

Roma and Travellers Survey 2019

Legislation, policy and practical aspects

Country: Belgium

Contractor's name: Vrije Universiteit Brussel, Fundamental Rights Research Centre

Author(s) name: Dr Serena D'Agostino

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	Questions	Yes/No	Supporting information (provide also relevant links, if appropriate and where possible)
1	<p>Are there <u>practical barriers</u> that hinder Roma and Travellers from using anti-discrimination and/or hate speech/hate crime laws and procedures (e.g. affordability of access to procedures, lack of awareness, lack of effective and Roma and Travellers ‘friendly’ recording structures)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds institutions or other relevant sources, including civil society organisations.</p> <p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>	Yes	<p>No specific practical barriers to the use of anti-discrimination and/or hate speech/hate crime laws and procedures explicitly affecting Roma and Travellers have been identified in the reporting period. Nonetheless, both UNIA¹ and the Human Rights League (<i>Ligue des Droits Humains, LDH</i>)² ascertain that the access to justice has become increasingly difficult for vulnerable groups in Belgium. Consequently, significant parts of the (poor) Roma population are also concerned. In particular, a direct correlation between poverty and the access to justice is identified. In the ‘Sixth Periodic Report of Belgium to the Committee of Human Rights of the United Nations’ (2019), UNIA, MYRIA (i.e. the Belgian Federal Migration Centre) and the Service to Combat Poverty, Insecurity and Social Exclusion declare that the access to legal aid has become more difficult due to the reform of the legal system, especially for persons living in poor and precarious circumstances. Litigation fees (rise of scheduling fees, etc.), for instance, have been considerably increased, thus making access to justice even more costly for each individual³.</p> <p>The Minorities Forum (<i>Minderhedenforum</i>)⁴ observes that, among vulnerable groups, the access to justice in Belgium is particularly problematic for Roma and Travellers due to both structural and individual</p>

¹ Belgium, Email exchange with UNIA on 20 January 2020.

² Belgium, League of Human Rights (*Ligue des Droits Humains*) (2020), State of Human Rights in Belgium Report 2019 (*État des Droits Humains en Belgique, Rapport 2019*) p. 56 [last accessed 31/1/2020].

³ Belgium, Parallel Report of the NHRI, UNIA, and MYRIA p. 17 [last accessed 5/2/2020].

⁴ Belgium, Email exchange with *Minderhedenforum* on 21 January 2020.

			issues. In particular, the Forum emphasises that Roma and Travellers are <i>de facto</i> often unable to effectively use the existing legislation. This is partially due the insufficient support they receive from professionals, as well as to some of the obstacles they encounter when submitting a complaint to UNIA – such as, the need for previous knowledge of UNIA’s functioning and procedures, and the partial trust in the institution’s probabilities of success. Furthermore, the Forum signals other relevant factors – namely, limited and/or non-existent understanding of ‘discrimination’, low literacy levels, no direct impact on/improvement of their living conditions, generational poverty ⁵ .
2	Is there legislation (beyond generic legislation on discrimination and/or hate speech/crime) <u>specifically aimed</u> at or used to protect Roma and Travellers against discrimination and/or hate speech/crime, including for example dedicated criminal law provisions, or special structures and procedures focusing on Roma and Travellers (e.g. a specialised structure to	No	There are three laws in Belgium which together constitute the antidiscrimination legislation: the Gender Act ⁶ , the Antiracism Act ⁷ and the Antidiscrimination Act ⁸ . Together, they identify 19 protected discrimination criteria, namely: sex, nationality, national or ethnic origin, ‘race’, skin color and cultural background, disability, religious or ideological beliefs, sexual orientation, age, wealth, civil status, political beliefs, trade union beliefs, health status, physical or genetic characteristics, birth, social background and language. Discrimination on the grounds of any of these criteria or personal characteristics is forbidden and punishable under the law. UNIA is competent for 17 of the 19 discrimination criteria and deals with Roma cases under its general mandate. A separate institute

⁵ Belgium, *Minderhedenforum*’s evaluation report submitted to the Evaluation Committee of the Equal Opportunities Unit (Ministry of Justice, Federal Government) at the occasion of the hearing on "Racial criteria" held on 14/10/2019 (*Hoorzitting op 14/10/2019 ‘Raciale criteria’ van de evaluatiecommissie van de cel Gelijke Kansen (Ministerie Justitie, Federale Overheid)*).

