

Funded
by the European Union
and the Council of Europe



EUROPEAN UNION

COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

Implemented
by the Council of Europe



COUNTRY ASSESSMENT GERMANY

RO  **MI ED**

Médiation
pour les Roms

Mediation
for Roma

ROMED in Germany

Disclaimer: The present document was elaborated based on the "Annex 4 - Questions Guide" of the External Evaluation Report of the ROMED Programme. It is not part, nor a product of the external evaluation conducted by Blomeyer & Sanz s.a.

1. Introduction

According to Council of Europe estimates, around 105,000 Roma and Sinti live in Germany. Alternative sources state as high as 300,000, including those coming from Eastern Europe (Romania and Bulgaria), or ex-Yugoslav countries (Bosnia and Herzegovina, the "former Yugoslav Republic of Macedonia" and Serbia). Since ethnic data collection is not practiced in Germany, official figures concerning the Roma and Sinti population do not exist.

The history of Roma in Germany is marked by the Second World War and persecutions during Nazi rule, as well as by decades of civil society mobilisation for the recognition of Roma rights. National Roma and Sinti civil society is thus well-developed in Germany, with a strong stance on how Roma rights should be approached. As an example, the *Central Council of German Sinti and Roma*¹ regrouping nine Roma and Sinti organisations contributed to the elaboration of the German response to the European Commission's EU Framework for National Roma Integration Strategies up to 2020.² However, the *Central Council of German Sinti and Roma* opposed having special regulations for Sinti and Roma for fear of encouraging segregation and discrimination. While most *Länder* and *Stadtstaaten* do not *de facto* implement the NRIS, Berlin has recently adopted a state strategy and action plan for the inclusion of immigrant Roma, whilst Baden-Württemberg has agreed to a framework agreement with the *Landesverband* (of the *Verband Deutscher Sinti und Roma*) and created a state council for Roma and Sinti issues, thus putting the implementation of minority protection and NRIS into a single framework.

The involvement of Roma civil society in the compensation of Roma survivors of deportation and concentration camps, the official recognition of the Roma Holocaust in 1985, and the fight against other discriminatory practices are proof of a matured political participation of the Roma and Sinti community in Germany.

In 1997, upon ratification of the Framework Convention for the Protection of National Minorities by the German government, the federal government officially recognised Roma and Sinti as one of the four national minorities in Germany, along with the Danes, the Frisians, and the Sorbs. In Schleswig-Holstein for instance, special measures were implemented: already in 1993 Sinti school mediators were employed, the housing project "Maro temm" targeting the Sinti population was implemented between 2007 and 2012. Other states included parts of the FCNM in their state agreements with the Landesverbände.

The immigration of Roma from ex-Yugoslav countries started with the labour migration programme of the federal government of West Germany in 1968. Labour migration programmes with Spain (1960), Greece (1960), Italy (1955) and Turkey (1961) also led to the subsequent immigration of Roma from those countries. The immigration of Roma refugees from Romania and Yugoslavia in the 1990s and from Roma EU citizen from Bulgaria and Romania in the 2000s brought a different perspective concerning Roma rights, as well as an additional challenge in the handling of the European dimension. Local synergies begin to emerge between Roma and Sinti organisations, individuals and NGOs addressing non-national Roma and involving them in advocacy for the rights of all Roma. At national

¹ Zentralrat Deutscher Sinti und Roma <http://zentralrat.sintiundroma.de/>

² http://ec.europa.eu/justice/discrimination/files/roma_germany_strategy_en.pdf

level, the *Central Council of German Sinti and Roma* has been extending its action for several years now on the rights of immigrant Roma³.

Upon arrival in Germany, many Roma from the Western Balkans applied for asylum. Some of them obtained a more permanent status, whilst the vast majority received a “tolerated status” (*Duldungstatus*). According to an official statement of the German government, 99% of Kosovar asylum applications were rejected⁴. In September 2014, in response to the increasing number of refugees from Syria and Afghanistan, the German government declared Serbia, Bosnia and Herzegovina and “the former Yugoslav Republic of Macedonia” to be safe countries, followed by Albania, Kosovo⁵ and Montenegro in February 2015. The German government then proceeded with a wave of deportations of nationals of Balkan countries with “tolerated status”, many of whom were Roma. Local and international NGOs and organisations reported that Roma were often subject to violence from the majority population upon return to their country. Meanwhile those remaining in Germany under “*Duldungstatus*” continue to experience difficulties in accessing employment, social protection, healthcare and education services⁶.

