

## **The Sibiu Statement regarding the International Migration of Roma and Combating Trafficking in Human Beings**

### **OPEN LETTER**

Addressed to the *Commission for Human Rights, National Minorities and Freedom of Religion – Parliament of Romania*

as well as to

**Mr. Nicolas Sarkozy**, Minister of Internal Affairs of France and  
**Mr. Ioan Rus**, Minister of Internal Affairs of Romania, during the preparation of the intergovernmental meeting on 30<sup>th</sup> of August 2002, in Bucharest

*In order to stimulate a in depth thought and to open a series of debates on the issue of internal and international migration,*

*In order to determine a more efficient involvement in this debate of States, intergovernmental institutions and the civil society,*

*The below signatory Roma associations from Romania,  
Joined together on 22<sup>nd</sup>-23<sup>rd</sup> August 2002 in Sibiu, during the seminary: "Roma migration in the European space - The risk of hopping for a better life",*

*Organised in partnership with the Contact Point for Roma and Sinti of OSCE/ODIHR – Office for Human Rights and Democratic Institution, and in collaboration with Roma association in*

**are hereby adopting the present Statement regarding :**

### **The Rights and Risks of the Freedom of Movement in European Union Countries (especially in the Schengen area)**

*We, the representatives of the below signatory civic associations of Roma:*

- ❑ Re-affirm the right to freedom of movement of the person, internal and international, as part of the universal human rights and as fundamental citizen's liberty;
- ❑ Sustain the right of the Romanian citizens to freedom of movement in the Schengen space, starting with the beginning of the year 2002, which can not be limited or suspended for Romanian citizens through bilateral consular agreements on the basis of the problems caused by a limited number of persons who migrate illegally or/and commit offences on the territory of other states;

### **Avoiding criminalization of certain categories of migrating persons, particularly Roma**

- ❑ Starting from the phenomenon and experience accumulated during 1999 – 2001 with respect to the relations with EU members states and EU candidate states regarding the liberalization of the international travelling visa system; the selective conferring of travelling visa in EU countries; the re-instating of visa requirements for citizens of certain countries for a limited period; the pointing out, followed by discriminatory effects, of persons belonging to certain

ethnic groups by consular agencies, the border Police, the service for examination of political asylum requests; the abusive and discriminatory enforcement of bilateral agreements for voluntary return and/or forced repatriation of certain eastern European citizens in different situations of illegality on the territory of EU member states;

In this context,

*We, the representatives of the below signatory civic associations of Roma:  
Appeal to the Ministers of Internal Affairs of Romania, France and EU member states,*

- To avoid, during discussions on the issue of illegal migration of certain persons/groups, the criminalization of a particular segment of immigrants' waves, especially Roma
- Not to stress out and exaggerate the particular problems related to internal and international migration of persons categorised as "Roma" or "Gypsy" (according to stereotypes of consular officials, public opinion and/or resulting from media releases);
- To take into consideration precaution measures, including means of communication with the public and media, in order not to generate, in the origin countries of the EU illegal immigrants/residents, collective hostility emotions, social inter-ethnic tensions, and media waves which can affect both the public perception and personal/group security of Roma, as well as the image of states with Roma persons citizens, including the accession political negotiations of EU candidate states;
- Remind the Romanian and French state authorities, that the administrative measures adopted and enforced by Romanian authorities on the basis of bilateral agreements with other states (like the agreements for voluntary return and repatriation of certain citizens, 1992-2000) have been perceived as directly and selectively pointing at Roma and/or other categories, identified on the grounds of their ethnical affiliation; the practice of repatriation measures, although presented to the public as "citizens rights without discrimination", has generated discriminatory administrative actions against certain categories of Romanian citizens;
- Sanctioning measures discussed must have an individual character, aiming to sanction the fact by the law of the state on whose territory the offender was present at the moment.

