanish Gypsies” and those having nothing in common with these communities other than an itinerant economic activity. “The administrative category of *Gens du voyage* is not linked to an ethnic affiliation¹¹. The majority of members of the *Gens du voyage* community live in caravans in encampment areas made available in accordance with the legislation. French *Gens du voyage* are, however, becoming increasingly sedentary.

- Second, members of **Roma communities** who are **migrants** and were sedentary in their countries of origin in Central and Eastern Europe, in particular Romania, Bulgaria and Hungary. There is no official terminology for the Roma from Eastern Europe. It is not permitted to gather statistics on the Roma either (the figures of 20,000 to 25,000 Roma living in France are the most quoted estimates). The lifestyles of the Roma in France vary: some groups travel, others are semi-nomadic, and yet others are sedentary.

2.1.3 United Kingdom

There are two distinct population groups in the United Kingdom:

- first, a number of **travelling groups who have been living and travelling in the United Kingdom and Ireland** for centuries (commonly referred to as Gypsies and Travellers) all of whom speak English;
- second, the **Roma**, the term generally used to refer to people of Roma origin who have migrated from other countries of Europe in recent years, particularly after the end of the Cold War and the successive phases of EU enlargement in 2004 and 2007, and who are not travellers¹². This group is not nomadic and is therefore not covered by this thematic report.

The terms used to refer to the first category (Gypsies and Travellers) varies:

- In England, the usual term is **Gypsies and Travellers** for two ethnic groups, **Romany Gypsies** and **Irish Travellers** (whether or not they are nomadic) (The term **travellers** (with a lower-case T) is used for all those with a nomadic lifestyle, including new age travellers and travelling showmen).
- In Northern Ireland, the usual expression is “**Traveller**”.
- In Scotland, the term is **Gypsy/Traveller**.

The 2011 census included a tick box for *Gypsies* and *Irish Travellers* in the ethnic origin question for the first time. Data on ethnicity in England and Wales published in late 2012 by the Office for National Statistics¹³ show that 58,000 people identified themselves as Gypsies and Travellers. The census also provides detailed information on their geographical distribution in England and Wales.

Some Gypsies and Travellers travel, or travel some of the time, but many are sedentary. Many live in houses and do not travel, or do not travel all the time, but nevertheless consider that travelling is part of their identity¹⁴. The most recent biannual caravan count showed that there were about 18,730 Gypsy and Traveller caravans in England in January 2013¹⁵. It should be noted that this is a count of caravans and not of people.

¹¹ This was stated in the report of the fact-finding mission on the findings and adaptation of legislation related to *Gens du voyage* registered at the presidency of the National Assembly on 9 March 2011.

¹² There are no reliable figures on the number of Roma in the United Kingdom, since ethnic origin is not recorded on entry to the UK.

¹³ <http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/index.html>;
<http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/rpt-ethnicity.html>;
<http://www.ons.gov.uk/ons/rel/census/2011-census/key-statistics-for-local-authorities-in-england-and-wales/rpt-international-migrants.html>.

¹⁴ See case law of the European Court of Human Rights in relation to the right to respect for private and family life in *Chapman v. the United Kingdom*.

¹⁵ <https://www.gov.uk/government/publications/gypsy-and-traveller-caravan-count-january-2013>. This count covers only England and excludes Scotland, Wales and Northern Ireland.

2.1.4 Switzerland

A distinction is made between **Swiss Gens du voyage** and **foreign Gens du voyage** passing through Switzerland from spring to autumn.

- **Swiss Gens du voyage** who have retained a nomadic lifestyle are for the most part Yenish. Some Manush (of French origin) or Sinti (of German origin), few in number, have integrated with the group of travelling Swiss Yenish by marriage and bonds of kinship.
- Most **foreign Gens du voyage** are Roma and Sinti who have come from France or Italy.

Switzerland's use of the term "*Gens du voyage*" also includes the Swiss Yenish who have become sedentary, to take account of the fact that a nomadic lifestyle is an essential facet of their identity, intrinsically linked to the exercise of their different occupational activities. Even among Yenish who have had to give up a nomadic lifestyle, they still have a travelling mentality.

The Yenish have their own language, called Yenish, which is a spoken language used and transmitted only within the community¹⁶. Yenish is recognised by Switzerland as a traditional non-territorial language under the European Charter for Regional or Minority Languages which was ratified on 23 December 1997.

There are no official statistics on Swiss *Gens du voyage*. Some 30,000 to 35,000 Swiss citizens are estimated to be of Yenish extraction. Roughly 2,500 to 3,000 of them (8%) have retained a semi-nomadic lifestyle, travelling in fine weather. Most members of this community have therefore become sedentary over time and have become integrated into the local populace. In winter, among the 2,500-3,000 semi-itinerant Swiss *Gens du voyage*, some 1,500 persons live at an official encampment area, in a mobile home or caravan. The rest spend the winter in flats which they rent, or sometimes houses which they have bought in their municipality of residence. In summer they set up with their caravans for one or two weeks at a time on designated stopover sites or private land which they rent in agreement with the landowner.

2.2 Political and legislative frameworks covering itinerant communities

2.2.1 Belgium

The **Belgian Constitution** states in its first three articles that Belgium is a federal state made up of three communities (the French Community, the Flemish Community and the German-speaking Community) and three regions (the Walloon Region, the Flemish Region and the Brussels Region). Decision-making power is divided between the federal government, the three communities and the three regions, each of these policy-making levels being autonomous¹⁷. In addition, there are provinces (five Walloon provinces, five Flemish provinces and the Greater Brussels district). The municipal level comprises 589 municipalities.

The issue addressed in this report is the responsibility of the federal state, the federal entities and the municipalities. Article 23 of the Constitution states that: "Everyone has the right to lead a life of dignity. To this end, the law, decree or rule referred to in Article 134 guarantee, taking into account corresponding obligations, economic, social and cultural rights, and determine the conditions of their exercise. These

¹⁶ Yenish is generally likened to a "sociolect", that is a language distinctive in its turns of phrase or vocabulary, or to an "ethnolect". Speakers of it generally use the grammatical structure of German. In Switzerland, they borrow the syntax of Swiss German and put their own expressions in the place of the dialect terms used in the lexical units (nouns, verbs, adjectives).

¹⁷ For further information on their respective powers and responsibilities, please refer to the Submissions by the Government on the Merits of Collective Complaint No. 62/2010 International Federation of Human Rights (FIDH) v. Belgium (http://www.coe.int/t/dghl/monitoring/socialcharter/complaints/complaints_EN.asp?) and to the PowerPoint presentation given by Geoffroy Kensier, Private Office of Joëlle Milquet, Deputy Prime Minister, Minister of the Interior and Equal Opportunities, both available in Addendum 1.

rights include (...): 3 ° the right to have decent accommodation (...)". Town planning and spatial development, land-use policy and housing are all regional responsibilities¹⁸. This includes the provision of an adequate number of public sites for *Gens du voyage*, the obligation to have regard to the specific needs of *Gens du voyage* in town planning legislation, or the issue of whether to recognise caravans as dwellings. Education is an exclusive competence of the communities. Maintaining the population registers is entirely a matter for the municipalities. Policies to combat poverty and social exclusion and the issue of domiciliation are shared competences.

The Belgian national strategy for Roma integration of February 2012¹⁹ rests on the various policy areas that make the social and economic inclusion of Roma possible, such as anti-discrimination, employment, education, housing and access to health care, in accordance with the priorities of the EU framework for Roma integration. This strategy is the result of a partnership between the federated entities, the federal government and civil society representatives and encompasses an action plan which is based on a shared vision and common goals but within which each policy-making level devises measures within the framework of the powers conferred on it.

The Roma are not recognised as a national minority and Belgium has not ratified the Framework Convention for the Protection of National Minorities. There are, however, differences in approach at regional level: Flanders favours a targeted approach, recognising the Roma as a minority, whereas Wallonia has adopted a more mainstreamed policy.

Flanders and Wallonia have different political and strategic approaches: unlike Wallonia, which does not have an “institutionalised” approach, **Flanders has adopted a Strategic Plan for *Gens du voyage*** (defined as “people who traditionally live in mobile accommodation”)²⁰. The Flemish Plan contains integration measures in the fields of housing, education, employment, health, culture, etc. It is an inclusive, co-ordinated policy that is based on the European Union principle of subsidiarity and the “explicit but not exclusive” approach. Among the goals set in this Plan are the promotion of responsible citizenship for *Gens du voyage* through participation and access to services and greater social cohesion and harmony. Co-operation with local authorities is a factor in the successful delivery of this plan.

2.2.2 France

The French Republic, being a single, indivisible nation, does not recognise minorities. It has therefore not signed or ratified the Framework Convention for the Protection of National Minorities.

The situation of *Gens du voyage*, i.e. persons of French nationality whose traditional form of dwelling is a mobile home, is currently²¹ governed by two specific pieces of legislation, separate yet complementary, whose existence is justified by the traditional way of life adopted by this section of the French population:

- Law No. 69-3 of 3 January 1969 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence;
- Law No. 2000-614 of 5 July 2000 on the reception and accommodation of *Gens du voyage*.

The Law of 3 January 1969 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence introduced a new system of rights and duties for *Gens du voyage*. In particular, it requires *Gens du voyage* to be administratively attached to a municipality, enabling them to claim social security benefits and to be included in the electoral roll. It also introduced three separate travel permits: the “*livret spécial de circulation*”, the “*livret de circulation*” and the “*carnet de circulation*”.

¹⁸ Article 6 of the special institutional reform legislation of 8 August 1980.

¹⁹ http://ec.europa.eu/justice/discrimination/files/roma_belgium_strategy_fr.pdf.

²⁰ With regard to the Action Plan on Roma migrants from central and Eastern Europe adopted by Flanders, see Addendum 2.

²¹ See information about the law of 16 July 1912 on the exercise of itinerant occupations in Addendum 1.

The legislation of 3 January 1969 is now outdated, however, and since January 2011 the French government has acknowledged that several of its provisions need revising²².

On 17 July 2012, the Constitutional Council received an application from the *Conseil d'État*, on the terms stipulated in Article 61-1 of the Constitution, for a priority ruling on whether the provisions of Articles 2 to 11 of the law of 3 January 1969 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence were compatible with the rights and freedoms guaranteed by the Constitution.

In its decision No. 2012-279 QPC of 5 October 2012, the Constitutional Council found that the provisions of the law of 3 January 1969 instituting a "*carnet de circulation*" and the provisions requiring persons without a fixed domicile or residence to be attached to the same municipality for an uninterrupted period of three years in order to be included in the electoral roll were unconstitutional²³. Despite this Constitutional Council decision, the legislation of 3 January 1969 is still being challenged. A complaint was lodged at the beginning of April 2013 with the European Court of Human Rights to have it repealed and to put an end to travel permits, "home municipalities" and the 3% quota limit on the number of *Gens du voyage* who can be registered in any given municipality, on the basis of, *inter alia*, Article 2 of Protocol 4 of the European Convention of Human Rights "*Freedom of movement*" and Article 3 of the Additional Protocol "*Right to free elections*".

As regards **the law of 5 July 2000 on the reception and accommodation of *Gens du voyage***, the Constitutional Council noted in its priority ruling on constitutionality No. 2010-13 QPC of 9 July 2010 concerning Articles 9 and 9-1 of the said law:

- *"that the principle of equality does not preclude parliament from treating different situations in different ways, nor from departing from the principle of equality in the general interest provided that in each case the resulting difference of treatment is directly related to the purpose of the statute providing for such different treatment;*
- *(that the differences in treatment) are based on a difference between the situation of those persons, irrespective of their origins, who have chosen to live in mobile homes or caravans and adopt an itinerant lifestyle and those persons who have opted to live in a settled manner; that the distinction thus imposed is based on objective and rational criteria directly related to the purpose which parliament sought to achieve."*

In short, as regards the nomadic lifestyle of *Gens du voyage*, i.e. under the terms of the 1969 law, the fact of not having "*a fixed domicile or residence for more than six months*" constitutes for these persons of French nationality an objective and rational criterion that may warrant special rules.