In 2016, a social fraud scheme abusing Roma from Bulgaria was uncovered by the Jobcenter in Bremerhaven and possibly reproduced in Kiel as well as in Duisburg. This social fraud involved local associations that went as far as attracting Romanian and Bulgarian nationals to come to Germany and comply with their alleged scheme. Most of those drawn into the scheme were thought to be of Roma ethnicity, being more vulnerable and therefore in greater need of such “services”. “Private advisors” had multiple functions in this fraud by providing fake employment contracts and helping immigrants set up small businesses (for the most part inactive), thereby giving access to social benefits under certain conditions and sometimes even serving as money-laundering schemes for well-established companies. Advisors would take a share of the gains and often offer substandard but overpriced housing for their clients. In many cases, immigrants would still work directly for the persons or associations in exchange for payment far below the minimum wage. The fraud in Bremerhaven is thought to have covered around 1,300 cases amounting to millions of euros. Some German public figures refer to the scheme as “modern-day slavery”. However, while generally the Roma persons caught up in the scheme are not considered to be responsible by the authorities – investigations focusing instead on the management of associations (Bremerhaven) or activities of individuals (Kiel) having conducted such fraudulent activities – many Roma have been left with extremely high private debt ratings. Some have even chosen to move away in haste, with a negative impact on the schooling of their children who were suddenly withdrawn from school within the school year.⁷

2. ROMED1 key findings

Although at federal level there is neither Roma mediation training nor recognition of the position of Roma mediator, different initiatives have been taken for more general mediation and integration programmes, as well as locally-tailored training programmes. At federal level, the “*integrationslotsen*” play a similar role to ROMED1 mediators, although targeting a more general public (not specifically Roma). In certain municipalities, private NGOs (Berlin and Munich) or state institutions (Hamburg)

³ <http://zentralrat.sintiundroma.de/westbalkan/>

⁴ <https://www.euractiv.com/section/justice-home-affairs/news/german-government-plans-to-accelerate-deportation-of-kosovar-refugees/>

⁵ All references to Kosovo, whether the territory, institutions or population, in this text shall be understood in full compliance with United Nation’s Security Council Resolution 1244 and without prejudice to the status of Kosovo.

⁶ in 2010 only 11% of Duldung holders were employed in Germany, according to a study of the Federal Office for Migration and Refugees’ called: “Immigrants in the low-wage sector with special attention to Duldung holders and those allowed to stay”

⁷ Media sources : <http://www.radiobremen.de/politik/nachrichten/sozialbetrug-bhv100.html> and <http://www.radiobremen.de/politik/themen/oeztuerk106.html>

conducted locally-tailored Roma mediators' training with a wider range of competences (communication, mediation, legal issues, structure of schools, etc.) over a longer period of time (two to three years). An NGO from Munich added a curriculum developed by the *Bundesverband Mediation*⁸ to their Roma school mediators' training programme. The training programmes in Berlin and Munich also integrated the ROMED1 curriculum, thus – as mentioned below - participants received a ROMED1 certificate which helped in many cases to document knowledge and capacity when mediators did not have any other formal degrees to provide to the schools they were working in. A pioneer in Roma school mediation in both Germany and Europe as a whole was the Verband Deutscher Sinti and Roma in Kiel, where Sinti school mediators have been trained and hired since 1993.

ROMED1 in Germany was organised in three training cycles between 2011 and 2015. The *Dokumentationszentrum Deutscher Sinti und Roma*⁹ acted as National Focal Point for the first group trained under ROMED1. The first training cycle was conducted throughout 2011 within three different training sessions (April 2011, May 2012 and November 2012). Whilst generally the ROMED1 training cycle includes only two training sessions, an "intermediary" session was necessary to enable more mediators to benefit from it and receive a certificate at the end of the training cycle, which in this case lasted for a year and a half.