**The involvement of civic associations in the enforcement of Law no 678  
from 21<sup>st</sup> November 2001 regarding prevention and combat of trafficking in human beings;  
identifying vulnerable groups: women and children**

- Roma associations are concerned that in the general phenomenon of international migration, whether legal or illegal, women and children are easier victims for networks trafficking in human beings and therefore we appeal to state institutions and international organisations to direct financial resources toward the protection of the family and child.
- We remind that the responsibility of improving the situation of vulnerable groups, particularly women and children, belongs both to the origin state of the victim as well as to the state of temporary residence. Bilateral and cooperation agreements addressing the de facto state of trafficking in human beings must include and enforce the UN Protocol regarding prevention, suppression and sanction of trafficking in human beings, particularly women and children, Supplement to the UN Convention against trans-national organised crime.
- Roma association re-affirm their intention to cooperate actively and efficiently with state authorities to elaborate and implement coherent public policies for the support of developing family environment with the purpose of preventing situations when children can become victims of trafficking in human beings. Our participation can be a contribution:

- to identify the causes which have determined illegal migration to find a more efficient solution to control, prevent and combat it. Adopting such measures must not, in any way, affect right to freedom of movement for central and east-European citizens.
- the junction of public policies and programs for combating trafficking in human beings with voluntary return (repatriation) of migrants can constitute means of eradication of illegal migration. IOM (International Organisation for Migration)-Bucharest Office could propose action plan on this matter.

### **The human dimension of actions to eradicate networks trafficking in human beings; protection of women and children involved as victims of trafficking in human beings**

- The authorities of EU member states, EU candidate states and OSCE participating states must concentrate their common efforts to resolving problems created by illegal migration through the eradication of networks trafficking in human beings. In this sense, we propose that persons who are abusively subjected to trafficking in human beings, and groups particularly vulnerable to this phenomenon – **minors, women, children, persons with disabilities**, be considered victims of these trafficking networks (false promises for job opportunities, misleading, beggary and other forms of exploitations with the purpose of obtaining profit by slave dealers) and the appropriate assistance of these persons.
- Roma associations appeal to the Romanian and foreign authorities to encourage the collaboration with victims of trafficking in human beings in order to identify and sanction active subjects involved in trafficking in human beings, both in the context of the UN member states legislation and the Law 678/2001 from Romania, the law for prevention and combat of trafficking in human beings. The Romanian Ministry of External Affairs – Directions for collaboration with international institutions, like OSCE – Office for Democratic Institutions and Human Rights, are requested to make available their expertise on illegal migration, trafficking in human beings, combating organised crime, etc, in a clear framework of respect for the human rights and citizen liberties.

### **Internal and international alternatives on the migration phenomenon**

- Roma associations in Romania have proposed over the past years alternatives for the economic migration phenomenon. Such an alternative is the normalisation (enforcement under official provisions : law, treaty, agreement, etc) of the transfer of manpower between two or more states. This can be realised through the closing of a treaty between the respective states' governments, which establishes the exchange of manpower on the international labour market.
- By the closing of such a treaty between governments, the present immigrants can benefit from work contracts on a determined period ( 3, 6, 12 months).The work contracts can be signed for labours which don't require qualifications, for example agriculture, constructions, commerce, traditional occupations, etc. Through this type of manpower exchange treaties between Romania and other states, a series of objectives will be fulfilled:
  - hiring of unemployed manpower in Romania;
  - decrease of the illegal residence phenomenon;
  - decrease of the illegal labour phenomenon;
  - combat of trafficking in human beings;
  - improvement of the life conditions of Roma, taking into consideration that one of the migration causes consists of difficult life conditions;
  - professional re-qualification, given the fact that labour market in Romania doesn't offer to many chances for Roma integration.

- Roma association recommend the Romanian Government and local authorities to adopt the energetic measures and needed resources whose lack, at this time, make difficult the efficient and coherent implementation of the Governmental Strategy for improving the situation of Roma in Romania.