2.2.3 United Kingdom

In England, there is also legislation relevant to caravan sites (not restricted to traveller sites):

- the Caravan Sites Act and Control of Development Act 1960, which requires that site owners, for parking caravans, have a licence issued by the local authorities;
- the Caravan Sites Act 1968;
- the Mobile Homes Act 1983;
- the Housing Act 2004, which requires local housing authorities in England to assess the accommodation needs of Gypsies and Travellers. Under the Housing Act 2004, every local housing authority is required to carry out an assessment of the accommodation needs of Travellers residing in or resorting to their district.

²² See in Addendum 1 the statement by Philippe Richert, French minister responsible for local and regional authorities, sitting on the Government bench during the National Assembly examination of the bill to end the discriminatory treatment of *Gens du voyage* at the first session on 26 January 2011, the fact-finding mission from March 2011 chaired by the French M.P. Didier Quentin and the parliamentary report "*Gens du Voyage: Pour un Statut proche du Droit Commun*" by Senator Hérissou from July 2011.

²³ See additional information in Addendum 1.

In March 2012, the UK Government issued a **specific planning policy for Traveller sites in England**, under which the Government expects local authorities to put in place a 5 year supply of deliverable sites for Travellers to meet their objectively-assessed needs. The UK government published **guidelines on dealing with illegal and unauthorised encampments in England** in August 2012.

2.2.4 Switzerland

Gens du voyage of Swiss nationality are recognised as a national minority within the meaning of the Council of Europe Framework Convention for the Protection of National Minorities which was ratified by Switzerland on 21 October 1998.

Switzerland has no specific legislation for *Gens du voyage*. However, the new **federal law on encouragement of culture (LEC)**, which took effect in 2012, provides that “*The Confederation may take measures to enable Gens du voyage to lead the life corresponding to their culture*” (Art. 17)²⁴.

In addition, there are **two key documents** on the “consideration” accorded by the Swiss Confederation to *Gens du voyage* entitled “**Reconnaissance en tant que minorité nationale**” (“Recognition as a national minority”) and “**Les Gens du voyage en Suisse**” (“Travellers in Switzerland”) ²⁵.

In 1997, the Confederation set up a Foundation called “*Assurer l’avenir des Gens du voyage suisses*” (“Securing the Future of Swiss *Gens du voyage*”) and granted it a lump sum of CHF1 million. The federal government also covers the Foundation’s running costs through annual contributions. A number of representatives of *Gens du voyage* sit on the board of this foundation, alongside representatives of the federal, cantonal and municipal authorities. The task of the foundation is to “provide for and improve the living standards of the nomadic population in Switzerland and preserve their cultural identity”. Its priority area of work is to create halting and encampment sites.

III. QUESTIONS RAISED, PROBLEMS ENCOUNTERED AND SOLUTIONS FOUND

3.1 Issues and questions raised and responses given

This chapter looks at the main issues addressed by the group of experts during the thematic visit to Belgium. For each of the issues detailed below, there are a number of more specific questions. The issues at national level and the practical responses, where such exist, given by the different stakeholders, are specified for each country, and where appropriate, for the various administrative entities (regions, cantons, *départements*, municipalities, etc.).

Issue No. 1: types of encampment area and terminology used

- What are the different types of sites provided, for how long and for what target group?

a) For short-stay encampment areas (“short-stay sites”, “stopover sites”, “transit sites”, “halting sites”):

- How can one create and maintain short-stay sites in adequate numbers which offer suitable amenities?
- What is regarded as the minimum level of amenities for short-stay sites?
- Should these sites be reserved exclusively for nationals or should they be open to migrant Roma or foreign nationals?

b) For long-stay encampment areas (“residential sites”, “stopping sites”):

- Are there any long-stay or quasi-permanent stopping sites?
- If yes, what are the facilities provided and for how many caravans or mobile homes on average?
- What are the criteria and conditions with which families must comply in order to be able to stop there?

²⁴ <http://www.admin.ch/ch/f/ff/2009/7923.pdf>. See also Addendum 1.

²⁵ See the message of the Federal Council to the Parliament on 19 November 1997 in Addendum 1.

- How do Travellers contribute to the costs (water, electricity, etc.)?
- c) For large-capacity short-stay sites:**
- What can be done to deal with the movement of national Travellers (for example for large-scale evangelical gatherings) or large numbers of foreign Travellers on the move with their caravans?
 - Is there a sufficient number of such sites and are they evenly distributed throughout the country?
- d) For private or family-owned sites:**
- What are the environmental or other factors which could prevent caravans stopping on a site belonging to a Traveller family?
 - What solutions have been suggested to overcome any sources of nuisance?

In Belgium, there are three different types of site for *Gens du voyage*:

- **residential sites**, private or public, on which *Gens du voyage* can stay “long-term” for part of the year;
- **short-stay or “stopover” or “transit” sites**, designed solely for short-stays by *Gens du voyage*;
- **ad hoc sites**, which are not specifically designed to accommodate *Gens du voyage* but which are rented out or made available to them on an ad hoc basis by the local authorities or private individuals.

The first two types of site are to be found in Flanders. Ad hoc sites are more frequent in Wallonia. Moreover, there are plans to restart consultations with the various partners in Wallonia on a suitable way of producing a usable list of **large-capacity short-term sites** available for large-scale gatherings. There is a shortage of encampment sites (both short-stay and long-stay) and a problem over access to facilities for people living in caravans and population groups that are itinerant (*Gens du voyage* or Belgian Sinti/Manush) or semi-itinerant (Roma from the old Romanian provinces of Moldavia and Wallachia). The number of long-stay and farm sites placed at their disposal is clearly inadequate to meet their needs.

In France, there are two types of site provided for under the *département* plan:

- **encampment areas (halting sites)** for itinerant *Gens du voyage* for stays of up to several months, but not for permanent occupation. Generally speaking, these sites must have at least 15 pitches and no more than 50;
- **large-capacity short-stay sites** intended for gatherings of 50 to 200 caravans. In general, caravans should stay no longer than one week.

There are no long-stay sites such as those in Belgium (Flanders) and Switzerland. However, there is a growing number of **family-owned sites**²⁶.

The number of encampment areas and halting sites is still insufficient; 24,000 have been created since the 2000 law, and a bit less than 20,000 are still to be financed with state aid. Moreover, they are not evenly distributed across the country, with some geographical areas being very poorly provided for²⁷. This leads to camps being set up in places not designed for that purpose, leading to a lack of decent living conditions for the *Gens du voyage*, and inconvenience for the local inhabitants. Accordingly, new sites must be created.

Regarding *large-capacity short-stay sites*, Section 4 of the law of 5 July 2000 provides that such sites are intended to meet the needs of *Gens du voyage* to travel in large groups for traditional or one-off gatherings. A **joint instruction from the Ministers of Public Works and the Interior**, dated 8 July 2003, states that the *département* plan must make provision for temporary short-stay sites for *Gens du voyage* travelling to a traditional gathering. Senator Hérisson, in his parliamentary report (July 2011), made four

²⁶ See the ideas put forward by the Association Sociale Nationale Internationale Tzigane (ASNIT) on the subject of private family-owned sites and modular-design buildings.

²⁷ By way of example, the French expert said that in Haute Savoie there were 30 sites with 450 families and 4 sites with 80 families.

proposals regarding large-capacity short-stay sites (see these four proposals in Addendum 1 of the report)²⁸.

There are two types of encampment areas in Switzerland:

- **stopping sites:** a site for longer stays, especially in winter. The *Gens du voyage* rent a pitch on the site for the year, living there in basic constructions (for example, wooden chalets), mobile homes or caravans. *Gens du voyage* are registered with the municipalities in which the sites are located and their children attend school there;
- **stopover sites:** stopover sites are for short-term stays of up to one month when *Gens du voyage* are on the move during the summer months. It is a requirement for them to be equipped with the necessary facilities to meet the daily needs of *Gens du voyage*. Unlike campsites for tourists, these stopover sites enable *Gens du voyage* to engage in gainful employment in addition to offering living accommodation.

In winter, out of the 2,500-3,000 semi-nomadic Swiss *Gens du voyage*, some 1,500 persons live at an official encampment area, in a mobile home or caravan. The rest spend the winter in flats which they rent, or sometimes houses which they have bought in their official municipality of residence.

In summer, the Yenish travel and camp in small groups of 4, 5 or 6 caravans, like some of the extended Manush (Sinti) families in the country. Generally very reserved, the Swiss *Gens du voyage* mostly come to an arrangement with farmers or municipalities to be able to stop for one to two weeks at a time, more often than not in the same place, to which they return year after year. They rent private pitches in agreement with the landowner. Respectful of Swiss traditions and customs, they generally pass unnoticed by the local population.

The main difficulty facing Swiss *Gens du voyage* is the lack of encampment areas for long stays and stopovers in order to be able to continue leading their semi-nomadic lifestyle and in this way preserve an essential facet of their identity. In general, the situation has not improved over the past ten years. The 14 sites in the whole of Switzerland are sufficient only for half of the Swiss *Gens du voyage* who have retained a semi-nomadic lifestyle and stop there during the winter months. Swiss *Gens du voyage* have called for the provision of encampment areas where they can spend the winter and short-stay sites suited to their needs²⁹. There are 43 stopover sites, on which Swiss *Gens du voyage* stay and ply their trades during the summer months. Their number has dwindled over the past decade and can provide room for only 60% of *Gens du voyage*. The facilities in three quarters of these sites are inadequate, and as a result, *Gens du voyage* often prefer to stay on private sites. Swiss *Gens du voyage* however keep asking for an increase of official stopover sites.

The foreign *Gens du voyage* passing through Switzerland in the summer season traditionally move in large groups of several tens of caravans. Attracted by the sound economic situation and purchasing power of the Swiss, large groups of 20, 30 or 40 French *Gens du Voyage* caravans arrive in early March in the few official sites provided for people passing through the French-speaking part of Switzerland (two in the Canton of Vaud, one in the canton of Valais)³⁰. According to estimates, Switzerland needs ten large stopover areas for foreign *Gens du voyage*. There are just a few small rural camp-sites to try and cope with this influx of caravans. Owing to the lack of large stopover sites foreign *Gens du voyage* are regularly obliged to stop in unauthorised areas unsuited to that purpose. This leads to conflicts with the local

²⁸ See this instruction and proposals 14 to 17 of Senator Herisson's report in Addendum 1.

²⁹ See in Addendum 1 information related to the petition submitted by Yenish to the cantonal parliament of Vaud in the French-speaking part of Switzerland. On 30 April 2013, the Parliament of the Canton of Vaud accepted almost unanimously (without opposition, two abstentions) and returned to the Government - for favorable response - a petition by Swiss Yenish calling for the provision of a stopping site in the cantonal territory. This is a historic decision which shows that efforts to sensitize policy makers to the cause of *Gens du voyage* can bring results.

³⁰ Having arrived in the waiting area in the border zone of France in February, on 1 March (the date on which the pitches became available) French "Gens du Voyage" very quickly occupied the 120 or so pitches for convoys located in the Lake Geneva area, a densely populated region with a sound economic situation. Because of a lack of serviced stopover sites in the cantons of Geneva, Fribourg, Neuchâtel and Jura, French "Gens du voyage" remain in the Lake Geneva area and camp without authorisation on farmland, undeveloped industrial land or municipal car parks.

population, particularly owing to problems of refuse left behind³¹. The general attitude towards hygiene of some foreign *Gens du voyage* is appalling: the sedentary population, infuriated by this lack of consideration, find this intolerable. Consequently, Swiss *Gens du voyage* suffer from this negative generalisation that prevails whenever *Gens du voyage* arrive in a canton or municipality.

