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WS3 / 03 Roma Mediator's Guide



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Project Description

The project promotes social economy as an effective instrument for integrated development of the Roma communities by:

- 1) analyzing the potential of applying social economy practices within Roma communities, from a social, economic and institutional point of view;
- 2) engaging policy-makers and civil servants and training Roma mediators for developing social enterprises; and
- 3) assisting Roma social business initiatives and promoting social economy within Roma communities and to the general public.

The SERCo partners recognize that social entrepreneurship can be a solution to the issues of Roma people, since it:

- helps resolving some of the existing needs of the community;
- facilitates the qualification on the job;
- uses local resources and allows the development of more entrepreneurs;
- supports traditional crafts;
- increases the qualification and education level;
- stimulates solidarity and lead to the improvement of the relationships between the members of the community;
- represents a self-help method;
- allows hiring people in vulnerable situations.

The project's core deliverables are:

- guidelines for Roma social entrepreneurship
- Mediators' training programme
- One-to-one mentoring for social enterprise development



- SERCO VLE for mutual learning
- Public roundtables & info days
- Network for Roma Social Economy

SERCO Consortium:

- University of Piraeus Research Center, / www.kep.unipi.gr , Greece – SERCo Coordinator
- IDEA ROM ONLUS, www.idearom.it , Italy
- CESIE, www.cesie.org, Italy
- The European Roma Information Office-ERIO , www.erionet.eu , Belgium
- Center for Interethnic Dialogue and Tolerance “AMALIPE”, www.amalipe.com , Bulgaria
- Fundacio Privada Pere Closa, www.fundaciopereclosa.org , Spain
- Tolerance and Mutual Aid Foundation (TMAF), Bulgaria
- Four Elements, www.4-elements.org , Greece
- Association Promoting Social Inclusion PAKIV (ACPSI PAKIV), www.pakiv.ro , Romania



Purpose of the Roma Mediator's Guide

The purpose of the SERCo Roma Mediator's Guide is to describe the role of the Roma mediator in promoting social inclusion for Roma and his/her rights and obligations in the framework of the SERCo project. The guide begins with a brief analysis of the core and specific competences that mediators need to possess in order to be effective, the main challenges they face and their key responsibilities. The second section is the Code of Ethics that can be used to guide all the actions and attitude of the mediators whenever they are called upon to mediate a specific situation or issue facing their community and the public authorities. The final section of the guide is Recommendation CM/Rec(2012)9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma. Recommendation CM/Rec(2012)9 is a key document for mediators as it sets up a framework through which the basic principles of mediation are specified with the objective of making mediation effective and maximize its impact.

The Mediator's Guide is meant to complement primarily WS3/O1 Training material package for Roma mediators and WS/O2 Guide to the SERCo training. The guide will be used in both rounds of SERCo training and will be even more important in the one-to-one mentoring sessions for social enterprise development. The prospective Roma mediators for Social Entrepreneurship that will participate in the two rounds of SERCO training, will be able to consult on the guide at all times, in order to be mindful of their obligations, responsibilities and have a clear sense of direction.



Competences and responsibilities of Roma mediators

In order to accomplish their task, mediators need:

A set of core competences:

- general communication competence;
- intercultural communication competence;
- mediation and conflict management competence;
- knowledge and understanding of the socio-cultural and historic background of the communities they are supporting, including understanding of recent migration processes and patterns;
- competence in assessment of the local situation, organising participatory planning, monitoring implementation and evaluation.

Specific competences (specific to the concrete – national/local/sectorial – work context):

- knowledge of the institutional and legal framework in which they are working;
- elements related to the sector they are working in (education, health care or employment);
- knowledge of the needs and background of the specific subgroups and categories of beneficiaries of their work.