The first training session took place in April 2011 over three days. The selection of, and contact with, potential mediators was ensured by the Commissioner for Immigration and National Minorities (*Der Beauftragte für Aussiedlerfragen und nationale Minderheiten*¹⁰) and the national conference of education ministers (*Kultusministerkonferenz*¹¹), together with the contribution of state organisations of German Sinti and Roma (*Zentralrat Deutscher Sinti und Roma* and its *Landesverbände*), as well as an informal network of Roma and Sinti education projects. This network was set up in 2007 within an EU-financed national awareness-raising programme on the implementation of anti-discrimination laws. Out of the 32 registrations initially received, only 14 participants attended the first session.

Participants came from the cities of Bremen, Cologne, Kiel, Göttingen, Freiburg, Munich and Berlin and, for the most part, were Roma mediators with extensive experience in school mediation. Although not part of the ROMED1 process, it was reported that school mediators in Hamburg were hired by the *Behörde für Schule und Berufsbildung Hamburg*¹² with a long-term employment perspective. Among the mediators who did participate in the training, those from Kiel had a more sustainable employment situation. All others were financed by short or middle-term project funding. Half of the participants had previously attended preparatory trainings in communication, school system regulations and conflict management as an introduction to their work as mediators.

The second training session took place in May 2012 and introduced 12 new participants to ROMED1, thus repeating the training programme of April 2011. During the practice period (between April 2011/ May 2012 and November 2012), the mediators maintained close contact with the NFP. As a result of the ROMED1 training, it was reported that **the Code of Ethics** as presented by the Programme was translated and included as an appendix to the employment contract of school mediators in Bremen. Participatory planning sessions were also organised in Berlin and Straubing.

The second part of the ROMED1 Training of Mediators took place in November 2012, thus giving participants the necessary time to put into practice the notions acquired during the first session. 21

⁸ <http://www.bmev.de/>

⁹ <http://www.sintiundroma.de/start.html>

¹⁰ http://www.aussiedlerbeauftragter.de/AUSB/DE/Themen/deutsche-minderheiten/deutsche-minderheiten_node.html

¹¹ <https://www.kmk.org/aktuelles.html>

¹² <http://li.hamburg.de/>

participants attended the training, 11 of whom were women. Five participants from the first two sessions could not attend the meeting for personal reasons. The training was hosted by the NFP, *Dokumentationszentrum Deutscher Sinti und Roma*. By the end of the session, 16 people had completed the praxis tasks and received mediator certificates.

As mentioned previously, two "local" school mediator groups were organised in Munich (four persons trained and certified) in 2014, all employed by *Madhouse e.V.*, and in Berlin (five persons trained and certified) in 2015, where the local NGO *Regionale Arbeitsstellen für Bildung, Integration und Demokratie e.V. (RAA)* has been employing Roma mediators since 2001. These additional nine persons were not trained in the classical ROMED1 format. Instead of conducting two sessions of three days' duration with six months' practice in between, the training sessions were organised over longer periods of time (on average one year), through one day training sessions and continuous contact and follow-up provided by the trainer. All of the mediators received ROMED1 certificates at the end of their training cycle.

In total, ROMED1 trained and certified 25 mediators (mostly school mediators and mostly women) in Germany between 2011 and 2015, with very different situations in terms of employment and target population. While a few mediators were – and still are in 2016 – employed on a long-term basis, many mediators worked on temporary contracts or even on a voluntary basis. Some were employed by their state or contracted by their municipality, whilst others were employed by NGOs. Some of the mediators work with the national Roma and Sinti populations, others with the non-national Roma from the Balkans (with *Duldung*-related specificities and imminence of deportation), and with Roma from Romania and Bulgaria.