⁶ Belgium, Law to tackle discrimination between men and women ([Loi tendant à lutter contre la discrimination entre les femmes et les hommes/Wet ter bestrijding van discriminatie tussen vrouwen en mannen](#)) 10 May 2007. Publication in the Belgian Official Gazette 30 May 2007 [last accessed 6/2/2020].

⁷ Belgium, Law to punish certain acts motivated by racism or xenophobia (*Loi tendant à réprimer certains actes inspirés par le racisme ou la xénophobie / Wet tot bestraffing van bepaalde door racisme of xenofobie ingegeven daden*) 30 July 1981. Publication in the Belgian Official Gazette 8 August 1981 [last accessed 5/2/2020].

⁸ Belgium, Law to fight against certain forms of discrimination (*Loi tendant à lutter contre certaines formes de discrimination/ Wet ter bestrijding van bepaalde vormen van discriminatie*) 9 June 2007. Publication in the Belgian Official Gazette 30 May 2007 [last accessed 5/2/2020].

<p>deal exclusively with Roma and Travellers' cases)?</p> <p>Please indicate such provisions, structures or procedures and clarify whether and which particular groups of Roma and Travellers are explicitly covered. Please provide links to legislation or other relevant sources.</p> <p>Indicative length: two short paragraphs</p>	<p>has been set up in Belgium for the criterion sex: the Institute for the Equality of Women and Men. There is no government body or agency in Belgium assigned with a specific competence for the criterion of language.⁹ The national contact point for the national Roma integration strategy in Belgium is the inter-ministerial working group on Roma inclusion¹⁰. The portfolio is under the responsibility of the Secretary of State for asylum and migration, social integration and the fight against poverty.</p> <p>No specific legislation aiming at or used to protect Roma and Travellers against discrimination and/or hate speech/crime has been found.</p> <p>On 28 November 2019, the National Roma Platform, i.e. the <u>inter-ministerial working group on Roma inclusion</u>, has organized the first debate on the “positive image”¹¹ of the Roma. The debate has built on the study ‘Roma through a positive lens’, conducted by the <i>AP Hogeschool Antwerpen</i> in the framework of the research project ‘Roma’¹², which focuses on the Roma who maintain a balance between their cultural heritage and family, and a belonging to the society they live in. <u>The main purpose of this debate is to develop a sensitization campaign which will contribute to creating a positive image of the Roma amongst the mainstream society. Despite such relevant initiatives, it is noteworthy specifying that the National Roma Platform does not play any remarkable role as concerns Roma integration in Belgium. As stated by UNIA, MYRIA, and the Service to Combat Poverty, Insecurity and Social Exclusion</u>, in fact, “due to a lack of funding and logistical support, this Platform has only held very few meetings and has currently disappeared completely”.¹³</p>
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⁹ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2019), [Discrimination: A few Clarifications](#) [last accessed 5/2/2020].

¹⁰ Belgium, [Interministerial working group on Roma inclusion](#), [last accessed 6/2/2020].

¹¹ Belgium, SPF Intégration Sociale, “[Image Positive](#)”, available at [last accessed 29/1/2020].

¹² Belgium, The research project ‘Roma’ (2017-2021) is conducted by Nathalie Van Ceulebroeck, together with Liese Berkvens and Lies Ferny [last accessed 29/1/2020].

¹³ Belgium, [Parallel Report of the NHRI, UNIA, and MYRIA](#) (2019) p. 6 [last accessed 5/2/2020].