They will also need to be able to deal with a number of challenges and sensitive issues, including:

- motivating and encouraging Roma people to access the respective institutions, considering the frequent lack of trust in the possibility of improving their life, based on previous negative experiences and general negative attitudes they or their fellows encountered;
- dealing with sensitive issues related to identity, ethno-cultural affiliation and intergroup relations and representations;



- dealing with prejudice and often unconscious discriminatory behaviour of the staff in the institutions, as well as with preconceptions and practices, sometimes rooted in the communities' social and cultural background, which are not compatible with the principles of democracy and human rights;
- working, in co-operation with other professionals, with people in situations of deep social exclusion and marginalisation;
- compensating the significant inequalities of status between Roma and the staff in order to establish interactions which are compliant with the principles of mediation, which must ensure equal recognition and concern for the needs and interests of both parties;
- remaining impartial, while maintaining the trust of both parties and providing the necessary support to the Roma people they are serving;
- avoiding being assigned tasks which are unrelated to their job description and obtaining professional recognition for their role and achievements as mediator;
- mobilising additional community and institutional support in order to enhance effectiveness of their work and achieve stronger improvements in the situation of the people and of the communities they are serving.

The key responsibilities of mediators are to:

- establish a relationship of trust and open communication with and between representatives of public institutions and members of the Roma community;
- seek to understand the situation in order to reflect the respective viewpoints and the basis for opinions, feelings, attitudes and actions;
- establish local support groups within the community and within the institution and engage these groups in
- a participatory planning resulting in a joint plan including commitments of the various stakeholders;



- facilitate and support the implementation of the plan and the evaluation in a participatory way of its results, in order to ensure visible improvements both in the actual situation of the Roma community and the access of its members to public services, and in the mutual attitudes and the co-operation between communities and the public institutions.¹

¹ Rus C., Raykova Al. and Leucht C. (2016), ROMED Trainer's Handbook, Council of Europe Publishing, Strasbourg.



Code of Ethics for Mediators

The mediator:

1. Respects the human rights and the dignity of all persons and acts with honesty and integrity in performing his/her duties

By showing clearly this human rights perspective and respect for human dignity, the mediator will have the trust of both Roma community and public institution, and will be respected as a professional with specific tasks. The mediator will thus be also a role model for members of Roma community and for the staff of the institution interacting with Roma.

2. Works to ensure equal access to rights while respecting legal requirements and administrative procedures

The main mission of the mediator is to ensure that members of the Roma communities enjoy full access to their rights and are supported in overcoming the possible barriers which can hinder real equality in rights. This means sometimes that special measures need to be taken in order to take into account the specific needs and possibilities of the Roma. However, these measures should not be individual exceptions from complying with administrative requirements. When it is necessary, the mediator should indicate to the institutions concerned that a change in a specific procedure is needed. This approach is the only one compatible with the principles of democracy and rule of law.



3. Is responsible to help those concerned find mutually satisfactory solutions but does not have the responsibility to provide solutions to all problems raised by beneficiaries or by the staff of the institution

The mediator will listen to the needs of the members of the Roma community and of the staff of the institution and will help them understand each other. The mediator does not have look for “who is to blame”, to decide what is the best solution, nor to tell to the Roma or to the staff of the institutions what to do. His/her role is to ask those concerned how they want the situation to change, what they can do for this and what support will be needed from the mediator. This makes the mediator impartial, but not uninvolved, and careful to address in a balanced way the needs of Roma and of the staff of the public institution. This also prevents abusive requests and unjustified pressure from both parties.

4. Is proactive, has prompt reactions and develops sound prevention activities

In many cases, Roma people do not know the rights they have and how to enjoy them. Thus, the mediator will be proactive, will not just wait for a problem to appear but analyse permanently the situation and raise awareness of all stakeholders on the issues identified. Prompt responses are given to all cases and situations signaled by community members or staff of the institutions. The analysis of the various challenges and solutions found leads to ideas for well-planned prevention activities, avoiding repetition or extension of problematic situations.

5. Keeps confidentiality of the information obtained in the course of professional activities



All information obtained in the process of work will be kept confidential, will not be disclosed to other persons or institutions, unless there is an explicit agreement of the person who provided the information, and with the only exception of situations when the safety of a person is threatened. Those who speak to the mediator should be informed about the commitment to confidentiality. No person, even the head of the institution employing the mediator, is allowed to ask the mediator to break confidentiality. Information obtained which is of general interest can be communicated in a way to preserve the anonymity of the source, with the agreement of the source.