In the United Kingdom, authorised Gypsy and Traveller sites are broadly divided into:

- **Residential sites**, which provide permanent base for Gypsies and Travellers who may want to stay in one place for extended periods, for example to allow their children to attend school;
- **Transit sites**, which provide temporary stopping places for Gypsies and Travellers who are passing through an area.

As stated above, many Gypsy and Traveller caravan sites are privately owned and managed, while others are run by local authorities or other registered providers of affordable housing. In England, the Government is providing £60 million of Traveller Pitch Funding under the **Affordable Housing Programme** to local authorities and other registered providers to develop new traveller sites and refurbish existing ones.

Issue No.2: The financing of encampment areas and the cost of charges and fees

- How are encampment areas financed?
- How much are the fees that Travellers have to pay in order to occupy sites and/or how much do they have to contribute to costs (water, electricity, etc.)?

In Belgium the Flemish government encourages the construction of sites where *Gens du voyage* can stay temporarily and meets 100% of the cost of purchasing and constructing sites. The Walloon region provides grants for the acquisition and development of land but not at the same level as Flanders. In Wallonia (Namur), since the adoption of **two regulations in March 2009**, the visitors' tax payable has been €10 per week, and the refuse disposal charge has been €3. The maximum length of stay is between two and three weeks. In Flanders (Ghent), the maximum length of stay is 15 days, and the monthly charge for a pitch, with the right to park and use services, is €87. A pitch costs €5 per day per caravan, and the charge for showers is €5 per week per family.

In France, central government makes a contribution to investments in the creation or rehabilitation of sites. The construction of sites, previously financed only up to 35% of the cost, is now government-financed to the tune of 70% of total expenditure before tax. However, the law does set maximum amounts:

- €15,000 per pitch at an encampment area (municipalities with a population of over 5,000);
- €3,000 per pitch for small-capacity short-stay sites (municipalities with a population of under 5,000);
- €120,000 per operation for large-capacity short-stay sites (needed on the occasion of major gatherings).

The Region, *Département* and *Caisse d'Allocations Familiales* (CAF, family allowance fund) may also participate in the financing of site creation. A "*fixed-sum subsidy for encampment area management*" (AGAA) is granted to municipalities or persons responsible for management in pursuance of an agreement. Some *départements* also pay part of encampment areas' operating expenses, up to one quarter of those expenses. The overall operating grant is increased in line with the number of pitches created³².

³¹ Lausanne in the canton of Vaud has been particularly affected in recent years – particularly in the summer of 2012 – by the transit through Switzerland of foreign *Gens du voyage*. In March 2013, the Government of the Canton of Vaud just started implementing directives proposed by a specific working group, which was set up to look at ways of improving the management of Traveller movements and of resolving disputes with private individuals and municipalities.

³² Where costs are concerned, utilities (water, electricity) are increasingly frequently paid for in advance, contributing to the full responsibility of site users. However, given differing pricing policies, the Prefect should ensure that, within a relevant geographical area (district, coastal zone or, failing this, across the *département* as a whole), there can be no unjustifiable differences which are too great. The aim must be harmonisation and application of a regulation mechanism.

The law currently imposes obligations in terms of the creation of pitches at encampment areas only on municipalities with a population of over 5,000. In so far as all municipalities, whatever their size, are required to receive *Gens du voyage* in transit for a period not exceeding 48 hours, and in order to enable this obligation to be complied with, all municipalities should have a site available, even if it has only basic facilities³³.

In the United Kingdom, around 49% of Gypsy and Traveller caravans in England are on privately owned sites. The occupants are normally responsible for paying the costs of electricity and water to the providers in the normal way. Around 35% of Gypsy and Traveller caravans are on sites owned by local authorities or other registered providers of affordable housing. Rents on these sites vary according to the size, location and condition of the site, but an average rent for a pitch (which can accommodate 2 caravans) would be £60 per week.

In Switzerland, stopping sites and stopover sites are built and funded by the cantons and municipalities. The Foundation of the Confederation "Ensuring the Future of Swiss *Gens du voyage*" is involved in projects aimed at creating sites with symbolic amounts, i.e. up to 10% of overall development costs.

Issue No. 3: Recognition of a caravan as housing.

- Are caravans recognised as housing? What does that recognition entail?
- Are Travellers able to receive housing benefits in respect of their caravans, and if so, in what conditions?
- Do Travellers pay a housing tax?

Recommendation Rec(2005)4 of the Committee of Ministers to member states on improving the housing conditions of Roma and Travellers in Europe³⁴ defines "housing" as "different modes of accommodation, such as houses, caravans, mobile homes or halting sites", *de facto* recognising caravans as housing.

Recommendation Rec(2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe³⁵ also recommends that an area bound by a perimeter of a few metres around it be defined as part of a Traveller's caravan, and therefore of his or her place of residence (para. 34).

In Belgium, mobile housing (a caravan) is recognised as a home in that the legislation contains an explicit provision relating to persons who live in moveable accommodation. However, a mobile dwelling is in actual fact not recognised in all parts of Belgium as a main residence:

- the Flemish government has since 2001 recognised a caravan as a type of home;
- in the Brussels-Capital Region, **an ordinance amending the Brussels Housing Code** was recently adopted so as to recognise Travellers' homes;
- in Wallonia, a caravan is not recognised as fit for habitation. It is recognised as a vehicle trailer or as a moveable dwelling³⁶. See the chapter below on the measures envisaged by Belgium for a discussion of the subject.

³³ In his parliamentary report of July 2011, the French expert recommended a survey of available sites, such as disused camp or caravan sites, such sites being able to be made available to families if necessary – for example as a place to stay for the relatives of someone in hospital nearby.

³⁴ Recommendation adopted by the Committee of Ministers of the Council of Europe on 23 February 2005. See the text at: [https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(2005\)4&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2005)4&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383).

³⁵ Recommendation adopted by the Committee of Ministers of the Council of Europe on 1 December 2004. See the text at: [https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(2004\)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2004)14&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383).

³⁶ Articles 1.3 and 44 of the Walloon Housing Code, and order of the Walloon government of 30 August 2007 setting down minimum criteria for the fitness of housing.

In Belgium, *Gens du voyage* are not subject to a housing tax on their caravans, and the situation is comparable for *Gens du voyage* in Switzerland.

In France, the legislation makes a distinction between three kinds of dwelling:

- residential dwellings;
- permanent dwellings for sedentary periods (2-3 months);
- permanent dwellings for temporary periods on short-stay sites (14 days).

Decree No. 72-37 of 11 January 1972 considers caravans to be vehicles, not homes. A caravan is treated in the same way as a building only if one of the means of mobility (wheels or towing arrangement) is missing. In short, while a caravan is indeed a home, and is therefore guaranteed inviolability, it is nevertheless not housing, so *Gens du voyage* wishing to settle while remaining in their caravan home are deprived of housing assistance/benefits³⁷.

The **budget amendment law for 2010** introduced an annual tax on ownership of one or more land-based mobile residences used as a main residence, applicable to all owners of land-based mobile residences who occupy them as main residences. The law defines a land-based mobile residence as “*any land-based inhabitable vehicle which permanently retains means of mobility enabling it to move independently or to be moved by towing, and which is not prohibited from moving by the Highway Code*”. This definition thus covers mainly caravans and motorhomes, but not bungalows or mobile homes. There are some cases of exemption in certain situations³⁸. This annual tax was to be imposed on the owners of land-based mobile residences with effect from 1 October 2011. However, because of persistent difficulties in respect of the collection of the tax, the measure is still not being applied³⁹.

In short, French law recognises caravans as dwellings, but still not as housing, so access is not to the same rights. In his 2008 report, the Council of Europe Commissioner for Human Rights emphasised that non-recognition of caravans as housing units deprived *Gens du voyage* of housing assistance and made access to social assistance more difficult.

In England, the law makes a distinction between a caravan and a « dwelling house ». This means that where legislation refers to “dwelling houses” it does not apply to caravans. If legislation needs to refer to caravans as well, they must be separately identified in the law. People who live in caravans have the same entitlement to housing benefit as people who live in houses. Caravans on residential sites are subject to Council Tax, levied by the local authority in the same way as for houses. In the case of transit sites, it is the site-owner who is liable for the Council Tax.

Issue No. 4: Travel permits

- What kind of identity documents do Gypsies & Travellers have?
- Do they have the same identity documents as the sedentary population? If not, what distinction is made, and for what purpose?
- Are they obliged to declare an attachment to a municipality (“home municipality”)?

The requirement for *Gens du voyage* to possess specific travel permits is a provision of French law which has no equivalent in Belgium, Switzerland or the United Kingdom.

The French Law of 3 January 1969 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence provides that all persons over the age of 16 without a fixed domicile or residence, if they wish to be able to travel in France, have to hold a travel permit if they “*live permanently in a vehicle, trailer or other mobile*”

³⁷ Jacqueline CHARLEMAGNE, *Le droit au logement des Gens du voyage : un droit en trompe-l'œil ?*, Etudes tsiganes n° 15, 2000 pp 57-73.

³⁸ For more information, please see the sites at: <http://vosdroits.service-public.fr/F22429.xhtml> and <http://droit-finances.commentcamarche.net/faq/7581-la-nouvelle-taxe-sur-les-residences-mobiles-terrestres>.

³⁹ For further information on cases of exemption, see Addendum 1.

residence"⁴⁰. This law, nevertheless, was partly repealed by a decision of the Constitutional Council of 5 October 2012.

Depending on whether they exercise an itinerant trade and whether – or not – they have regular income, one of the following travel permits is issued to them: “*livret spécial de circulation*” (“A” and “B”), “*livret de circulation*” and - until it was repealed by the decision of the Constitutional Council of 5 October 2012 - “*carnet de circulation*”⁴¹. These documents are valid for a period of five years, which may be extended.

There are two versions of the “*livret spécial de circulation*”, “A” and “B”. The former is issued to persons without a fixed domicile or residence who wish to ply an itinerant trade on French territory, while the latter is for the persons who usually accompany the holder of the “A” permit (members of his or her family, for example), and to persons who work for him or her. **The decree of 31 July 1970 implementing the law of 3 January 1969** provides that “*the livret spécial de circulation does not need stamping*”⁴².

The “*livret de circulation*” is issued to persons who “*prove that they have regular income guaranteeing normal conditions of existence for them*”, for example through the exercise of paid employment (including those caravan-dwellers who work for building firms) and the persons for whom they are responsible.

As at 22 June 2011, the records relating to travel permits issued to persons without a fixed domicile or residence, used by the national gendarmerie to process personal data by automated means in application of the provisions of the order of 22 March 1994, showed that there were:

- 129,630 holders of the “A” class “*livret spécial*”;
- 22,301 holders of the “B” class “*livret spécial*”;
- 14,309 holders of a “*livret de circulation*”;
- 147,305 holders of a “*carnet de circulation*”⁴³.

In the United Kingdom, Gypsies and Travellers are not obliged to possess or carry any particular documents or be registered with a particular local authority.

Issue No. 5: Attachment to a municipality

- Is it compulsory for “Gens du voyage”/Gypsies & Travellers to be attached to a municipality (their “home municipality”)?

The itinerant lifestyle of Travellers/*Gens du voyage* makes it all the more important for them to have a domicile, which they need to maintain their link with public authorities and services.

Part B (“Establishment of Travellers’ official place of residence” of **Recommendation Rec(2004)14 of the Committee of Ministers to member states on the movement and encampment of Travellers in Europe**⁴⁴ recommends that member states:

- “*ensure that the place of residence to which the Traveller is linked is indicated on ordinary-law identity papers in the countries in which these are required and are necessary for access to other rights;*
- *allow Travellers to have their official place of residence at the address of an individual or association;*
- *refrain from setting up, on the basis of the above-mentioned indications concerning the official place of residence, files that make it possible to identify the person concerned as a nomad;*
- *allow free choice of official place of residence for nationals when it is compulsory to establish such residence;*

⁴⁰ It is not just for *Gens du voyage* that it is compulsory to hold a travel permit: this requirement also applies, for example, to seasonal workers, fairground workers and workers temporarily living in caravans (while they work on major building sites).