### **Initiatives undertaken by Roma association during the Sibiu reunion**

- *the Christian Center of Roma* in Sibiu, will extend the series of debates on illegal migration and trafficking in human beings through the meetings of the christians in affiliated associations.
- *Aven Amentza / the Center for Public Policies for Roma*, has included in the action plan "Roma 2001-2002", activities related to legal, internal and international migration; also, it emphasises the necessity of introducing some precise actions in the governmental strategy for improving the situation of Roma, as a long term solution for the consolidation of Roma status as a national minority and Romanian citizens with equal rights. The Center proposes the setting up of a working group, with a flexible and efficient structure, focused on international migration issues;
- *O Del Amentza, Hunedoara*, will organise a debate regarding opportunities of Roma manpower employment; the experience of local and national cooperation with Local Directions of the Ministry of Labour and Social Solidarity, the Employment Agency and non-governmental organisations, including Roma communities;
- *Romani CRISS* will develop an information campaign on migration in the context of internal and international legislation, legal proceedings regarding asylum requests according to the UN Convention - Geneva 1951;
- The associations joined together in Sibiu will address a Memorandum to the OSCE to propose the introduction of a debate on Roma issues from the economic perspective, in the ODIHR's 2003 working plan, possibly during a reunion of the *OSCE Forum for economical cooperation*. ODIHR-CPRSI, according to its mandate, will promote the debate on issues of Roma access to the internal and international labour market, by competent international organisations, such as EU, OSCE, World Bank, International Labour Office and other specialised UN agencies.
- Based on the present Statement, the participating associations to the Sibiu debate, will elaborate a working document for the meeting on Roma migration, to be held on 27<sup>th</sup> August 2002, at the Romanian Parliament, organised by the *Commission for Human Rights, National Minorities and Freedom of Religion* of the Chambers of Deputies. A draft of this document "*Roma against illegal immigration*" is elaborated by Romani CRISS. This working document will be presented for debate in other meetings on Roma issues, to be held in the next months, including the Reunion on the Implementation of the Human Dimension of OSCE, Warsaw, 9<sup>th</sup> –19<sup>th</sup> September.

### **Solidarity of Roma associations in Romania with Human Rights Associations in France regarding the right to freedom of movement of Roma with occupations and administrative status of "travellers" / Gens du Voyage**

Participants in the Sibiu meeting express their concern regarding the recent legislative and administrative measures foreseen by the French Government on limitation of the rights to freedom of movement and residence for travellers merchants / Les Gens du Voyage, French citizens. In this context, I appeal to Mr. Nicolas Sarkozy, Minister of Internal Affairs of France to carefully examine and understand the letters and audience request addressed ( Paris, on 8<sup>th</sup> July 2002) by the "*Romeurope*" human rights associations network, regarding the "life conditions which Roma

population from central Europe, and especially Romania, are subject to while presently residing on French territory.

We appeal to the French and Romanian media to cover with objectivity the issues of international travelling of Romanian citizens. The summer of 2002, "a little dry" on headlines stories, has now passed, so we recommend the campaign on "Roma/Gypsy beggars" from Romania be ended.

The present statement is signed by the following Roma associations:

1. Centrul Crestin al Romilor Sibiu, through Florin Cioaba
2. Aven Amentza, through Vasile Ionescu
3. Romani CRISS, through Costel Bercus
4. O Del Amentza, through Bologa Nicolae
5. Rom C.R.U.C. Cugir, through Lupu Ioan
6. The Democratic Union of Roma, through Bumbu Gruia
7. Asociatia Impact Social-Roma, through Darvarean Simona
8. Partidul Romilor Nomazi si Cadarari, through Florin Cioaba
9. Fundatia "I.B. Deleanu", through Iulian Radulescu
10. Fundatia "I.Cioaba", through Mihai Luminita
11. Uniunea Cerstina Democrata a Romilor din Banat, through Mihai Nicolae
12. Partidul Relansarii Sociale din Romania, through Ilarie Mihai
13. Uniunea Generala a Romilor Caldari, through Caldari Costica
14. Centrul Crestin al Romilor Alba Iulia, through Bumbu Viorel
15. Satra ASTRA, through Vasile Ionescu
16. Uniunea Apostolica, through Ionica Stoica