6. Does not use his/her role and power to manipulate or to harm others

The role of the mediator provides access to information and a series of contacts within the community and the institutions. The mediator should not use the power generated by this information or the prerogatives connected to the role of mediator to manipulate or harm other people.

7. Respects the traditions and culture of the communities, provided that they are compatible with the key principles of human rights and democracy

Some communities have specific traditions, ways of life and cultural norms, different from those of the majority society. The mediator will get to know these traditions and norms, respect them, and support outsiders to understand and respect them as well. The only exception is when some community norms or customs are not compatible with the principles of human rights and democracy.



8. Will treat all community members with equal respect and disclose publicly situations of conflict of interests

Regardless of their gender, age, status in the community, etc., the mediator will show equal respect to all beneficiaries and deal with their requests in a transparent and fair way. When somebody is given a priority on a matter, the reason has to be clear for all and justified. When relatives of the mediator or other persons close to the mediator are involved in a conflict, the situation should be indicated and external support for mediation should be requested.

9. Makes a clear distinction between professional and private activities

It is necessary for the mediator to make explicit the boundaries between professional activities and private life. Having a strong commitment for the problems of the community does not mean being available at all times for requests of community members. Community members should be informed about the work schedule of the mediator and about the ways to contact the mediator.

10. Collaborates with other mediators and with other professionals

The mediator is a professional which needs to maintain strong collaboration with other professionals (health professionals, social workers, teachers, etc.) in order to accomplish his/her tasks. Mediators will support each other in their work. All



mediators will use opportunities available to them for exchanging experiences and for sharing successful solutions and useful information.²

² Council of Europe, 2012, Code of Ethics for Mediators http://coe-romed.org/sites/default/files/leaflets/code%20ethicEN_0.pdf (accessed on 21.06.2017)



Recommendation CM / Rec(2012)9

Recommendation CM/Rec(2012)9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma³

(Adopted by the Committee of Ministers on 12 September 2012 at the 1149th meeting of the Ministers' Deputies)

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Considering that the aim of the Council of Europe is to achieve greater unity between its members, and that this aim may be pursued, in particular, through common action in the field of human rights and social cohesion, which form core values and objectives of the Council of Europe;

Recognising that Roma have faced, for more than five centuries, widespread and enduring discrimination, rejection and marginalisation across Europe and in all areas of life;

Aware that discrimination and social exclusion can be overcome most effectively by comprehensive, coherent and proactive policies targeting both the Roma and the majority, which ensure integration and participation of Roma in the societies in which

³ Council of Europe, 2012, *Recommendation CM/Rec(2012)9 of the Committee of Ministers to member States on mediation as an effective tool for promoting respect for human rights and social inclusion of Roma*, [https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec\(2012\)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true](https://wcd.coe.int/ViewDoc.jsp?p=&Ref=CM/Rec(2012)9&Language=lanEnglish&Ver=original&Site=CM&BackColorInternet=DBDCF2&BackColorIntranet=FDC864&BackColorLogged=FDC864&direct=true) (accessed on 21.06.2017).



they live and respect for their identity, and recognising that mediation can be a useful tool for improving Roma inclusion;

Considering that all human rights are universal, indivisible, interdependent and interrelated and that economic and social rights are human rights, and should be supported by concrete community and governmental efforts to ensure they are equally accessible to members of the most deprived and disadvantaged groups and communities;

Recalling its previous recommendations which advocated the use of Roma mediators to improve communication and relations between Roma and

public institutions, which in turn can help overcome barriers to social inclusion and effective access of human rights, as well as improve access of Roma to public services;

Bearing in mind the Strasbourg Declaration on Roma, adopted at the High-Level Meeting of Council of Europe member States on 20 October 2010, which refers to mediation in the context of education, employment and health care and expresses the agreement of member States to set up a European Training Programme for Roma Mediators;