In several cases, the first training session was not sufficient for the mediators to fully include the work cycle participatory approach proposed by ROMED1 into their ordinary practice, although after the second training, they appeared to be better prepared and more confident in this. In some cases, the lack of support from the school or municipality did not enable mediators to introduce participatory planning as the new working scheme. Some mediators accepted support from the trainers and carried out participatory planning meetings in their schools in 2012. Nevertheless, according to the trainers' reports, many of the mediators considered that, even without introducing participatory planning and the work cycle approach, the ROMED1 training changed remarkably their perspective on their work and helped them become aware of their own agenda. In this manner, they were able to promote better access to quality education for Roma children and to manage discussions of neutrality without being on the side of school or Roma families with this perspective. Thus, they succeeded to overcome the "Trojan horse" and "activist" roles and develop their own profile as Roma school mediators who improve communication and co-operation between Roma parents, children and teachers.

School drop-outs and absenteeism were the main issues that school mediators had to deal with during the training in 2011. Furthermore, one organisational issue reported in the work of school mediators in Germany was the difference between the city states (*Stadtstaaten*) and the *Flächenländer*. In cities such as Hamburg, Berlin and Bremen (*Stadtstaaten*), where the concentration of Roma pupils is higher, school mediators can focus their work on some schools which often are close to each other. In *Flächenländer*, however, institutions face a problem in the organisation of the work of mediators. The lower concentration of Roma pupils and the greater distances between schools pose a logistical and financial problem for the sustainable employment of school mediators in such contexts and explains why mediators act mostly within larger urban areas. This is important since a mediator works better when fully integrated into the institution where s/he becomes a role model for Roma and non-Roma students to help them overcome their prejudice.

A delegation composed of nine persons, six women and three men, including mediators, trainers and the NFP, participated in the Congress of Mediators organised by the Council of Europe and European Commission in Brussels in January 2013. The event helped mediators from all implementation countries get to know each other and it is assumed that synergies were created in this manner. Some of the mediators trained under ROMED1 became facilitators within ROMED2. At the moment, there is no specific national network of Roma mediators active in Germany. Despite this, conferences and meetings in the framework of broader Roma education projects taking place approximately every two to three years offer an opportunity on national level to bring together Roma school mediators from all over Germany in order to exchange their experiences. In this respect, the "Remembrance, Responsibility and Future" Foundation (*Stiftung "Erinnerung, Verantwortung und Zukunft"*, EVZ) might continue its commitment and fund yearly conferences for Roma and Sinti who work in early childcare and schools.

In 2016, a number of municipalities responded to the call for applications of the Transnational Cooperation Component of the ROMACT Programme, which includes a module on Training of Mediators (Module B) based on the ROMED1 curriculum. The ROMED1 training sessions are thus continuing through this channel, upon request from municipalities. Most municipalities requesting this Training of Mediators come from Germany (Dortmund, Duisburg and Bremerhaven). 17 mediators were scheduled to attend the first session of the training in September 2016, to be followed by a second session for 12 participants planned for February 2017 in Bremerhaven.

3. ROMED2 key findings

ROMED2 started in Germany in 2014 with a launching event in Berlin on 24 October 2014. Six municipalities were initially selected for implementation (Hamburg, Berlin, Mannheim, Munich, Bremen and Kiel), mainly based on the presence of trained mediators in the municipalities (Bremen, Hamburg, Kiel, Munich, Berlin). Furthermore, local synergies with Sinti organisations were also taken into consideration, for instance in Mannheim where the ROMED2 National Support Organisation, *Hildegard Lagrenne Stiftung*, is located, or in Kiel where the *Verband Deutscher Sinti & Roma Landesverband S.-H. e.V.* has extensive experience in school mediation for Roma and employed 13 school mediators.

Among the selected municipalities, Berlin and Munich were by far the largest (3.5 million and 1.5 million inhabitants respectively), however the work of the ROMED2 facilitators was either dropped (Munich) or restrained to a *Bezirk*, as was the case in Berlin (firstly in Berlin Mitte with 346,542 inhabitants, then in Berlin Lichtenberg with 264,858 inhabitants) and in Hamburg (Hamburg-Mitte, Hamburg-Altona and Hamburg St Pauli). The remaining selected municipalities ranged between 250,000 and 550,000 inhabitants. No rural or small-sized municipality was selected for implementation in ROMED2, the main reason being the lack of Roma mediators who could ensure the role of local facilitators.