⁴¹ See Addendum 1 for information about the “*carnet de circulation*” and the decision of the Constitutional Council of 5 October 2012 to abolish it.

⁴² See Addendum 1 for further information about this decree.

⁴³ NB: one person may hold more than one travel permit issued in his or her name and registered; in practice, 174,134 persons have requested registration, and the current number of permits issued totals over 310,000.

⁴⁴ See Addendum to access the full text of this Recommendation.

- *widely disseminate novel good practices as regards establishment of an official place of residence*".

It further recommends that they "give Travellers' mobile homes or, where relevant, the place of residence to which the Traveller is linked, the same substantial rights as those attached to a fixed abode, particularly in legal and social matters".

In Belgium, **Article 20§1 of the Royal Decree of 16 July 1992** on population registers and aliens' registers stipulates that "those persons who reside in a mobile residence shall be included in the population registers, either of the municipality where they reside for at least six months per year at a fixed address or of the municipality where they have a reference address".

In order to establish the residence of persons who do not have a fixed address in their own name, particularly *Gens du voyage*, Belgium uses **reference addresses**. The person registered as living at the address concerned declares those persons who receive their administrative correspondence at that address, and undertakes to forward this on a voluntary basis. Firm case-law protects the person registered as living at the reference address from legal action directed against those persons resident at his or her address⁴⁵.

In France, administrative attachment to a municipality is justified by the need to retain a link between *Gens du voyage* and the various authorities, if only to enable them to exercise their civic rights and duties: the right to vote, compulsory schooling, social security registration, census, payment of taxes.

The **Law No. 69-3 of 3 January 1969 relating to the exercise of itinerant trades and the regime applicable to persons travelling around France without a fixed domicile or residence** provides that any person who applies for a travel permit is required to indicate a "home municipality". The applicant can thus make his or her own choice of municipality, particularly by proving the existence of family ties. Attachment to the "home municipality" is confirmed by the Prefect or Sub-Prefect, after the mayor has given his or her reasoned opinion, subject to a limit of 3% of the registered population of the municipality who are *Gens du voyage*.

Administrative attachment to a "home municipality" produces some or all of the effects attached to domicile, residence or place of employment where the following are concerned: celebration of marriage; inclusion on the electoral roll, at the request of the persons concerned, after three years' continuous attachment to the same municipality; payment of taxes; performance of the duties imposed by the social security legislation and the legislation on assistance to unemployed workers. *Gens du voyage* nevertheless are allowed to access their social rights at a place other than their "home municipality" in pursuance of Articles L. 264-1 to L. 264-6 of the Code on Social Action and Families.

These measures are intended to ensure a minimum period of attachment and to guarantee that the presence of *Gens du voyage* in a municipality is compatible with its sedentary population. The formalities associated with attachment are not an obstacle to the freedom of movement of the persons concerned and do not impede the freedom to settle in another municipality of their choice.

That was not the opinion of the Council of Europe Commissioner for Human Rights, who stated in his Memorandum of 2008 following his visit to France that certain provisions of the 1969 law, such as compulsory administrative attachment to a municipality and the two-year waiting period before any change of municipality of attachment (the application for which has to be reasoned and accepted by the Prefect), restrict freedom to settle in the municipality of a person's choice⁴⁶.

⁴⁵ For more information about the reference address, and particularly the legislation, please visit:

http://www.cmgv.be/index.php?option=com_content&view=article&id=109:adresse-de-reference-&catid=44:residence-domicile-logement&Itemid=152

⁴⁶ See chapter VI.1.b, paragraph 137, of the Memorandum of the Council of Europe Commissioner for Human Rights, dated 20 November 2008, following his visit to France from 21 to 23 May 2008, available at the following address:

[https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH\(2008\)34&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDC F2&BackColorIntranet=FDC864&BackColorLogged=FDC864](https://wcd.coe.int/ViewDoc.jsp?Ref=CommDH(2008)34&Language=lanEnglish&Ver=original&Site=COE&BackColorInternet=DBDC F2&BackColorIntranet=FDC864&BackColorLogged=FDC864)

Law No. 2007-290 of 5 March 2007⁴⁷ introducing the right to housing and entailing various measures to encourage social cohesion (DALO), in Article 51-V, through an exemption to the provisions of the 1969 law, made it possible for *Gens du voyage*, in order to receive welfare benefits, to declare themselves resident at a municipal or inter-municipal social action centre or at an entity approved for this purpose⁴⁸. However, in so far as the different travel permits for which the law of 3 January 1969 provides require *Gens du voyage* to be attached to a “home municipality”, it is in the majority of cases the registration regime laid down in the law of 3 January 1969 which prevails in practice.

In Switzerland, the freedom of establishment and the domicile of the Swiss *Gens du voyage* obey the ordinary rules. *Gens du voyage* who kept a semi-nomadic life and stay in the winter on a formal living area are domiciled in that area. Practical problems and disputes often arise in connection with *Gens du voyage* in terms of taxation, registration of motor vehicles, the right to social security benefits and social assistance⁴⁹.

In the United Kingdom, Gypsies and Travellers are not obliged to be registered with a particular local authority.

Issue No. 6: Citizenship and the right to vote

- Do the identity documents held by “Gens du voyage”/Gypsies & Travellers have any consequences for their right to vote and the full exercise of their citizenship?

In France, *Gens du voyage* benefit from special arrangements for registration on the electoral roll as a result of being registered in their “home municipality”, because of the specific nature of their non-sedentary lifestyle and the ensuing rules on their place of residence.

Article 10 of Law No. 69-3 of 3 January 1969 provides that persons travelling in France without a fixed domicile or residence may, after three years’ continuous attachment to the same municipality, apply for registration on an electoral roll of that municipality. This period is calculated with effect from the date of the Prefect’s decision on attachment⁵⁰. The condition of continuous attachment of the holder of a travel permit who has reached the age of 18 is deemed to have been met if he or she has had that attachment for three years, either personally or as a minor child whose parents were attached to the same municipality.

In his report for 2008, the Council of Europe Commissioner for Human Rights noted that *Gens du voyage* of French nationality were subject to special legislation which did not apply to other French citizens (the right to vote being granted to *Gens du voyage* only three years after their administrative attachment to a municipality, whereas the qualifying period was six months for all other citizens, including those without a fixed domicile), and which made *Gens du voyage* feel that they were under constant surveillance. He called on the French authorities to put an immediate end to this specific treatment. Proposal No. 5 in Senator Hérisson’s parliamentary report (July 2011) ran along the same lines stating “*that Article 10 of the law of 3 January 1969 be repealed and that Gens du voyage benefit from the ordinary regime, which sets at six months the period of attachment to a municipality to be completed before a person may register on the electoral roll*”⁵¹.

In Decision No. 2012-279 QPC of 5 October 2012, the Constitutional Council, to which a priority issue of constitutionality had been referred on 17 July 2012 by the *Conseil d’État*, declared unconstitutional those provisions of the law of 3 January 1969 which require persons without a fixed domicile or residence to have been continuously attached to one and the same municipality in order to be registered on the

⁴⁷ See Addendum 1 for further information on the legal amendments resulting from “loi DALO”.

⁴⁸ See Article L. 264-1 of the Code on Social Action and Families, based on Article 51 of the “loi DALO”.

⁴⁹ See the Foundation website at: <http://www.fondation-gensduvoyage.ch/autrefois-nosjours/fr/search/node/domicile>.

⁵⁰ See Addendum 1 for further information on registration on electoral lists and on the parliamentary report.

⁵¹ See in particular chapter VI.1.b of the Memorandum of the Council of Europe Commissioner for Human Rights, available in Addendum 1.

electoral roll⁵². Those provisions were repealed as soon as the Constitutional Council's decision had been published.

While the "*carnet de circulation*" has been discontinued, "*livrets de circulation*" remain and *Gens du voyage* are supposed to carry them all the time, even if they have an identity card⁵³.

As a result of these provisions, *Gens du voyage* may be subject to two electoral roll registration regimes, one based on Article 10 of Law No. 69-3 of 3 January 1969 (after three years of attachment to the "home municipality"), the other on Article 51-V of Law No. **2007-290 of 5 March 2007** introducing the right to housing and entailing various measures to encourage social cohesion (known as the "loi DALO") (after six months of registration at an address used for residence purposes).

Citizens of the United Kingdom are not required to hold identity documents. All UK, Irish and Commonwealth citizens who are permanent legal residents of the United Kingdom are entitled to register to vote with a local authority, which is responsible for maintaining the register of electors. Normally it is necessary to register to vote for a particular address, which can be a caravan site. A person who does not have an address can still register to vote by making a '**Declaration of local connection**', with a local authority where they have lived in the past or where they spend a substantial part of their time.

Issue No. 7: Access to loans, insurance and financial products

- What problems are encountered and solutions proposed?

In France, a large number of the vehicles of *Gens du voyage* are uninsured. To solve this problem, a "fleet" contract has been offered since the fourth quarter of 2010, through an insurance broker⁵⁴. Increasing numbers of *Gens du voyage* are currently subscribing to that insurance contract: the marginal increase in the number of subscribers is now growing by the month. There is a high rate of uptake by those who request quotes, around 80%. This contract covers a vehicle (comprehensive or third party) and/or a caravan (comprehensive or third party, as the main land-based mobile residence), with insurance of both vehicle and caravan costing an average of €790 per year. This contract places *Gens du voyage* in the same insurance situation as sedentary persons. It nevertheless gives the subscriber an immediate 50% bonus, which he or she retains even if he or she causes an accident.

In his July 2011 parliamentary report, Senator Hérisson proposes (Proposal No. 22, see Addendum 1) widespread dissemination of information about the "fleet" contract specially designed to provide vehicle insurance for *Gens du voyage* in order to reach a sufficient number of subscribers for this product to achieve economic balance⁵⁵.

This proposal deals with some of the concerns raised by the Council of Europe Commissioner for Human Rights in his 2008 report, in which he said that the "*disqualification of mobile homes makes it very difficult for Travellers to gain access to some administrative services. Government agencies and private bodies hesitate, or even refuse, to offer their services to people unable to provide a permanent, fixed address. This is the case, for example, when it comes to opening a bank account, securing a bank loan or concluding an insurance contract*".

The other experts of the thematic group expressed great interest in the insurance contract described by France. The British expert said that some Gypsy and Traveller organisations claim that access to financial services was a problem in the United Kingdom. The situation is similar in Belgium and in Switzerland.

⁵² See Addendum 1 for further information relating to the decision of the Constitutional Council.

⁵³ The Commissioner for Human Rights, in his Memorandum of 2008, noted that "Given that most Travellers are of French nationality, they should be subject only to the same requirements as their fellow citizens, so an identity card should be sufficient". See also Addendum 1 for information on penalties.

⁵⁴ For more information about this insurance product, please refer to the article published in the "*Dépêches Tsiganes*" of 20 November 2012: <http://www.depechestsiganes.fr/?p=5378>, which includes a link to a presentation of the product.

⁵⁵ See Chapter 3.6 of the report of Sénator Hérisson from July 2011 related to the "fleet" contract available in Addendum 1.

Issue No. 8: Schooling, access to education

- How to reconcile an itinerant lifestyle with a good standard of education?
- How to combine the travelling lifestyle with attending school or undergoing apprenticeship and obtaining a recognised diploma?
- Which procedures are implemented to ensure continuity of pupils' educational record from school to school?
- How is distance teaching used? What assessment can be made with regard to Traveller children?
- Are schools conducted in caravans a solution?
- Which measures are taken to enforce compulsory schooling/education?
- Are financial or other penalties (reduced welfare entitlements, community service) applied, and if so with what effect?

In Belgium, in the educational field the measures encapsulated in the National Strategy are varied, but it is fitting to single out the “**Foyer**” project in which schools and families are visited by educational mediators offering an “**education kit**” to all schools for the purpose of unifying resources between established schools and local authorities. The main aim is to reach children and make families alert to their children's schooling. Networking between towns is crucial to the success of this project.