3	<p>Have there been any significant court decisions or cases dealt with by non-judicial bodies (e.g. equality bodies, Ombuds institutions, other human rights bodies) over the last five years treating discrimination and/or hate speech/crime against Roma and Travellers?</p> <p>Please mention no more than three such cases. Give a short description of each case and its outcome.</p> <p>Please provide links to the decisions and/or other useful sources of information about them, where available.</p> <p>Indicative length: three short paragraphs</p>	Yes	<p>On 7 May 2019, the large-scale police operation ‘Strike’ took place in the fight against car scams, mainly targeting Roms. It concerned the largest police operation of the past 20 years, in which 1200 police agents, 2 helicopters and drones were used. The police invaded various caravan plots. 90 caravans of families were seized, number plates were deregistered of those vehicles that were not seized and/or bank accounts were blocked without any explanation given. Many families were left homeless and were not offered an alternative.</p> <p>On 15 May 2019, UNIA and the French-speaking Children’s Right Commissioner expressed their concern in an opinion piece in the newspaper La Libre and emphasised the need for respect for human rights and for solutions from the government.¹⁴</p> <p>On 11 July 2019, UNIA published a report on the situation of caravan residents following operation Strike.¹⁵ The report provides an overview of a broad range of measures that have serious consequences for the entire families, including children, the elderly and the sick. On the one hand, the report is based on information provided by the federal prosecutor’s office. It concerns 200 seizures (including 90 caravans, 91 vehicles, 34 buildings and large amounts of cash) carried out on 7 May at 19 different locations and the arrest of 52 people, 24 of whom were placed under arrest warrant. On the other hand, the report is based on reports and testimonials made to UNIA as well as on visits and contacts. It concerns individual reports or direct testimonies of 19 persons people; visits by a UNIA employee to 5</p>
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¹⁴ Belgium, Charlier, P. And De Vos, B. (2019), Seizure of Travellers' caravans: a critical situation for families ([Saisie des caravanes des gens du voyage: une situation critique pour les familles](#)), La Libre, 15 May 2018 [last accessed 5 October 2019].

¹⁵ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2019), Situation of travellers after the so-called “Strike” police operation on 7 May 2019 ([Situatie woonwagenbewoners in België na politieoperatie ‘Strike’ op 7 mei 2019 / Situation des gens du voyage après l’opération de police dite “strike” du 7 mai 2019](#)), UNIA, 11 July 2019 [last accessed 5 October 2019].

		<p>different sites; information provided by at least 6 primary professionals (2 fieldworkers, 2 reference counters collaborators, 1 social worker and 1 doctor); 2 lawyers involved in several cases concerning seizures. Considered together, the sources and testimonials provided information concerning 16 sites, of which 11 are located in Flanders (of which 2 are close to Brussels), 3 in the Brussels-Capital Region and 2 in Wallonia.</p> <p>UNIA expresses serious concern about the possible disproportionate nature of certain police and judicial actions, some of which are still ongoing or still have an impact and some aspects of which could be discriminatory and/or lead to inhuman and degrading treatment. Therefore, UNIA underlines the need for the Council of Europe, the United Nations Human Rights Rapporteur on Minorities and the European Commission to investigate whether excessive measures were used against caravan dwellers by the policy and the judiciary, in order to halt the actions or to adopt suitable measures to limit their harmful effect.</p> <p>The Minorities Forum (Minderhedenforum) also published an opinion piece following the police operation, in which it underlined that Roma families are also the victim of car scams.¹⁶</p> <p>On 12 July 2019, in response to UNIA's report, the European Roma Rights Centre (ERRC) submitted a collective complaint¹⁷ against Belgium with the European Committee of Social Rights that monitors compliance with the European Social Charter. Namely, the ERRC asked the Committee to request to the Belgian Government to indicate immediate measures with regard to (i) ceasing the sale of all caravans seized from Travellers in</p>
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¹⁶ Belgium, Mawungu, L. (*Minderhedenforum*) (2019), Opinion piece "Roma families also suffer from car scam" (*Opiniestuk "Rom gezinnen ook dupe van autozwendel"*), Minderhedenforum, 14 May 2019 [last accessed 5 October 2019].

¹⁷ Belgium, ERRC v Belgium, Collective Complaint 185/2019 – Introduction of a New Collective Complaint and URGENT Request for the Indication of Immediate Measures [last accessed 30.1.2020].

		<p>the context of the police operation and returning them to their owners who have been left homeless (or providing them with adequate accommodation instead); (ii) ensuring full access to their bank accounts to all Travellers whose access had been blocked since the operation; (iii) stopping the seizure of belongings from Travellers and assisting those whose automobiles had been deregistered to re-register them again. On 27 August 2019, the Belgian Government submitted its observations¹⁸ on admissibility and the request for immediate measures, clarifying that the police operation was not intended to target any (ethnic) community – but rather aimed to dismantle an international criminal organization accused of fraud, which has ramifications in France, Germany, Switzerland and Norway – and that the requests for immediate measures should be rejected entirely. On September 2019, ERRC submitted its response¹⁹ to the Belgian Government’s observations – including, among other things, the handwritten testimony taken by activists in June 2019 about the consequences of Operation Strike for individual families, as well as a statement from a representative of the ERGO network (European Roma Grassroots Organisation), who has been in close personal touch with Travellers in Anderlecht affected by Operation Strike. On 22 November 2019, the Belgian Government replied again on the admissibility and request for immediate measures, further clarifying and confirming its</p>
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¹⁸ Belgium, Federal Public Service for Foreign Affairs, External Trade and Cooperation in Development (*Service Public Fédéral Affaires étrangères, Commerce extérieur, et Coopération au Développement*), Collective Reclamation no. 185/2019, European Roma Rights Centre v Belgium (*Réclamation collective n. 185/2019, Centre européen des droits des Roms c. Belgique*) [last accessed 30/1/2020].