Noting that recourse by municipalities and regions to Roma mediators is among the measures called for in Resolution 333 (2011) of the Congress of Local and Regional Authorities on “The situation of Roma in Europe: a challenge for local and regional authorities”, and in the Final Declaration of the Summit of Mayors on Roma, organised by the Congress on 22 September 2011;

Drawing on the positive experience of the ROMED programme “Intercultural



mediation for Roma communities”, implemented from 2011 as a joint action of the Council of Europe and the European Union, which provides important lessons on how to achieve effective intercultural mediation between Roma communities and public institutions;

Welcoming the co-operation between the Council of Europe and the European Union in promoting effective mediation with Roma communities and encouraged by the fact that such mediation, even if different names are used, is practised more and more widely in member States and increasingly explicitly supported in national strategies and action plans for Roma inclusion;

Convinced of the important benefits resulting from employment of persons with a Roma background to act as mediators between Roma communities and public institutions, notably in terms of improved school attendance and access to quality education, improved access to health care and other public services, along with better communication between members of Roma communities and public institutions;

Stressing the importance of respecting gender equality when having recourse to mediators and noting that the gender of mediators may be relevant to the effectiveness of their work in some situations;

Noting that experience has shown the importance of ensuring that mediation produces the desired results without unwanted negative side effects;

Considering, therefore, that it is useful and timely, given the growing recourse by member States to mediation with Roma communities and based on the experience gained with it, to promote a common understanding of some basic principles that can help make such mediation effective and maximise its impact,



Recommends that the governments of member States, with due regard for their constitutional systems and, where appropriate, to their respective national, regional and local circumstances:

1. develop and maintain an effective system of quality mediation with Roma communities based on the following principles:
 - a. human rights: the full enjoyment of human rights of members of Roma communities without any form of discrimination is an essential principle underpinning and governing such mediation; this implies that mediation should aim at empowerment of Roma to exercise their rights and increased capacity of public institutions to guarantee these rights in practice, not at rendering or keeping Roma or public institutions dependent on mediation;
 - b. systematic consultation, participatory planning and evaluation allowing the members of Roma communities to express their needs and concerns, and to be actively involved in finding the most appropriate solutions to the problems facing their local community in co-operation with representatives of the public institutions;
 - c. intercultural sensitivity, non-violent communication and conflict mediation, based on good knowledge of the “cultural codes” of the community and of the relevant institutions;
 - d. impartiality: the mediator should work, and be able to work, in a balanced way with both the public institution and members of Roma communities to help overcome cultural and status differences and focus on improving communication and co-operation and on stimulating both parties to take responsibilities and engage with each other; legitimate interests of both parties should be recognised;
2. recognise the importance of professional self-regulation by mediators themselves such as the European Code of Ethics for Mediators published by the Council of Europe and the European Union, for setting out a clear understanding of



the mediators' role and responsibilities and encourage public authorities at all levels to respect them, including in employment contracts for mediators, in particular by refraining from interfering with the responsibilities of mediators or requesting them to undertake actions that are not within their responsibilities;

3. ensure or, in situations where the state has no direct responsibility, encourage that:

- official recognition to the professional status of mediators is given, taking measures, where necessary, to render the employment of mediators more stable, and ensure fair remuneration and adequate working conditions;
- certification or accreditation of initial and in-service training programmes for Roma mediators is provided on the basis of the principles set out in paragraph 1 of this recommendation;
- the professional expertise gained by mediators is recognised so as to enhance their career perspectives;
- opportunities for networking and regular peer support among Roma mediators are provided and that the participation of various professionals working with them (trainers, supervisors, etc.) is stimulated;

4. promote a favourable environment at local level for the work of mediators, notably by increasing the capacity of local and regional authorities to develop and implement effective policies for Roma integration, where appropriate, in close co-operation with other member States, the Council of Europe, and other international organisations active in this field, including the European Union and the OSCE.



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