The “Foyer” Regional Integration Centre offers tailored support to *Gens du voyage* (and Roma) starting with reinforcement of the emancipation and integration process via education and training, aiming at welfare services, official bodies, schools and local administrations on the one hand (information, advice, mediation, training, development of collaborative links) and on the other *Gens du voyage* and Roma (mediation, information, awareness-raising, guidance).

In France, the school enrolment of children from *Gens du voyage* is inadequate. According to an estimate by the National Distance Teaching Centre (CNED)⁵⁶, there are some 30,000 “travelling” children, half of them required to attend primary and the other half secondary school. 70% of children subject to primary education are actually enrolled, that is 10,500 children, who spend 30- 50% of the normal attendance time at school. Of those required to attend junior secondary school, 5% do so, that is 750 pupils.

According to the same estimate, some 70,000 Traveller children are “semi-settled”, half of them subject to primary and the other half to secondary school attendance. Among these 70,000 children, 90% of primary pupils are actually at school (31,500), spending 70-80% of normal attendance time there. Of the junior secondary pupils, 20% attend school (7,000).

The assessment is one of educational discontinuity for children on the move, who have trouble fitting into the strict school framework, and the falling well behind their peers of the semi-settled children.

Schooling raises multiple issues:

- Mobility, not the exclusive attribute of “Traveller” families and not necessarily associated with caravan accommodation: numerous children in shared custody are educated in two or more schools, and there are young sports players having to travel frequently to attend coaching sessions and competitions. ... Traveller children “on the move” should be able to attend state primary and junior secondary schools without exception after approval is given by the education authority inspector of the département of residence, while benefiting free of charge from the courses of the National Distance Teaching Centre (CNED) which provide follow-up for their acquisition of knowledge.
- Reluctance to accept a social, religious or ethnic mix which prompts certain families – including some designated as “*Gens du voyage*” – to prefer instruction in the family or else distance teaching at the time of the change to junior secondary school. This form of education may be chosen on making a declaration to the district inspector and the mayor, with the CNED providing support for a fee.

⁵⁶ Estimate supplied by Ms Élisabeth Clanet under the name of Lamanit, special adviser on the training of *Gens du voyage* and itinerant groups at the French National Distance Teaching Centre (CNED).

- Failure at school, which goes far beyond the context of “travelling” families. One or more schools might be designated as counselling establishments, with the CNED courses put on line on the Ministry’s website to ensure their accessibility for all primary and junior secondary schools.

The National Assembly’s fact-finding mission headed by Didier Quentin recommends accentuating the provisions in the policy framework of each *département* concerning access to social rights and improving the schooling of children, particularly girls, in liaison with the CNED. This proposal should receive special emphasis: the Traveller children registered with the CNED should also be enrolled in ordinary education, in which case dual enrolment would be effected as from the primary stage.⁵⁷

In the United Kingdom, schools collect detailed statistics on educational achievement of pupils and other issues, disaggregated by ethnic origin and gender. In 2011 around 25% of Gypsy, Roma and Traveller pupils in England achieved national expectations in English and mathematics at the end of their primary education, compared with 74% of all pupils. At the end of their secondary education, 12% of Gypsy, Roma and Traveller pupils in England achieved 5 or more good GCSEs including English and mathematics (the basic qualification at age 16 in England), compared with 58.2% of all pupils. There are also concerns about the level of school attendance of Gypsy and Traveller pupils.

In the report of the Ministerial Working Group on reducing Gypsy and Traveller inequalities, the Department for Education made a number of commitments to address these issues. For example, they are piloting a “**Virtual Head Teacher**” a senior individual who will champion the interest of Gypsy and Traveller children in their area as well as monitor and respond to issues of low attendance.

In Switzerland, one of the concerns regarding semi-itinerant Swiss *Gens du voyage* is their children’s schooling. The children are enrolled during the winter months in the schools of the municipality where they are resident. In the summer months, as their parents travel, they remain in close contact with their schools and have lessons, homework and corrections sent to them by the teachers. The irregularity of these pupils’ periods at school, however, is not an easy problem to solve and the schools face considerable organisational challenges. Some Traveller children do not complete their compulsory education. Beyond compulsory education, it becomes very hard to combine the nomadic lifestyle with attending school or following an apprenticeship and obtaining a recognised qualification. Few young people from this background succeed in doing so. Most opt for their family’s traditional itinerant trades instead. Projects are underway, including one commissioned by an association of *Gens du voyage* to develop distance education using new technologies.

Issue No. 9: Access to employment

- How to ensure vocational integration for members of the Traveller community?
- How to improve the employment prospects of Travellers?
- Is validation of attainments through experience (VAE) a solution for unqualified young people from the Traveller community?

In Belgium, during the field visit to Flanders, the group of experts was informed that most adults are employed in second-hand car sales, building, crafts and cleaning services.

In France, the *Gens du voyage* community is disadvantaged by lack of occupational recognition, although most of its members work and have genuine expertise, particularly in the field of house-painting and renovation work.

“**Validation of knowledge acquired through experience**” (VAE) is an arrangement eminently suited to *Gens du voyage* for obtaining full or partial certification (diploma, occupational qualification or trade certificate) on the basis of vocational experience, whether employed or self-employed (shopkeeping, shop assistants, independent professions, farming or craft trades...), unpaid (trade union, community) and/or

⁵⁷ For further information concerning the recommendations related to children’s schooling and to CNED, see Chapter 3.5 of the parliamentary report of Senator Hérisson from July 2011 available in Addendum 1.

voluntary⁵⁸. This experience, linked to the certification sought, is validated by a panel⁵⁹. Any person irrespective of age, nationality, status and level of training, having at least three years of work experience, waged, unwaged or unpaid, may make a VAE application. Moreover, this certification enables candidates to take out business insurance (ten-yearly) guaranteeing their work. VAE as proposed in France is among the measures mentioned in Recommendation CM/Rec(2009)4 of the Committee of Ministers to member states on the education of Roma and Travellers in Europe, adopted on 17 June 2009⁶⁰.

In Switzerland, the occupational activities of the Yenish today range from light building work to trade in second-hand furniture, and from selling small household items to tool or knife grinding.

In the United Kingdom, anecdotal and qualitative evidence from a number of studies indicates that historically Gypsies and Travellers have made little use of Government employment centres and work-related programmes and services and may have cultural bias against claiming out-of-work benefits to which they may be entitled. There is little evidence on the interaction of Gypsies and Travellers with the Government's employment services and quantitative evidence of unemployment rates has not been collected. There are however anecdotal reports indicating that unemployment is high among Gypsies and Travellers. In the report of the Ministerial Working groups on reducing Gypsy and Traveller inequalities, the Department for Work and Pensions made a number of commitments to address this issue. For example, in 2013, the Department will include Gypsies and Travellers as a monitoring category in its IT, processing and management information systems, which will enable it to collect more accurate and better data on Gypsies and Travellers.

Issue No. 10: Health conditions, access to care⁶¹

- What problems are encountered and solutions proposed?
- Are there any figures related to the health situation of Travellers?

All the experts reported concerns about the health situation of *Gens de voyage*/Travellers in their own countries, but noted that there are no specific pathologies among *Gens du voyage*/Travellers and that overemphasis on the medical side of the approach to their state of health can risk stigmatising *Gens du voyage*/Travellers if it links negative health indicators to ethnic or cultural affiliation.

According to the report of Réseau Français des Villes-Santé (RFVS) of the World Health Organisation (WHO): "*La santé des Gens du voyage : comprendre et agir*" (Travellers' health: comprehension and action)⁶², French *Gens du voyage* meet with persistent health problems; their state of health has aroused the concern of the public authorities, sometimes in response to events of an epidemiological kind (meningitis, hepatitis, tuberculosis) or a toxicological type (lead poisoning). Alcoholism, tobacco addiction and drug-taking are also commonplace phenomena, as are pathologies linked to living and working conditions, makeshift housing and difficulties with access to care and social protection. *Gens du voyage*/Travellers' life expectancy averages 10-15 years less than that of the settled population.

In Belgium there is also a divide in terms of health care between *Gens du voyage* and the Belgian population in general. This divide is chiefly due to the precarious living conditions associated with limited access to health care. As an example, the caretaking firm at the stopover site visited in Ghent has reported that it found the health of the Belgian *Gens du voyage* more disturbing than that of the French *Gens du voyage* or Irish Travellers also using the site. This difference was ascribed to the Belgian *Gens du voyage*'s inferior knowledge of their rights and of the various services available to them. There is a need for communication work and a reinforcement of information campaigns so as to improve access to

⁵⁸ To find out more about VAE: <http://www.education.gouv.fr/cid1106/la-validation-des-acquis-de-l-experience-vae.html>

⁵⁹ The certifications, registered in the *Répertoire National des Certifications Professionnelles (RNCP)*, are obtainable through VAE.

⁶⁰ See paragraph 112 of the aforesaid Recommendation in Addendum 1.

⁶¹ See **Recommendation Rec(2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe**
[https://wcd.coe.int/ViewDoc.jsp?Ref=Rec\(2006\)10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383](https://wcd.coe.int/ViewDoc.jsp?Ref=Rec(2006)10&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=C3C3C3&BackColorIntranet=EDB021&BackColorLogged=F5D383)

⁶² For a more probing analysis of Traveller health issues, see the link to this report:
http://fnasat.centredoc.fr/opac/doc_num.php?explnum_id=230.

health care and services. A good example of such work is provided by the Ghent City Integration Service (Population and Well-being Department).

In France, *Gens du voyage* access to care, namely through the universal health coverage (CMU), but their use of the health system does not allow them access to quality care. Findings, made by health care professionals and social workers working with this community, highlight health problems related to living conditions: degradation of their habitat and places of residence, lack of comfort and equipment, risks related to business practices (recovery and sale of various materials, some of which present a hazard such as lead poisoning, work at height without protection to carry out restoration of the façade or tree pruning, burning materials to recover the metal without wearing fireproof clothing and risk of inhalation of toxic fumes, etc.), low attendance of crime prevention and early detection, stress expulsion and loss of economic autonomy⁶³.

In his parliamentary report (July 2011), Senator Hérisson proposed to convey to the associations representing *Gens du voyage* the benefits of joining a supplementary mutual health insurance scheme appropriate to the travelling lifestyle (Proposal No. 23 of his report, see Addendum 1). In order to broaden the range of insurance products intended for *Gens du voyage*, an appropriate supplementary mutual health insurance contract is currently under consideration in the context of the insurance offer referred to (see Issue No. 7).

It should be noted that disused camp or caravan sites in France can be made available to families if necessary – for example as a place to stay for the relatives of someone in hospital nearby.

The expert from Switzerland indicated that the health question is raised primarily by foreign *Gens du voyage* who do not have the same habits as Swiss *Gens du voyage* with regard to hygiene.

In the United Kingdom, national data are not collected about the health needs of Gypsies and Travellers, or the services they receive. However, studies have found that their health status is much poorer than that of the general population and other marginalised groups. For example, 39% of Gypsies and Travellers have a long-term illness compared with 29% of age and sex matched comparators and after controlling for socio-economic status and other marginalised groups⁶⁴; there is an excess prevalence of miscarriages, stillbirths and neonatal deaths in Gypsy and Traveller communities⁶⁵.

Through the Ministerial Working Group, the Department of Health have committed to work to identify gaps in research. They are working to promote improved health outcomes for Gypsies and Travellers within the National Health Service.

Issue No. 11: Handling of neighbourhood relations, raising the awareness of the settled population, fighting discrimination and crime

- How to deal with the violent conflicts that sometimes exist within these communities and may have repercussions on training, education, housing and every aspect of their life?
- How to resolve neighbourhood conflicts between residents and travelling populations?
- How to make the settled population aware of Travellers' culture and needs?