¹⁹ Belgium, *ERRC v Belgium, Collective Complaint 185/2019 – Introduction of a New Collective Complaint and URGENT Request for the Indication of Immediate Measures* [last accessed 30.1.2020].

		<p>former position about rejecting <i>d'emblée</i> the requests for immediate measures²⁰ The ERRC v Belgium case is still pending²¹.</p> <p>On 7 October 2019, the Criminal Court of Ghent²² delivered a decision condemning a group of football supporters who attacked a squat inhabited by Roma, including young children, with sticks and Bengal fire in November 2017. Among other things, they were accused of threats, vandalism and incitement to hatred or violence through a WhatsApp group. This decision is particularly relevant as, as stated by UNIA²³, “[it] is probably <u>the first judgment in Belgium where the motive of hatred based on the Roma origin could be demonstrated</u>. It is also remarkable that the Roma victims have lodged a civil action in view of their often precarious situation and their distrust of the authorities.”.</p> <p>On 8 November 2019, the Council of State rejected the appeal of the RTBF (<i>la Radio Télévision Belge Francophone</i>) against a sanction imposed on it by the Superior Audiovisual Council (<i>le Conseil Supérieur de l'Audiovisuel</i>) because a presenter had made statements on the radio Vavacité Charleroi that incited hatred.²⁴ The facts date back to 26 November 2016 when the presenter warned listeners to keep an eye on “the presence of insidious gypsies”, to make sure their doors are firmly closed and to take precautions in case they have “stealable stuff” in their house. Following many complaints, the Superior Audiovisual Council condemned</p>
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²⁰ Belgium, Council of Europe, European Social Charter, [Pending complaints - No. 185/2019 European Roma Rights Centre v. Belgium](#), “Further response from the Government on admissibility and request for immediate measures” [last accessed 6/2/2020].

²¹ Council of Europe, European Social Charter, [Pending complaints - No. 185/2019 European Roma Rights Centre v. Belgium](#) [last accessed 6/2/2020].

²² Belgium, [Court of First Instance of Ghent, 7 October 2019](#) (*Tribunal correctionnel de Gand, 7 octobre 2019*) [last accessed 30/1/2020].

²³ Belgium, [Court of First Instance of Ghent, 7 October 2019](#) (*Tribunal correctionnel de Gand, 7 octobre 2019*) [last accessed 30/1/2020]. See also Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2019), A Tribunal Condemns for the first time a racist attack against Roma ([Un tribunal condamne pour la première fois une agression raciste vis-à-vis de Roms](#)) [last accessed 31/1/2020].

²⁴ Belgium, [Council of State](#), n° 246.047, 8 November 2019 (*RvS nr. 246.047, 8 novembre 2019*) ([Radio-Télévision belge de la Communauté française \(RTBF\) / Conseil supérieur de l'audiovisuel de la Communauté française de Belgique \(CSA\)](#)) [last accessed 5/2/20].

