

**DECLARATION OF WARSAW
ON INTERNATIONAL MIGRATION OF ROMA
AND THE FIGHT AGAINST TRAFFICKING IN HUMAN BEINGS**

**JOINT DECLARATION OF ROMA NGOs OF FRANCE AND ROMANIA,
drawn up in cooperation with the OSCE/ODIHR Contact Point for Roma and Sinti Issues
at the OSCE Human Dimension Implementation Meeting -- Warsaw, September 09-19,
2002, and addressed to
*the Prime Ministers of France and Romania,
the Romanian Parliament,
the French National Assembly,
the National Consulting Committee for Human Rights (France)
the National Consulting Committee for Travelling People (France)
Mr. Nicolas Sarkozy, French Minister of Interior Affairs,
Mr. Ion Rus, Romanian Minister of Interior Affairs
and Mr. Richard Sanghor, technical counsellor to the Cabinet of the French Prime Minister.***

All the analyses and consultations show that the issue of the Roma in a non-regulated situation should be approached through a tight cooperation between several ministries at the same time of the various concerned countries, and we are glad to see such a cooperation initiated between the decision-making authorities of France and Romania.

On the contrary, we regret to see that some political movements are using this painful issue for partisan purposes, requesting either a regulation or a blind repatriation of all the persons in question, which is neither in the interest of these persons nor in the interest of any of the two countries or of justice – besides, these two positions, equally demagogic, are impracticable.

The first exchanges with the concerned authorities have brought out the objective, progressive, technical and at the same time humane character of their preoccupation. The alternative that has been advanced to regulate a certain number of persons, for example those who entered the country before the decision to lift visa requirements, provided those concerned want to stay (which is not always the case, as surprising as it might seem), requires that all the situations be well known and indexed. This is a very hard work that has to be done in a climate of increased transparency and mutual confidence between the competent authorities, the Romani and non-Romani organisations, as well as the international organisations involved in this field (especially the OSCE and the Council of Europe), and of course the persons in question.

This work has to be permanently upgraded because the situations can evolve rapidly in a certain country and new situations can appear in other countries where they already exist (Serbia, Ukraine, etc...) and great vigilance is necessary when performing a critical analysis. There are certain institutions that declared they were very preoccupied with the situation of « the Romani minors isolated in distress in France », while our several year-long experience indicates that such a category does not exist, as all the Romani minors live with their families. Besides, the simple utterance, especially reiterated, of such a preoccupation, even if generated by a praiseworthy sentiment, can lead to a false vision of reality and render certain forms of delinquency ethnic-related, in a time when France is reviewing the regime of the minors' penal responsibility (ordinance of 1945).

At the same time, it is essential that this entire mechanism should be implemented in a context of optimal information of the public opinion in France as well as in Romania. The differences in approaching this issue by various organisms of the written and audiovisual press range from the most correct professional rigor to the unscrupulous exploitation of the taste for sensation and voyeurism, and even xenophobia (an amalgam of Roma, Gypsies, Romanians, French travelling people, thieves, mendicants, various delinquents, networks that are Roma-related or not, etc...), which poses the risk to severely compromise the often laudable work of the ministries and NGOs. It is particularly important to make a good distinction between migrant Roma, all sedentary by tradition, on the one hand, and travelling people, French citizens, of whom some are Roma, Sinti and Kali (of Indian origin) and a large number are not – without mentioning that a majority of Roma, Sinti and Kali has been sedentary for generations in France - on the other hand.

It is equally imperative that the Schengen states should efficiently invest in monitoring the domestic situation as far as the Roma are concerned, in the countries where the families qualifying for exile come from, because the coercive measures alone will remain useless unless a substantial change is operated in these countries of origin. Likewise, the solution of maintaining or restoring visa requirements has not proven efficient, considering that it enriches criminal networks and, once a visa is obtained illegally at considerable expense, the illegal migrant does not want to lose the advantage of having it and return spontaneously to his or her country of origin, even if his or her integration in the European Union is a failure.

Of course, the poverty of the Roma living in central and eastern Europe countries originate largely in the global economic problems and the historically unfavourable position of the Roma in these countries, but also in the largely observable corruption in the domain of the NGOs that are supposed to improve the situation of the Roma, irrespective of whether the NGOs are Romani, non-Romani out mixed. Very often, this corruption, combined with the pro-racist demagogical attitude of certain local elected representatives, obstruct the application of really pertinent and even model measures taken by state authorities, as the case is in Romania. In these countries, any prospect of the future can be perceived only in terms of inevitable degradation because the rope tightens up round the necks of the victims more and more each day, while certain NGOs that patronise them are flourishing, and they are denied directly or indirectly the access to fundamental rights (life security, nourishment, housing, care, education, training, etc...), while certain NGOs provide a reassuring picture of the situation. Under these circumstances, the victims are driven to despair, which can lead to famine, small-scale delinquency for survival, then delinquency integrated in a way of life, or adoption of various forms of extremism with the risk of terrorism they involve. In many of these countries, there is a strong pressure to give back the houses taken away from the Roma in order to « drive the Gypsies away from the area » to their rightful owners, and, at the same time, there are networks sometimes offering to buy houses and proposing an idyllic exile to naïve persons. There are also representatives of western NGOs searching for « fresh refugees » to justify their existence and especially their subsidies, ready to dictate conducts and even put up cases of discrimination out of nothing. These facts were found by the unanimity of those concerned in the field.