In Belgium, access to socio-cultural services is generally difficult. Those who do gain access to the services meet other barriers: linguistic and cultural barriers that prevent satisfactory collaboration, ignorance of administrative procedures, disagreements (possibly on either side) leading to frustration, complaints, even “welfare shopping”.

Gens du voyage suffer from a negative image. Certain actions of a minority transgressing the norms are reflected in the media and public opinion, reinforcing certain stereotypes and prejudices.

⁶³ <http://www.inpes.sante.fr/slh/articles/390/07.htm>.

⁶⁴ Parry, G. et al. (2004) *The Health Status of Gypsies and Travellers in England*, University of Sheffield.

⁶⁵ Ibid.

In Flanders, **neighbourhood stewards** assist in implementing urban integration policy, disseminating information, and organising intercultural activities. **Mediators** are trained by the Mediation Centre of *Gens du voyage* in Wallonia (CMGVW) according to an intercultural approach to mediation, in order to enhance mediators' calibre and effectiveness in various fields: employment, health, education. In that respect, the CMGVW considers ROMED training crucial as it seeks to enhance the quality and effectiveness of mediators' work in all spheres, as well as better communication and co-operation between *Gens du voyage* and public institutions.

In France the legislation, in line with Directive EC 2000/43 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin moreover prohibits all discrimination on the ground of ethnic origin. Integration of *Gens du voyage* is made very difficult in France by the phenomena of racism and discrimination against them, which require a growth of political awareness.

In the United Kingdom all individuals, including Gypsies and Travellers are protected from racial and other forms of discrimination in employment, education, the provision of goods, facilities and services (including housing) and public functions. Furthermore public bodies, including schools, police and local authorities are subject to a statutory duty to have due regards to the need to eliminate unlawful discrimination and promote equality of opportunity and good relations between people from different groups in the exercise of their functions.

The **1998 Crime and Disorder Act** creates a number of racially aggravated offences, which protect all individuals, including Gypsies and Travellers, from these racially motivated crime, and provides higher penalties for such hate crimes. Local authorities and the police have various powers to deal with unauthorised caravan sites. Where people reside in vehicles or caravans on land without permission of the occupier or on the highway local authorities in England and Wales can give a direction to leave the land. It is an offence not to comply with the direction and the local authority can apply for a court order to enforce the move. The police also have powers to direct trespassers to leave land and removed their vehicles, subject to certain criteria. They have stronger powers in this regards where there is a suitable alternative pitch available on a caravan site elsewhere in the local authority area. Local authorities also have powers to address breaches in the planning law – where caravan sites are established without necessary planning permission from the local authority – which is a requirement for all substantial building developments in the United Kingdom.

In Switzerland, the Foundation of the Confederation "*Ensuring the Future of the People of Swiss Gens du voyage*" opened in autumn 2012, a website / internet exposure in the three national languages (French, German and Italian) "*The Swiss Gens du voyage: once and today*". This site aims to improve knowledge of *Gens du voyage* in Switzerland. It is aimed at all those interested in the lives of *Gens du voyage* in Switzerland, especially students and the faculty. It is also intended to authorities and *Gens du voyage* themselves. Thematic contributions on the history of *Gens du voyage*, including very recent, are the heart of this site. Photographs, films and sound recordings accompany the texts. The Swiss Confederation, through its Department for the Fight against Racism, also supports several projects against anti-Gypsism and local awareness of lifestyle and culture of *Gens du voyage*. The Federal Commission against Racism has published its last issue Tangram on "*Yenish, Manush/Sinti and Roma in Switzerland*" which includes many testimonies⁶⁶.

Issue No. 12: Representation and consultative bodies

- How are Travellers represented in the context of civil society? Is this deemed satisfactory?
- Are there official organs of consultation with the government? How do they operate? Who are their members (representatives of ministries, of local elected representatives, of parliamentarians, of civil society?).

In Switzerland, the Foundation of the Swiss Confederation "*Securing the future of Swiss Gens du voyage*", created in 1997, has a brief to secure and to better the living conditions and to preserve the

⁶⁶ <http://www.fondation-gensduvoyage.ch/autrefois-nosjours/fr/propos-de-ce-site-internet> et <http://www.ekr.admin.ch/shop/00008/00093/index.html?lang=fr>.

cultural identity of the travelling population in Switzerland. Its governing board consists of eleven members, five of whom represent *Gens du voyage*, two the municipalities, two the cantons and two the Confederation. The Foundation offers specialist legal and political support for demands of Swiss *Gens du voyage*. Its activities centre chiefly on creating and maintaining a sufficient number of encampment and stopover sites which offer proper amenities. This foundation published a report in December 2010 on the situation of *Gens du voyage* and spatial planning, whose conclusions are still relevant for the purposes of this report⁶⁷.

Besides this foundation there are other organisations in Switzerland representing the interests of Yenish and Swiss *Gens du voyage*, and these are also consulted by the authorities, for example during the drafting of Switzerland's report on the implementation of the Framework Convention⁶⁸. Prominent are the umbrella association of Swiss *Gens du voyage* "*Radgenossenschaft der Landstrasse*", the association "*Action des Sintés et Yéniches suisses*", the association "*Yéniche suisse*", the foundation "*Naschet Jenische*", the "*Mission tsigane*" and the association "*Schäft qwant*" ("*Transnationaler Verein für jenische Zusammenarbeit und Kulturaustausch*").

The **Belgian Council of Roma, Sinti and *Gens du voyage***, whose recent creation was encouraged by government authorities, is an advisory body that seeks to represent the Roma communities, Sinti and *Gens du voyage* (hereafter RSGV) in Belgium. The Council proposes to mediate between communities and the Belgian authorities to improve the integration and social inclusion of RSGV in various fields. The Council will provide its expertise and advice and work as much as possible with local communities and authorities at all levels. The Council's work will be supported by five thematic working groups: education and youth, employment and social affairs, housing and health care, media and culture, migration and integration / non-discrimination and human rights.

The Council's priorities are:

- Work with local, regional and federal authorities to improve the integration of RSGV;
- Make recommendations and provide advice to the Belgian authorities in relation to the development, implementation and evaluation of measures relating RSGV;
- Helping to improve access to education, employment, health care and housing for RSGV communities;
- Fight against discrimination and anti-Gypsyism and for the respect of fundamental rights of RSGV;
- Encourage participation of RSGV in social life and involve them as much as possible in the work of the Council;
- Raise awareness in Belgian society about customs and traditions of RSGV.

In Flanders, there is provision for several structures under the **Strategic Plan for *Gens du voyage***:

- a Commission for *Gens du voyage*;
- integration centres which are centres of expertise where *Gens du voyage* can obtain information, pool experience, share models, give their opinion, etc;
- a Forum for minorities (*Minderhedenforum*) to ensure participation of *Gens du voyage*.

In France, since the "Besson law" of 2000 there has been a **national consultative commission for *Gens du voyage*** whose chair is appointed by Prime Ministerial decree⁶⁹. The commission is composed of 40 members divided into four colleges:

- 10 members of organisations representing *Gens du voyage* (not always representative);
- 10 representatives of officially approved persons (managers of encampment areas);
- 10 representatives of local authorities (irregular attendance);
- 10 representatives of the relevant ministries.

⁶⁷ This report is available on the Foundation's website at the following address:

<http://www.bak.admin.ch/kulturschaffen/04265/04267/04270/04284/index.html?lang=fr>.

⁶⁸ See the third report by Switzerland on the implementation of the Framework Convention for the Protection of National Minorities, received by the Council of Europe on 26 January 2012, pages 4-5, accessible from Addendum 1.

⁶⁹ This commission has been chaired since 2005 by Senator Pierre Hérisson, member of CAHROM and French expert in this thematic group.

The commission is asked for an opinion on legislative matters relating to *Gens du voyage*. The members are not entitled to vote. In France institutions are changing (with a Prefect responsible for Roma questions, another Prefect responsible for questions concerning *Gens du voyage*, an inter-ministerial commission on Roma questions, etc.)⁷⁰.

In the United Kingdom Gypsies and Travellers are free to create their own representative organisations. There are a number of such organisations, but no single representative or umbrella organisation. Public authorities, including government ministries, regularly consult Gypsy and Traveller organisations on issue relevant to them. For example, in 2012, the Department for Communities and Local Government established a **Gypsy and Traveller Liaison Group** which includes a number of local and national Gypsy and Traveller organisations chosen by the organisations themselves, and the Department for Education also has a **Gypsy, Roma and Traveller Stakeholder Group**. Both of these groups meet regularly with Government officials. In Parliament there is an All-Party Parliamentary Groups on Gypsies, Roma and Travellers, comprising members of the two houses of Parliament, which is also attended by Gypsy and Traveller organisations.

In May 2010, the British government set up a ministerial working group to look at ways of reducing these inequalities faced by Gypsies and Travellers. The **ministerial working group on tackling inequalities experienced by Gypsies and Travellers** is chaired by the Secretary of State for Communities and Local Government and includes the education, work and pensions and health ministers. Gypsies and Travellers themselves were involved in setting the priorities for the working group, which include health, education, housing and access to financial services.

3.2 *Field visits: comparison between Flanders and Wallonia*

3.2.1 *Situation in Flanders*

The CAHROM group of experts was received by the Integration Service of the city of Ghent (Population and Well-being Department). The group was then met by Agnes Van Camp at a short-stay site before going on to visit a residential site (*Vosmeers*) where it was received by Peter Delsupehe.

The Ghent city authorities mentioned a number of measures designed to integrate migrant Roma communities. For details, see Addendum 2.

As far as *Gens du voyage* are concerned, statistical information was provided on the number of sites and families:

- Flanders has 30 residential sites for *Gens du voyage* with 474 pitches for long-term stays;
- it has 5 short-stay sites with 103 individual pitches;
- it also has one temporary transit site with 15 pitches where *Gens du voyage* can stay for up to 90 days a year.

It is estimated that approximately 900 families live in Flanders in caravans, and that 3% of itinerant families on short-stay sites are of Flemish origin. Approximately 1,000 families from Ireland, the United Kingdom and France are temporarily living on sites in Flanders. In Ghent itself, there are 27 families living on a residential site and 226 families on short-stay sites.

The experts from the thematic group felt that the short-stay site visited in Ghent was particularly suitable thanks to its honeycomb structure designed to accommodate the communal living needs of a small number of caravans staying for short periods. These honeycomb structures (designed for 5 or 6 caravans) each have their own toilet block and open on to a central meeting point, near the entrance lodge and the road leading out of the site.

⁷⁰ Alain Regnier, Prefect General Delegate for coordinating accommodation and access to housing for homeless or inadequately housed was nominated as National Contact Point for Roma integration strategies at EU level. He is responsible for ensuring inter-ministerial coordination on this issue. Préfet Hubert Durache was recently charged with a mission on *Gens du voyage*.

The residential site visited in Ghent is simple yet well equipped. The *Gens du voyage* here live in units that look like typical houses, mounted on axles (similar examples can be found in the Netherlands). The site, however, lies just off the motorway so although the *Gens du voyage* have easy access to their homes, there are also problems with noise and pollution.

Ghent City Integration Service has the following goals and tasks:

- delivering an inclusive policy that caters to the needs of the wide variety of groups involved and includes short-term goals;
- receiving *Gens du voyage* and reserving sites;
- handling complaints from families and community relations;
- mediation between *Gens du voyage* and local partners;
- conducting health awareness campaigns;
- providing education and recreational activities for children;
- raising awareness among both the settled population and *Gens du voyage* to combat prejudice and create a more friendly environment;
- networking and co-ordination, in particular with the Council of the Roma, Sinti and *Gens du voyage*;
- further training for mediators and social workers. "Neighbourhood stewards" provide help with implementing the city's integration policy, disseminating information and organising intercultural activities.

3.2.2 Situation in Wallonia

Wallonia has decided to focus on **voluntary co-operation with local authorities** and has introduced a series of measures to encourage them to secure the desired outcomes, namely more effective management of stays of *Gens du voyage* with a view to facilitating their integration into the host communities and improving social cohesion.