		<p>the RTBF to send out a press statement in which it had to inform the public that it had broadcasted statements that incite hatred and discrimination, which is in violation of the Decree on audiovisual mediaservices. After publishing the statement, the RTBF took the case to the Council of State. The argument for the appeal was that the presenter had not “intended to discriminate”, thereby making the sanction disproportional with a view to freedom of expression. The Decree on Audiovisual Media services refers to “editorial liability” and – contrary to the Anti-Racism Law – does not require proof that the author of hate messages “had the intention to discrimination” in order to implicate the responsibility of the publisher. RTBF thus had an “objective liability” as a publisher who is subject to the Decree on Audiovisual Media services.</p>
4	<p>Are there any barriers (legislative/policy or practical) hindering Roma and Travellers children from accessing education (e.g. neutral registration rules but difficult for Roma and Travellers to comply with, distance between home and schools, discriminatory behaviours alienating children from school environment, measures leading to school segregation)?</p> <p>Please indicate and explain briefly two such main barriers. Justify your answer by referring to existing reports and data produced by national human rights institutions, equality bodies, Ombuds</p>	<p>As observed by UNIA, MYRIA, and the Service to Combat Poverty, Insecurity and Social Exclusion, “Belgium has a school system that is heavily segregated on the basis of the socio-economical background of the students. Beyond the problem that education is not fully free of charges, this segregation can be explained by the fact that parents of children from lower socio-economic backgrounds are less well informed about the functioning of the education system. This is a form of indirect discrimination.”²⁵ Travellers (<i>Gens du voyage</i>) children are particularly affected by the existing Dutch and French speaking education systems. In its 2018 ‘Diversity Barometer – focus on Education’ (<i>Baromètre de la diversité: Enseignement</i>)²⁶, UNIA has identified two main barriers hindering Travellers children from accessing education in Belgium. Namely, the <u>precarious accommodation conditions and the lack of inclusive education</u> (based on case-by-case assessments). Throughout its own survey, developed in cooperation with the municipal managers of residential land</p>

²⁵ Belgium, Parallel Report of the NHRI UNIA, and MYRIA (2019) p. 8 [last accessed 5/2/2020].

²⁶ Belgium, UNIA(*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2018), Diversity Barometer: Education (*Baromètre de la diversité: Enseignement*) [last accessed 28/1/2020].

<p>institutions or other relevant sources, including civil society organisations.</p> <p>Please provide links to the reports/sources that you have used.</p> <p>Indicative length: two short paragraphs</p>	<p>or passageways in Flanders, Foyer vzw for Brussels, Mediation Center for Travelers and Roma for Wallonia, UNIA has showed that the education/schooling level among Travellers children in Belgium is highest on the municipal residential grounds, whilst on private land it is practically non-existent (p. 41). Furthermore, UNIA emphasizes that in order to obtain a truly inclusive education a different approach is needed. This approach entails among other things attention for culture, as for example stated in the CESCR General Comment No. 13: The Right to Education (Art. 13), par. 9. UNIA refers indeed to Travellers’ “cultural specificities”²⁷. Nevertheless, there is no clarification of what such a cultural diversity consists of. The question of education remains particularly significant among young Roma as well. According to UNIA, in fact, they find it very difficult to come into contact with the mainstream school system and remain over-represented in special education. UNIA notes that there is still a great need in the field for expertise and knowledge on how to work with this particular audience. The use of relay figures or stewards remains essential for this. On the other hand, continuity is also important: the current approach is too fragmented and depends too much on resources allocated to projects.²⁸</p> <p>As reported²⁹ by the Minorities Forum (<i>Minderhedenforum</i>), some 300 persons are currently traveling in an around Belgium, searching for a safe place to stay. These families have no official halting site for permanent living in their caravans. The lack of official halting sites for Travellers makes it particularly problematic for Travellers children to attend school.</p>
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²⁷ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2018), Diversity Barometer: Education (*Baromètre de la diversité: Enseignement*), p. 42 “...et souvent précaires des Gens du voyage, de leur particularité culturelle, ...”; “... des éléments culturels (attentes de l'école, sentiment d'être en dehors de la société) jouent également un rôle.”; “... des différences au niveau individuel ou familial excent aussi un impact...”.

²⁸ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*), [Annual Report \(2018\)](#), p. 71 [last accessed 5/2/2020].

²⁹ Belgium, Email exchange with *Minderhedenforum* on 21 January 2020.