Commitment to the implementation of ROMED2 was expressed informally by all the municipalities initially selected. This was also expressed through the participation of staff from most municipalities in the first National Workshop organised one day prior to the launching event. However, only a few of the municipalities formalised their political commitment through the signature of commitment letters addressed by the Council of Europe (Berlin-Mitte, Kiel and Dortmund).

By the end of 2015, a series of changes were necessary in the list of initially selected municipalities: in Berlin, the initially formed CAG of Berlin-Mitte consisting of 30 Roma from Romania quickly dissipated (three months after its creation) due to its members' full-time work in other cities. From April 2015 to November 2016, the Berlin trainers worked with a group of Romanian Roma in Berlin-Lichtenberg, which was also dismantled due to internal, family-based conflicts that could not be solved. In October

2016, the facilitators in Berlin initiated a new CAG composed of Roma women mainly from Bulgaria. After an attempt at mobilisation in Bremen-South followed by Bremen-North, the National Support Team and a local supporters started redirecting the area of intervention to Bremerhaven, with the innovative component of both Sinti and non-national Roma membership. For 2017, an additional focus on Roma women is planned here as well. The one year work with a group of young Roma and Sinti as a CAG in Mannheim ended in November 2016, when members prioritised individual problems and left the group. A second approach to working with adult Sinti on the basis of setting up a social Sinti football club has not yet developed enough to restart in Mannheim. On the other hand, the municipality of Dortmund was added in autumn 2015, when the municipality started to increase their focus on Roma inclusion by organising an annual Roma cultural festival "Djelem, Djelem". It was at the initiative of Roma participating in that festival that the National Support Team started working with a CAG in Dortmund.

Unlike the structure of most National Support Teams, the team in Germany was mostly composed of local facilitators (rather than national facilitators), with the Hildegard Lagrenne Foundation as support organisation providing the administrative basis for functioning and the National Focal Point playing the role of national facilitator in most municipalities. This came as a natural adaptation of the ROMED2 approach, since the NFP, Mr Christoph Leucht, is also a member of the International Pedagogical Team and, as such, one of the developers of the ROMED2 methodology. He thus provided guidance and direct involvement in all the CAGs in Germany, whilst ensuring connection and advocacy at federal and international levels at the same time.

Nonetheless, the establishment and development of the CAGs was particularly challenging in Germany in light of the arguments listed above. It is difficult to sustain long-term participatory processes with, on the one hand, a part of the community that is under threat of deportation or whose members cannot find housing solutions, and, on the other hand, those who have been supported for years by a number of social service NGOs, which acted to solve their problems on their behalf, thus creating the illusion that the individual's own commitment was not necessary for obtaining one's rights. Those CAGs that did take shape after several attempts learnt from the experiences of peers in previous CAGs and were coached in building particularly strong resilience in the face of challenges.

Thus, a series of factors could be identified as crucial in the establishment and the sustainability of the CAGs in Germany:

The situation of the persons attracted in the CAG in the initial phases of the ROMED2 process: the administrative and, in particular, the housing situation of Roma involved in the CAGs played a crucial role in the manner in which these CAGs advanced or were sustained;

The level of involvement and political commitment of local authorities: in Dortmund for instance, where the group benefits from the strong support of the municipality contact person, the CAG organised itself as an NGO ("Romano Than") and could rely on the support of the contact person in reaching the relevant stakeholders that could provide solutions to their needs (e.g. Roma families living in flats without electricity and without heating during the winter);

Availability of alternative resources for financing the activities and priorities generated by the CAG: organising events, establishing information centres or organising language classes upon request are less costly and more easily funded by alternative sources (other NGOs, foundations and also local or federal budgets) than heavy infrastructural projects as is often the case in other countries involved in the ROMED2 Programme;

Flexibility of employment opportunities for CAG members: although no official figures are available, based on the profile of CAG members in the active ROMED2 municipalities, most persons

involved in ROMED2 found jobs in the formal or informal sector. This factor goes hand in hand with the logic of empowerment brought by ROMED2, but is outweighed by the serious issue of housing (regardless of the municipality, one of the following cases would very often apply to Roma: lack of available flats, discrimination against Roma by landlords, or landlords abusing Roma families into accepting very poor quality housing at high prices);