Wallonia has accordingly set up a permanent inter-ministerial working group on the reception of *Gens du voyage*, chaired by the social action office and of which all the Walloon ministerial private offices are members. Its secretariat is provided by the interdepartmental social cohesion directorate of the general secretariat of the Walloon public service. The working group has been instructed to produce a concerted approach to the reception of *Gens du voyage* in Wallonia.

A non-profit association – the mediation centre for *Gens du voyage* in Wallonia, or CMGVW – was also established in 2001. Its purpose is to promote equal opportunities and recognition of and respect for the lifestyle of *Gens du voyage*. It aims to reverse the processes that lead to poverty among members of this community. Above all, though, it fosters dialogue between *Gens du voyage*, their neighbours and local authorities. In particular, in 2004, with the support of the Walloon interior ministry, the CMGVW carried out a review of the needs of and problems faced by municipalities in managing the accommodation of *Gens du voyage* in their areas. Among other things, the survey highlighted the characteristics of their stays.

In 2004, the CMGVW and the Walloon Region concluded a framework agreement on a concerted approach to the reception of *Gens du voyage* in Wallonia, designed to support, in particular financially, and reinforce the mediation centre's activities in Wallonia. Since 2004, the agreement has been renewed several times, for two-year periods.

The CAHROM group of experts was received by the director of the mediation centre for *Gens du voyage* (CMGVW)⁷¹, Ahmed Akhim, at the *Palais provincial*, Namur, on 21 February 2013. Also present at this round table were Alain Jacobeus from the Walloon Public Service/Social Action Office, Sandra Zepp from the women travellers' association "*Les Filles du Vent*", Annick Morval, from Namur City Council, Mikhail from the association "*Communauté rom de Belgique*" and Anaïs Lentz, a participant in the ROMED training programme.

⁷¹ See the article and photographs of this meeting: http://www.cmgv.be/index.php?option=com_content&view=article&id=278:le-centre-de-mediation-rencontre-le-conseil-de-leurope&catid=49:europa&Itemid=157

Mr Akhim explained that the CMGVW deals with residential facilities and the reception of *Gens du voyage* and that it operates mainly in Wallonia. Set up in 2001, it is recognised as fulfilling a crucial role as a mediator between the authorities, *Gens du voyage* and the public at large. It recently began incorporating issues specifically related to Roma migrants in its activities⁷². Among the various projects run by the centre are four main strands:

- **Administrative and socio-occupational mediation:** *Gens du voyage* who are having administrative problems or looking for work or accommodation are given support and advice and are directed to various government agencies or associations. The CMGVW can also give service providers and institutions advice and support should they experience problems in their everyday dealings with Traveller families in a range of areas: socio-occupational integration, education, housing, health, early childhood, etc. The presence on the team of, and working with, mediators who are Roma or from *Gens du voyage*, and liaison with the public interpreting and translation service enhance the integration process, both for *Gens du voyage* themselves and for the service providers concerned⁷³.
- **Training:** the CMGVW has been well known for years for the quality, rigour and effectiveness of the training courses that it runs for organisations that work with itinerant groups, helping them to look beyond the stereotypes in order to gain a better insight into the internal dynamics of the Traveller community. Organisations such as Fedasil (Federal Agency for the Reception of Asylum Seekers), medical centres, Social Welfare Offices, regional integration centres and schools regularly commission the Centre to train their teams.
- **Information and awareness-raising:** the information and awareness projects run by the CMGVW seek to tackle the problem of stigmatisation by providing clear, precise and accurate information and a more balanced view of *Gens du voyage*.
- **Coaching and supervision** for win-win integration.

The CMGVW offers basic advice on advance planning for stays. Specifically, its role is to:

- provide a temporary place to stay (a site with a water supply);
- provide the group with clear information on how long it can stay and the arrangements for waste disposal;
- provide mobile and temporary facilities according to the group's needs and availability in the local area.

In Wallonia, most of the requests for short-stay accommodation come from groups of between 15 and 50 caravans. The group size does not exceed 30 caravans in 82% of cases (In Namur, the average is 15 caravans). *Gens du voyage* can be found along major highways, 90% of the requests for short-stay accommodation in the Walloon municipalities cover the period from 1 March to 31 October. Length of stay varies from 15 to 21 days (except for large-scale gathering, pilgrimages, etc.). In almost all municipalities, the demand of *Gens du voyage* door on a provisional place with, in most cases, equipped only access to water. A contact person (as is the case in Namur) is sometimes identified in the local government to link with *Gens du voyage*.

Among the problems reported by the Walloon participants in this round table, it was said that many itinerant families were not entered in the population register of the municipality where their "de facto residence" was located because the accommodation in question was deemed substandard. Few planning permits were issued with the result that *Gens du voyage* lived in fear of eviction and under constant stress. They also experienced difficulties in obtaining citizenship and had no means of investing in home improvements (wiring, plumbing, etc.).

⁷² A good example of this is the exhibition "*Des Roms debout!*" produced by the mediation centre in association with various partners (photographer, Roma mediators, etc.) and which has proved a major success in cultural centres and regional integration centres since it was launched on 8 December 2011.

⁷³ This mediation centre was also chosen to run the ROMED training programme in the Walloon Region (see the ROMED programme website for more information on this joint Council of Europe/European Commission initiative: <http://www.coe-romed.org/>).

Municipalities play an important role and the Walloon government has a multi-pronged social cohesion plan covering housing, health and cohabitation for *Gens du voyage* (and which also includes Roma migrants). More than 33% of Walloon municipalities, scattered across the region, play host to *Gens du voyage*. In 2012, there were 46 requests to park caravans: 12 for large-scale gatherings and 34 for short stays. In 71% of cases, the requests were for groups of up to 30 caravans; in 12% of cases, for groups of 31 to 40 caravans and in 15% of cases, for groups of more than 40 caravans.

Ten towns are taking part in a **pilot scheme involving sites for *Gens du voyage***. During the visit to Namur, it was suggested that these towns join the European Alliance of Cities and Regions for Roma Inclusion, an initiative by the Congress of Local and Regional Authorities of the Council of Europe.

IV. CONCLUSIONS, LESSONS LEARNED AND GOOD PRACTICES OBSERVED

4.1. Conclusions of the thematic group of experts

The experts from the countries participating in the thematic group told the Belgian organisers that they were pleased with the way the thematic visit had been organised and the breadth of the discussions. The first day's discussions with representatives from the three different regions followed by the field visits in Flanders and Wallonia highlighted different approaches to Traveller-related issues, in particular where short-stay and residential sites were concerned: even though the resources provided were still insufficient, Flanders seemed to have a more structured, thoughtful and committed policy, including in terms of funding, whereas Wallonia responded to needs on a case-by-case basis, and favoured negotiation and consultation with representatives of the Traveller community and municipalities over legislation.

The main differences observed between Flanders and Wallonia pertain to:

- the treatment of short-stay and residential encampment areas;
- recognition of caravans as dwellings;
- the role of authorities, associations, NGOs and municipalities;
- the funding of sites and services;
- Traveller participation.

The experts from the partner countries felt, however, that the discussions during the thematic visit should, in some cases, have focused more narrowly on the subject of Travellers/*Gens du voyage*, given that some of what was said related mainly to the situation and integration of Roma migrants (of Romanian, Bulgarian or Hungarian origin). As one of the experts pointed out, *"it is difficult to discuss both Roma migrants fleeing poverty in their country of origin, the segregation practised by their fellow countrymen and the passivity of their authorities and at the same time deal with the treatment of Roma/Sinti/Yenish who travel around their own country and/or other countries, in caravans: these are two different issues which cannot be addressed with the same concepts or tools"*.

Because of the breadth of the themes addressed in this report and in the discussions, the experts were unable to explore certain topics in greater detail, such as dealing with, and procedures for evicting, the unauthorised parking of caravans on public or private land, rehousing options⁷⁴, and criminal justice issues (this last point being of concern in the United Kingdom).

The discussions between the requesting country and the partner countries highlighted three main concerns which the countries in question need to address: the provision of (temporary) transit sites and (permanent) residential sites, the schooling of young Travellers/*Gens du voyage* and issues related to security and social benefits.

⁷⁴ With regard to evictions and rehousing options, a very recent case in southern France illustrates the lack of consideration accorded to *Gens du voyage's* way of life by the authorities. A family of circus workers who had been occupying a plot of land for many years and who were being evicted to make way, *inter alia*, for an encampment area for *Gens du voyage* were given no choice but to move into council housing, an arrangement that took no account of either their nomadic lifestyle or their occupation (the family kept horses).

a) Transit and residential sites: the clearest sign of recognition of *Gens du voyage*/Travellers' lifestyle is the provision of adequate numbers of *transit sites*. Enabling *Gens du voyage*/Travellers to stop in all population centres of any size without finding themselves in breach of local laws and regulations is the best way to secure acceptance for this lifestyle among the settled population. The site visited in Ghent is a good example of this (see above the section on the Flanders visit). As regards the *residential sites* in Ghent, these were simple yet well equipped. Winterised sites (like the one in Ghent) give further credibility to recognition of the itinerant lifestyle.

To sum up, all population centres of any size should realise that a properly equipped transit site is a much better option than mediation, which is only credible if it can offer a practical solution to the "Travellers/*Gens du voyage* = transit site" equation. It is therefore appropriate that communities provide a sufficient number of reception areas. In this respect, Belgium, in particular Wallonia where there are almost no reception areas, needs to catch up. It is also the same for France, the United Kingdom and Switzerland, where, despite of progress made, the number of reception areas is inadequate in relation to demand.

In France, if the existing law already allows the representative of the State, in coordination with the Chairperson of the General Council, to increase the number of locations as required and replace the failing municipality city or inter-municipal cooperation public body, it is necessary to encourage municipalities and their associations to implement an ambitious reception policy for *Gens du voyage*. In this regard, the experts noted the recent decisions of some prefects not to use the police to evacuate illegal settlements if municipalities are not in compliance with their obligations in relation to the construction of reception areas.

Other measures that may lead to the creation of reception areas include the more systematic use of EU funds (by members of the European Union), an increased support of the costs related to the construction of reception areas by the state (France) or a region (Flanders), the application of affordable housing programmes for Travellers (United Kingdom) or the financial participation from other actors (such as the Foundation "Securing the future of Swiss *Gens du voyage*").

b) Schooling: the experts concluded that when it comes to providing schooling for the younger generation, it is extremely difficult – outside the country of origin – to ensure children receive a satisfactory education. The nomadic lifestyle and the fragmented schooling that it entails, together with the fact that education systems are not standardised across Europe (or even, in the case of Switzerland, across the country) and do not cater for the nomadic way of life make it hard to create an environment conducive to educational attainment.

Various forms of nomadic education (accompanying caravans as they move around and providing education at Traveller sites) are possible. In this connection, the Swiss expert felt it was a pity that France had given up its experiment with itinerant teachers who would accompany *Gens du voyage* as they moved around.

Thanks to the extensive opportunities now afforded by information technology (large numbers of Swiss and French caravans have tablet computers with WiFi), there is tremendous scope for ensuring that *Gens du voyage*/Traveller children receive proper schooling. The use of flash drives containing a record of children's schoolwork is another means of ensuring communication between schools that occasionally have Traveller children.

The experts consider that encampment areas should be sited close to public services, in particular schools, and the necessary infrastructure should be put in place accordingly: there should be a bus stop for school transport services close to encampment areas, so that *Gens du voyage*/Travellers' children can get to school.

Schools whose catchment area includes encampment areas should ensure that they have sufficient capacity to accommodate children from those areas. Numbers of places proportional to the

accommodation capacity of the encampment areas should systematically be factored into the calculation of the number of pupil places and of teachers.

c) Social security: the Swiss expert pointed out that every country has a duty to its Travellers/*Gens du voyage* – wherever they travel – to acknowledge their way of life, including in the administrative sphere, of which social security forms an integral part. She said that the social benefits ordinarily available in the country of origin must be able to follow the Travellers/*Gens du voyage* around (e.g. sickness-accident insurance valid throughout the EU/EFTA, family allowance, etc.) wherever they stay, in the country of origin or abroad. This requires, of course, that the individuals concerned be attached to a “home municipality” in their country of origin, i.e. the place where the person has been reliably identified and where he or she is registered. The Swiss expert was surprised, therefore, to hear that in Belgium, “national” *Gens du voyage* are in a precarious situation yet do not claim the benefits enjoyed by other Belgian nationals.