		<p>According to the Forum, about 100 children between 6-12 years of age, do not attend school and do not receive any alternative form of education.</p>
5	<p>Are there any specific regulatory or policy measures over the last five years affecting access to housing for Roma and Travellers (e.g. legislation/policy measures on social housing or halting sites for Roma and Travellers, measures affecting their access to water, electricity or communication services)?</p> <p>Please mention the two most important measures or changes in legislation (on federal, regional or municipal level) classifying them as having a positive or negative impact You can provide one example for each category. Or, as appropriate, two examples of positive or two examples of negative impact. Please give a short description of each measure and provide relevant links.</p> <p>Indicative length: two short paragraphs</p>	<p>a) measure(s) having a positive impact</p> <p>Two new Decrees adopted in 2019 partly address UNIA’s concerns regarding the housing of Travellers the Walloon Region by being a start concerning the recognition of mobile living and of the organisation of sites.³⁰ According to UNIA, the provisions are formulated too carefully.</p> <p>On 2 May 2019, the Decree concerning assistance to Travellers (<i>Gens du Voyage</i>) amending the Walloon Code of Social Action and Health was adopted.³¹ It entered into force on 1 August 2019. The Decree amends and strengthens the provisions under the Title relating to Help for Travellers, which was included in the Code more than 5 years ago. The title focuses on reception (the procedure formally organising the temporary stay of Travelers and allowing the search for concerted solutions to specific problems) and mediation (method of action seeking the intervention of an independent and impartial third party, which aims to find agreement between or reconcile persons or parties). It aims at helping Travelers, including promoting their integration, fighting the processes that cause poverty of Travelers, and supporting a concerted and quality reception of Travelers in Wallonia.</p> <p>The 2019 Decree introduces a precise definition of the notions ‘reception area’ (land organised with at least access to drinking water, electricity and sanitary facilities, for short-term accommodation, family groups of at least</p>

³⁰ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l’égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, p 22 [last accessed 5/2/20].

³¹ Belgium, Public Service of Wallonia (*Service public de Wallonie*) (2019), Decree on assistance to Travellers amending Part II, Free 1, Title VII, of the Walloon Code on Social Action and Health ([Décret relatif à l’aide aux Gens du voyage modifiant la Deuxième partie, Libre 1er, Titre VII, du Code wallon de l’Action sociale et de la Santé](#)), 2 May 2019. Publication in Belgian Official Gazette 1 August 2019 [last accessed 5/2/20].

		<p>15 caravans and offering, at the very least, a reception during the entire period of temporary stay) and ‘temporary area’ (land owned by a public or private owner temporarily assigned during the year for the reception of <i>Gens du voyage</i>). Subsidies have been recently (from 1 January 2020) made available to municipalities for the acquisition, development and extension of areas for Travellers. The new Decree also reorganises the accreditation and subsidisation of the mediation body. Based on past experiences, UNIA argues that a more compelling – rather than an enabling – approach is needed that obliges municipalities to establish caravan stands.³² Another option would be for the Walloon Region to set-up and manage sites. UNIA also points to the need to organise reception during the winter, rather than limiting it to the temporary stay.³³ Furthermore, rather than imposing unreasonable administrative burdens, the situation should be made easier for municipalities and owners of private sites who want to commit to Travellers.</p> <p>On 2 May 2019, the Walloon government adopted the Decree amending the Walloon Code of Housing and Sustainable Housing and of the Decree of 15 March 2018 on the rental agreement, with a view to the introduction, in the aforementioned code, of the concept of micro-houses.³⁴ It entered into force on 1 September 2019. UNIA had advised the Wallon Minister of Housing to include a reference to the wish of caravan residents to finally see their ancestral way of life and way of living recognised in line</p>
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³² Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre inter fédéral pour l'égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, p 22 [last accessed 5/2/20].

³³ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre inter fédéral pour l'égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, p 22 [last accessed 5/2/20].

³⁴ Belgium, Public Service of Wallonia (*Service public de Wallonie*) (2019), Decree amending the Walloon Code on Housing and Sustainable Housing and the Decree of 15 March 2018 on residential leases in order to include the concept of light housing ([Décret modifiant le Code wallon du logement et de l'Habitat durable et le décret du 15 mars 2018 relatif au bail d'habitation en vue d'y insérer la notion d'habitation légère](#)), 2 May 2019. Publication in het Belgian Official Gazette 11 July 2019 [last accessed 5/2/20].

		<p>with the provisions of the Universal Declaration of Human Rights, the Charter of Fundamental Rights of the European Union and various other international and European treaties.³⁵ Furthermore, UNIA considers it to be problematic that the preamble of the Decree does not mention caravans or mobile homes that are used by Travellers.³⁶</p> <p>b) measure(s) having a negative impact</p> <p>On 18 October 2017 the new law on squatting³⁷ was adopted in Belgium. Although it is difficult to assess the impact such a legislation will have on Roma, it could determine very negative effects on their housing rights³⁸. As indicated by UNIA, the bill passed after intense media coverage on Roma squatting houses.</p> <p>On 18 January 2019, the Flemish government adopted the Decree amending various provisions of the Decree of 7 June 2013 concerning the Flemish integration and habitation policy.³⁹ Following the new Decree, the Flemish integration policy focused more on caravan residents and transit sites. Inhabitants of residential caravan sites, on the other hand, no longer were a specific target group of said policy. The competent Minister stated that residential caravan residents are sufficiently connected</p>
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³⁵ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, p 22 [last accessed 5/2/20].