Even if this picture is not desperate, it is obviously enough complex for all the genuinely humanist nations to wonder about the cogency of blind dispatches of funds, and to reflect, within the international non-interference regulations, on its part of responsibility in the deterioration of the Roma situation and the appearance of various migrant flows. It is subsequently essential to reach a better understanding of the reality, beyond the language of justice ministry statements, and a pertinent analysis of the involved mechanisms.

Considering that a cooperation between the police forces of France and Romania has been initiated, which has been our wish since 1997 (the Council of Europe Conference in Louvain – ECRI/Pavee Point), it is to be desired that this cooperation could be extended to the fight against all forms of racism, direct or indirect, the corruption that is connected to it (taking advantage of the weakness of those who are defenceless because of their social position, age or health), organised crime, and modern slavery, which are the causes of illegal migrations. It is particularly important to popularise and apply in this context the Romanian Law no. 678 of November 21, 2001 on the prevention of trafficking in human beings and the fight against this traffic, especially as far as the most vulnerable groups are concerned: women and children (see Declaration of Sibiu).

In order to contribute to solving these problems of a complexity that no external group has managed to understand, we would want to unify in an office the really positive action of the well-intentioned Romani, non-Romani and mixed NGOs of France and Romania, and subsequently of other countries, with that of the respective governments, international organisations (mainly the Council of Europe and the OSCE) and those concerned so as to:

- a) assist the well-intentioned authorities of the two countries in their difficult mission so as to optimise it observantly of persons and public order,
- b) advise those concerned about the options they have, exculpating them and rendering specific situations less dramatic,
- c) help the persons whose situation can be regulated obtain this regulation without obstacles, protecting them especially from the errors they might make in the steps they take and from the networks taking advantage of their ignorance and directing them to lawyers (or pretended lawyers) disregarding of morality and deontology,
- d) operate as an observer monitoring the effective character of the partnership between NGOs and the authorities of the countries in question,
- e) counsel the media by providing them with verified information in real time and persuading them to follow the positive examples of their colleagues, especially by avoiding to exaggerate certain particular or punctual issues related to the internal or international movement of the persons characterised as Roma or Gypsies (even if this attitude is in line with the stereotypes of the mentality of a certain public);
- f) propose groups of Roma experts to be trained ad hoc based on the existing abilities, to evaluate through fact-finding missions and direct contact the actual situation of the families,
- g) explain directly the real implications of a reckless sale of real estate in the source countries, under various pressures and the influence of a wave of despair,
- h) consider the exercise of the persons' right to freedom of movement, internal and international, as part of the universal human rights and as a fundamental civic freedom,
- i) fight against the cases of manifest discriminating attitude as proven over these weeks by the Romanian Border Police regarding travellers in order from the administrative point of view, knowing that such an attitude can only generate new networks of people smugglers and new clandestine situations. Besides, such attitudes appear as individual retaliatory measures inspired by the collective accusations of a certain population,
- j) identify and help vulnerable persons (especially young women, children and disabled persons) who are victims of networks sometimes of Roma, but as often of non-Roma, developing real modern slavery by taking advantage of their weakness and putting pressure on their families,
- k) reflect on the possibilities to regulate the inevitable movements of the Roma in the European space by directing them towards the most effective forms for the public interest (for example exchanges of young people to work temporarily in the West in order to acquire technological know-how that is new in the East and a small capital they can

invest in their country when they return, while the Roma, Sinti and Kali can benefit from their linguistic and cultural patrimony – a project launched in 1997 at the meeting organised in Brussels by Mr. Lewis of the CE and reaffirmed by the Declaration of Sibiu as « alternatives at domestic and international level regarding the phenomenon of migration »).

Consequently, we propose the creation in Paris of a centre permitting the contribution to solving these various issues in a direct and transparent manner, in the spirit of the international regulations in force, specific international agreements, and the Declaration of Sibiu on August 2002 of the Romani organisations of Romania.

We would also like to request ODIHR of the OSCE to dedicate an entire seminar to this issue so as to reinforce the states/NGOs cooperation that we are trying to establish in the considered domain.

Considering the emergency of the situation, it seems opportune as of now to reflect on this project starting with the French-Romanian meeting in Paris on October 4, 2002, and we would like to see one or several representatives of our associations attend this meeting as well as its preparatory works.

For the associations of France

Phralipen IBAR
Rromani baxt
AVER Centre against all forms of
racism
Ternikano berno
ROMEUROPE staff of Médecins du
Monde,
League for Human Rights, MRAP,
ALPIL (with reserve of backing by
next G.A.)

For the associations of Romania

Romani CRISS
Ion Budai-Deleanu Foundation
Christian Roma Centre of Sibiu
Aven Amentza
O Del Amentza
Ion Cioaba Foundation
Democratic Union of Roma and other
signatory associations of the
Declaration of Sibiu