The experts also drew attention to the variety of ways in which the different policy-making levels operate, depending on the state structure. They range from France’s highly centralised approach where the prefect representing the state plays a major role in supervising and, in some cases correcting, the application of the law, to the largely decentralised approach found in Belgium, Switzerland and the United Kingdom where several tiers of government are involved.

It also appears from the discussions held among the experts that the security-centred approach found in France, as reflected in legislative measures and administrative procedures (see the above-mentioned examples regarding “home municipalities” and travel permits) is less popular in Belgium, Switzerland and the United Kingdom.

4.2 *Lessons learned by the experts and changes planned in each country*

The Belgian experts were surprised to observe that Belgian *Gens du voyage* seem to be less educated and have poorer living conditions (and lower income) than their British or French counterparts passing through Belgium (a fact noted at the short-stay site in Ghent). Belgian *Gens du voyage* are apparently failing to take up all the services and social benefits available to them owing to lack of information, as seems to be the case with French *Gens du voyage*. Their life expectancy is also significantly lower than the average for the population as a whole.

The United Kingdom is aware that it must take effective measures to address the accommodation needs of Gypsies and Travellers including by encouraging the delivery of sites and improving the co-ordination of the different levels of authorities involved in sites delivery, and ensure that local authorities comply with their responsibilities in sites delivery.

In a parliamentary report entitled “*Gens du Voyage: Pour un Statut proche du Droit Commun*”, published in July 2012, the thematic group’s French expert, Senator Hérison, called for further changes to the legislation and for a new law to be discussed in parliament. Various bills were tabled to this effect in the summer of 2012, in both houses of the French parliament: the Senate and the National Assembly.

The French expert believes, *inter alia*, that pitches at encampment sites, large-capacity short-stay sites and family sites should be treated as social housing units for rental within the meaning of the law on solidarity and urban renewal. He believed there was a need to encourage municipalities and their groupings to implement an ambitious policy for accommodating *Gens du voyage*. The French expert also recommended that a survey be made of available sites – such as disused camp or caravan sites. These sites could be made available to families if necessary – for example as a place to stay for the relatives of someone in hospital nearby.

Switzerland was very interested in the honeycomb design of the short-stay sites in Flanders, feeling that it fitted the needs and culture of *Gens du voyage*. The visit to Belgium, particularly Flanders, in fact opened up worthwhile prospects. At a time when several cantons of western Switzerland are concerned with developing short-stay sites of sufficient quality and quantity to match the number of foreign *Gens du*

voyage – principally French – present in their territory, a certain configuration observed in Belgium would be an effective solution for itinerants who in Switzerland occupy, often illegally, farmland or private built areas, for want of sufficient room in the few official sites intended for them. Switzerland is also thinking of developing permanent residential sites like the one visited in Ghent. Increasing the number of available sites, developing agreements with families so that their children can be educated, providing access to lessons for children from Traveller communities during the period when they are travelling, including the summer period⁷⁵, and combating racism and prejudice against *Gens du voyage* are some of the other priorities which the Swiss authorities are thinking about. In addition, Switzerland might stimulate discussion within the inter-cantonal conference of directors of state education (CDIP) on the feasibility of establishing a distance teaching programme aimed at travelling children among others, using the experience of the CNED in France as a basis.

In response to Collective Complaint No. 62/2010 *International Federation of Human Rights (FIDH) v. Belgium*, the Belgian government indicated on 12 March 2013 a number of planned measures to improve the situation and treatment of Traveller-related issues⁷⁶, such as:

- Introduction of the "fight against homelessness and poor housing" among the six strategic objectives of the second Federal Plan for fight against poverty;
- Cooperation Agreement provided for homelessness and bad housing between different levels of government under the coordination of the Secretary of State for Social Integration and the Fight against Poverty (see the Government Agreement dated 1 December 2011 in Addendum 1);
- Promotion of the importance of the home and, if applicable, the address of reference for people in situations of social exclusion through the HOMER program;
- Implementation of the Action Plan for *Gens du voyage* by the "Urban Regulations, Housing Policy and Real Estate Department (RWO) of the Flemish Government;
- Amendments to the Walloon Housing Code and sustainable housing to meet the non-recognition of the caravan as "housing";
- Implementation by the Walloon Region of a permanent inter-cabinet working group "Reception of *Gens du voyage*" chaired by the Office of Social Action and composed of all of the Walloon government offices, as well as the Mediation Centre of *Gens du voyage* in Wallonia (CMGVW);
- Development in Wallonia of three stopover sites for *Gens du voyage* in Namur, Mons and Sambreville (pilot project), in consultation with the community and the CMGVW;
- Preparation by the Government of the Brussels-Capital of a decree to determine specific standards for the accommodation of *Gens du voyage* following the Order of 1 March 2012 amending the Brussels Housing Code with a view to recognising the caravan as dwellings.

4.3 Good practices and proposed follow-up:

Following the visits and meetings, the CAHROM thematic group of experts proposes that a number of practices be included in the Council of Europe database on Roma-related policies and good practices.

In Belgium, numerous initiatives have been taken to accommodate *Gens du voyage*. Among these, the group identified the following good practices:

- (in Flanders) provide 100% financing for permanent residential sites (which were 90% financed until recently);
- (in Flanders) prepare a strategic plan for Traveller integration;
- (Flanders) obtain accurate statistics on the number of Belgian and non-Belgian itinerant families present in the country, thereby making it easier to determine how many sites are required;
- (Wallonia) set up a network of towns which regularly play host to *Gens du voyage*;
- (Wallonia) improve the process of empowerment and integration through education and training ("Foyer" project);

⁷⁵ Good practices in this area in Finland and Norway have been reported by the Advisory Committee of the Framework Convention for the Protection of National Minorities.

⁷⁶ See Addendum 1 for more details.

- Wallonia) support the training, information, mediation and awareness activities of the mediation centre for *Gens du voyage* (CMGVW)⁷⁷, on the understanding, however, that these activities are not a substitute for more robust action by Wallonia's regional and municipal authorities;
- (in Brussels) develop a teaching kit and the "Foyer Project" whereby school mediators visit schools and families.

The recognition of caravans as dwellings in Flanders and the Brussels-Capital region could also serve as a model for the Walloon Region and France where this issue has been under discussion for several years. This would enable or facilitate access to housing and social benefits, as well as to services.

Further to the thematic report and the group of experts' visit to Belgium, the various Belgian authorities could envisage to prepare a handbook for *Gens du voyage* with relevant information on encampment areas, access to hospitals, schools, etc. (the practical guide for *Gens du voyage* developed by the *Association nationale des Gens du voyage catholiques* (ANGVC) could serve as a model here);

Both Belgium and France expressed an interest in the Dosta! awareness-raising campaign for combating prejudice and stereotypes towards Roma and asked for further information about the campaign and accompanying material to enable their respective work to rebuild trust between the authorities and *Gens du voyage*.

The Belgian, Swiss and British experts have asked France for more details about "fleet" insurance policies, which may be considered an example of good practice.

The recognition of knowledge acquired through experience ("VET") and its application to *Gens du voyage* is another practice that the other partner countries could usefully consider.

The experts noted the usefulness of mediation to facilitate the education of children and administrative procedures (referring to the Neighbourhood Stewards in Flanders, the Mediation Centre for *Gens du voyage* in Wallonia, and Virtual Head teachers experimented in the United Kingdom).

Switzerland has commented that reception of Travellers passing through Flanders, particularly at Ghent, is distinctive in the pragmatic and human way of dealing with it:

- The adapted configuration of the camp entrance – describing a bend, but without a security arch – immediately gives an impression of ready ingress and egress, while ensuring control of vehicle parking;
- The multi-cellular layout of the overall space makes it possible to cater more adequately for Travellers' instinctive habit of arranging their caravans in a circle around a small central concourse for communal living, while having at their disposal – for each cell – a toilet block installed behind the caravans;
- In the small service building connected with this site, there is a regular presence of social workers active in the field of children's education as also in advice on administrative or medical assistance given to Travellers; these constitute interesting prospective actions.

This human as well as pragmatic approach to the reception of Travellers should be registered as a good practice, and deserves to be replicated elsewhere.

Finally the issue of consultation with Travellers/*Gens du voyage* remains essential, either through consultative bodies like the French National Advisory Commission on *Gens du voyage*, the Foundation "Securing the future of Swiss *Gens du voyage*" or the newly established Belgian Council of Roma, Sinti and *Gens du voyage*. Coordination is also important at ministerial level and, as such, the Inter-ministerial working group on tackling inequalities experienced by Gypsies and Travellers set up in the United Kingdom is an interesting practice.

⁷⁷ The Mediation Centre for *Gens du voyage* in Wallonia features among the good practices listed in the Council of Europe database on Roma-related policies and good practices: <http://goodpracticeroma.ppa.coe.int/en>.

Annexe 1 : Lettre officielle d'invitation

CAHROM Lettre
officielle JM Février 21

Annexe 2 : Programme de la visite thématique du CAHROM en Belgique (20-22 février 2013)

CAHROM Programme
visite.docx

Mercredi 20 février :

9h-13h Réunion avec les représentants des cabinets des différents niveaux de pouvoir (fédéral, régional et communautaire) au cabinet de Mme Joëlle Milquet, Vice-Première Ministre, Ministre de l'intérieur et de l'égalité des chances (2 rue de la Loi, 1000 Bruxelles) en présence:

- **Véronique Lefrancq**, cabinet de la ministre fédéral de l'Egalité des chances
- **Geoffroy Kensier**, cabinet de la ministre fédéral de l'Egalité des chances
- **Nele Dekerf**, cabinet de la secrétaire d'Etat à la Politique de Migration et d'Asile et point de contact national pour la stratégie de l'UE sur l'intégration des Roms
- **Zoé Absil**, cabinet du Secrétaire d'Etat de la Région Bruxelles Capitale à l'Egalité des chances
- **Dave Oosterwyck**, cabinet du ministre flamand de l'intégration citoyenne
- **Laurent Mont**, Cabinet de la ministre wallonne de l'Egalité des chances
- **Marianne Tilot**, cabinet de la ministre de l'enseignement francophone
- **Jozef Dewitte**, Directeur du centre pour l'Egalité des chances et la lutte contre le Racisme

Cette réunion comprendra des présentations de la situation en Belgique, y compris au niveau des trois régions. Les experts des pays partenaires auront la possibilité de présenter aussi brièvement leur politique d'intégration des Roms et d'avoir un échange de vues.

14h-15h Rencontre avec Mme **Heleen Touket**, spécialiste sur les questions des Roms à l'université catholique de Louvain (KULEUVEN)

15h-16h Rencontre avec le Directeur du European Roma Rights Office (ERIO), Mr. **Ivan Ivanov**

16h-17h Rencontre avec le Conseil des Roms, Sintés et Gens du voyage, organe consultatif nouvellement créé.

Judi 21 février :

9h-12h visite de terrain en Flandre (Gand) - rencontre d'associations et de représentants locaux sur une ou plusieurs aire(s) d'accueil de Gens du voyage.

14h-17h visite de terrain en Wallonie (Namur)
Rencontre plusieurs associations et avec l'équipe du centre de médiation des Gens du voyage et des Roms.

Vendredi 22 février :

9h-12h séance de débriefing au cabinet

Annexe 3 : Liste des participants à la visite thématique**Belgique :**

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 Permanence parlementaire
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Madame Constance TARNEAUD (membre suppléante du CAHROM)
 Assistante parlementaire

Royaume-Uni :

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