³⁶ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*) (2019) Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, p 22 [last accessed 5/2/20].

³⁷ Belgium, Law of 18 October 2017 on unlawful entry, occupation or residence in the property of others (*Loi du 18 octobre 2017 relative à la pénétration, à l'occupation ou au séjour illégitimes dans le bien d'autrui*). Publication in Belgian Official Gazette 6 novembre 2017 [last accessed 27/1/2020].

³⁸ Belgium, Email exchange with UNIA on 20 January 2020.

³⁹ Belgium, Flemish Government (*Vlaamse Overheid*) (2019). Decree amending various provisions of the Decree of 7 June 2013 on the Flemish integration and habitation policy ([Decreet tot wijziging van diverse bepalingen van het decreet van 7 juni 2013 betreffende het Vlaamse integratie- en inburgeringsbeleid](#)), 18 January 2019. Publication in the Belgium Official Gazette 11 February 2019 [last accessed 5/2/20].

		<p>to society and no longer require a policy focus.⁴⁰ Several organisations, including the Minorities Forum (<i>Minderhedenforum</i>) and UNIA argued that a specific focus on all caravan residents is still required in all policy areas, including integration.⁴¹ They also worried that the knowledge and expertise on caravan residents built up by the Agency Integration and Habituation (<i>Agentschap Integratie en Inburgering</i>) would disappear instead of being reinforced in order to support local and other administrations when working with this target group.⁴² Furthermore, The Minorities Forum, which was not consulted, emphasizes that this decision has repercussions on the behaviours of local governments. In particular, the Forum observes that some municipalities invest less in the social management of their residential halting sites or decide to implement an extinction policy, which finally results in closing the sites⁴³.</p> <p>The Flemish Coalition Agreement 2019-2024⁴⁴ – which puts down the policy decisions for the legislature 2019-2024 – states that caravan residents⁴⁵ will be taken out completely of the Flemish Integration Decree.⁴⁶ The Agreement reads: “The Flemish integration policy focuses</p>
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⁴⁰ Belgium, Janssens, K. (2019), Caravan residents again on the sidelines? ([Woonwagbewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 7/2/20].

⁴¹ Belgium, Janssens, K. (2019), Caravan residents again on the sidelines? ([Woonwagbewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 5/2/20]. Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfedéral pour l'égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, pp 21-22 [last accessed 5/2/20].

⁴² Belgium, Janssens, K. (2019), Caravan residents again on the sidelines? ([Woonwagbewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 5/2/20]. Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfedéral pour l'égalité des chances*) (2019), Annual Report 2018 - Restoring human rights ([Jaarverslag 2018 – Mensenrechten in ere herstellen](#)), Brussel, UNIA, pp 21-22 [last accessed 5/2/20].

⁴³ Belgium, Email exchange with *Minderhedenforum* on 21 January 2020.

⁴⁴ Belgium, Flemish Government (*Vlaamse Overheid*) (2019), Flemish Coalition Agreement 2019-2024 ([Vlaams Regeerakkoord 2019-2024](#)), October 2019 [last accessed 5/2/20].

⁴⁵ A caravan resident is defined as “someone who resides legally in Belgium and who lives in a caravan, of whose parents lived in a caravan.” In Belgium, there are three diverse subgroups of caravan resident in Flanders and Brussels who have as a common characteristic that they live in a caravan: the *Voyageurs*, the *Manouches*, and the *Roms*. Caravan dwellers differ from Roma who arrived more recently from Eastern-Europe but they share a dark history of persecution and being chased. Belgium, Janssens, K. (2019), Caravan residents again on the sidelines? ([Woonwagbewoners opnieuw aan de zijlijn?](#)), Sociaal.net, 26 November 2019 [last accessed 5/2/20].