The experience and connections of local facilitators: the process advanced the most in municipalities where the facilitators were very well-connected with Roma families. This was the case in Hamburg where Mr Sichelschmidt plays a crucial role in mobilising the CAG composed mostly of Serbian Roma, as well as in Dortmund, where the involvement of Mr Dzemailovski in ROMED2, as well as in other initiatives mostly concerning Roma youth, has been an incentive to better mobilisation. However, out of the six local facilitators initially involved in ROMED, three still work in the Programme and four new local facilitators joined the activities (Munich didn't start, the trainer from Mannheim left because of the lack of commitment, the trainer from Bremen left because of personal reasons).

Recommendations for continuation of the ROMED2 process

The relationship between the national Roma and Sinti and the non-national Roma should be fostered but not forced upon members of the different communities. In terms of membership in the CAGs, almost all the groups formed through the ROMED2 process are composed of non-national Roma coming from ex-Yugoslav countries, Romania or Bulgaria. Attempts at synergies between Roma and Sinti organisations and non-national Roma-composed CAGs have been fostered since the beginning of the Programme, notably through the selection of *Hildegard Lagrenne Foundation* as National Support Organisation. In several municipalities, the emergence and results of the CAG have also encouraged the coming closer together of Sinti organisations and Roma immigrants, as is the case in Kiel and Bremerhaven. As previously mentioned, in Bremerhaven a mixed Roma and Sinti CAG works since August 2016. Should this group take shape, it will constitute a model not only within Germany but also in countries such as France and Belgium with mixed participation, proving that there should not be a competition between national and non-national Roma and that differences can be overcome in the interests of all.

Find solutions for the sustainability of the CAGs: after approximately one and a half years of implementation in February 2016, the National Support Team met in Berlin to discuss the future of the ROMED2 Programme. During the subsequent meeting of National Project Officers and National Focal Points in Strasbourg, the Programme's management team announced the progressive closure of the Programme and the importance of transition from CoE/EC-funded resources to other contributors. The National Support Team decided to create local NGOs in 3 of 5 municipalities to continue the work of the CAGs and their projects. The NGO founding process is complete in Dortmund and undergoing in Kiel and in Hamburg; in Bremerhaven, the involvement of Roma in the organisation of the German Sinti is planned as an alternative to the creation of a new NGO; in Berlin given the numerous already existing Roma-NGOs providing cooperation opportunities, the CAG will rely in synergies to continue its work.

Transfer the support to external, alternative financial resources to compensate for the loss of resources resulting from the closure of the ROMED2 programme (payments of local facilitators, implementation costs and travel): for the further Programme's implementation in Germany, the setup of new CAGs and the financing of local activities new external resources opportunities for the financing have to be generated. The National Support Team estimates that fundraising for the continuation of networking and local support will not be too difficult, as there are several federal programmes, foundations or calls for proposals which offer funding opportunities.

Improve access to and quality of German language classes: one of the requests voiced by all CAGs was ensuring attendance in German classes for foreigners and improving their quality of teaching, so that Roma who attend them can communicate better in German faster. Romanian and Bulgarian Roma have sometimes limited access to federal-provided language classes, since these are mainly organised for non-EU nationals. Their registration is only possible under certain conditions and if there are places left unoccupied by other non-EU applicants.

Raise awareness of the negative role of "private advisors" amongst German municipalities: many national, regional and local authorities in Germany and other Western European countries fear an influx of vulnerable migrants to their municipality should they provide quality integration services. However, the aforementioned fraud cases of "private advisors" in Bremerhaven and Kiel show that the vulnerable situation of Roma creates a market for illegal activities that not only uses social benefits in a fraudulent manner, but also organizes the immigration of new "clients" to the municipality. People involved, either by force or ignorance, in such schemes are discouraged to follow a path of empowerment through, for instance, language courses, vocational training and formal employment. The community-organising process of ROMED2 and **the setup of proper and free counselling centres** in the municipalities would be an effective alternative to helping overcome the risk of dependency and exploitation of EU Roma citizens from "private advisors".