⁴⁶ Belgium, Flemish Government (*Vlaamse Overheid*) (2019). Decree concerning the Flemish integration and habituation policy ([Decreet betreffende het Vlaamse integratie- en inburgeringsbeleid](#)), 7 June 2013.

		<p>on the entire society, with particular attention to people of foreign origin. Caravan residents, the traveling labour force and foreign nationals without legal residence are no longer approached from the integration policy. We do not prejudice the basic rights of people without legal residence.” Caravan residents are currently one of the target groups of the Decree. Article 3 states that "The Flemish integration policy focuses on the entire society and, as appropriate, pays special attention to the following special target groups: 1° Persons of foreign origin; 2 ° persons who are legally resident in Belgium and who live in a caravan as stated in Article 2, 33 °, of the Decree of 15 July 1997 on the Flemish Housing Code, with the exception of persons who reside on a residential caravan site and residents of campsites or areas with weekend stays." The decree defines "residential caravan site" as a site that is intended and equipped for sedentary living in a caravan and on which a limited craft and/or commercial activity can take place in accordance with the applicable legislation (art. 2.22 °/1).</p> <p>In Belgium, the evictions of Travellers (<i>Gens du voyage</i>) occur repeatedly in the three regions of the country. This is particularly evident in Brussels, where – despite the recognition of the right to mobile housing by the Brussels Housing Code (<i>Code bruxellois du Logement</i>)⁴⁷ and the resources that the Region puts at the disposal of Brussels municipalities for the development of land – the municipalities prefer to adopt a NIMBY (Not In My Backyard) policy in order to avoid hostile reactions from the population⁴⁸. At the beginning of 2018, families residing in caravans on private land located in Rue Dante in Anderlecht (Brussels) were asked to evacuate the area by order of the mayor (‘bourgmestre’). No alternatives</p>
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⁴⁷ Belgium, Brussels Housing Code ([Code bruxellois du Logement](#)) [last accessed 5/2/2020].

⁴⁸ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l'égalité des chances*), [Annual Report \(2018\)](#), p. 21 [last accessed 5/2/2020].

		<p>were offered to them⁴⁹. UNIA’s directors Els Keytsman and Patrick Charlier reacted to this action with a ‘White Paper’ (<i>Carte Blanche</i>), where they referred to such an expulsion as a ‘humanitarian emergency’ (<i>urgence humanitaire</i>).⁵⁰ In July 2019, the commune of Anderlecht sent in police to clear out a ‘Roma camp’ in Rue Prévinaire – where some 30 people, including ten children and babies, resided. As for the former municipal decision (Rue Dante, 2018), this operation was justified by the precarious and unhygienic conditions of the sites. Alain Kestemont (<i>Démocrate Fédéraliste Independent, DéFI</i>), alderman for prevention and urban safety of the municipality of Anderlecht, commented on such municipal decisions by stating that “this is [the Roma’s] way of life, and they’re not looking for help from anyone. We can offer them all sorts of assistance, but we can’t force them to take it.”⁵¹ Contrary to the decisions taken by the municipality of Anderlecht, the commune of Molenbeek has no plans to clear the ‘Roma camp’ in Porte de Ninove (Ninoofsepoort), although the site has no electricity or running water. Porte de Ninove and the Vander Putten stadium have long been home to Roma of Romanian origin. The camp in Porte de Ninove currently houses 20-30 Roma, including babies and small children, all from the Hunedoara region of Romania⁵².</p>
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⁴⁹ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l’égalité des chances*), [Annual Report \(2018\)](#), p. 21 [last accessed 5/2/2020].

⁵⁰ Belgium, UNIA (*Interfederaal Gelijkekansencentrum/Centre interfédéral pour l’égalité des chances*), “Expulsion des Gens du Voyage: une urgence humanitaire”, available at <https://www.unia.be/fr/articles/expulsion-des-gens-du-voyage-une-urgence-humanitaire> [last accessed 5/2/2020].

⁵¹ Belgium, “Anderlecht clears Roma camp; Molenbeek lets theirs remain”, Alan Hope – The Brussels Times (Friday, 02 August 2019) [last accessed 21/1/2020].

⁵² Belgium, “Molenbeek leaves Romakamp undisturbed: ‘We are a hospitable municipality’” (*“Molenbeek laat Romakamp ongemoeid: ‘Wij zijn een gastvrije gemeente’”*), Lisa Pleysier – BRUZZ (Thursday, 01 August 2019) [last accessed 25/1/2020].