

Belgium  
RAXEN National Focal Point

Thematic Study

Housing Conditions of Roma and  
Travellers

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Belgian NFP – Centre for Equal Opportunities and  
Opposition to Racism

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## Executive summary

The legal and policy framework of Belgium does not contain elements of direct discrimination against Roma or Travellers. As most Roma arrived in Belgium before their home-country joined the EU, they were there without a valid residence permit. The difficulties they face are the same as those of other people without a valid residence permit. Most Roma in Belgium are now sedentary and they live in houses or apartments in or near the major cities. Most Travellers are nomads or semi-nomads who have been living in or around Belgium for quite a long time (they arrived between a couple of centuries and a couple of decades ago.) There are no official statistics concerning Roma or Travellers in Belgium. Most reports estimate the total population of Roma and Travellers to be somewhere between 20,000 and 30,000. The specific housing situation of Travellers is not always taken into account in the regional housing codes; some interviewees claim this is a form of indirect discrimination. The Flemish Housing Code stipulates that social housing tenants have to at least show evidence that they are willing to learn Dutch. In some cases, tenants can be asked to take part in the Flemish integration programme. Such strict access conditions to social housing can be considered discriminatory and the permanent residence permit requirement may be particularly discriminatory to the Roma.

**Belgium** has ratified a number of international conventions protecting the rights of ethnic and cultural minorities. Article 23 of the Belgian Constitution **guarantees the right to decent housing to all**. Each regional authority sets the standards to be met by property on the rental market in a **regional 'housing code'**. The regional housing codes also stipulate conditions for entitlement to housing benefits and social housing. Abusing financially or socially deprived individuals (foreigners or Belgians) to sell or rent them property at an abnormally high price and under conditions incompatible with human dignity is a penal infraction in Belgium. However, there is no obligation for the authorities to find accommodation for evicted tenants after closure of an insalubrious house. This means many Roma families are evicted from the cheapest house they could find because the house is considered uninhabitable; but they are then left in the streets with no place to go. It appears that **gaining legal residence in Belgium is a determining factor in improving many Roma's situation** and living conditions: the legal staying permit gives access to social housing and some welfare benefits.

For the **Travellers**, the biggest issue is the **lack of encampment or halting sites**. The decision to set up such a site lies with the municipalities, but it is within the Regions' competence to promote the creation of sites. There are major differences between the policies of the different regions, but in all of them there is a serious shortage of halting sites. In the **Brussels Capital-Region** there are no specific rules to regulate the encampments of Travellers. To put one or several caravans on a site, one needs to apply for a *permis d'urbanisme* [Urban Permit]. This licence has a limited duration and cannot be prolonged. A normal permit is valid for six months, but the maximum duration of licences for

accommodating 'nomadic people' is ten years. In the **Walloon Region**, caravans and mobile habitation are considered leisure infrastructure or second residences. Travellers also need to apply for a *permis d'urbanisme* from the local authorities. The Walloon Region provides subsidies for the installation of encampment sites through its housing department and through its social action department. The **Flemish Region** is the only one to have recognised the caravan as a fully legitimate way of living, and in 2004 the regional housing code was modified to take this into account. The region subsidises 90 per cent of the costs of the installation of a site and some provinces cover the remaining ten per cent.

**Flanders** started developing this policy earlier, consequently it has far more halting sites: 30 towns have encampment sites including a total of about 450 lots, but about half of the families still have to resort to illegal sites. In **Brussels** there are no official halting sites; some sites are tolerated if they remain isolated. In Wallonia, there are extremely few official halting sites that are permanently available to Travellers. Moreover, at the time of writing this report, only one Walloon town has applied for the subsidies made available to equip such sites. The situation is slowly improving as the Region provides financial, technical and expert assistance. The fact that municipalities decide whether or not to equip a site is a determining factor that explains the structural shortage of appropriate sites, as most municipalities are reluctant to offer equipment and sites attracting an impoverished or stigmatised population.

The **quality of encampment sites** varies widely. The official sites in Flanders generally have good access to water, electricity, public transport and sewage systems, but overcrowding is sometimes to the detriment of decent quality. The illegal sites throughout the country are mostly of poor quality and services are not provided. The local authorities' inadequate management of Travellers' issues, for example not collecting their garbage, perpetuates negative stereotypes about this population. With regards to the **Roma** population, they often live in unhealthy houses or apartments. Due to their lack of stable income, they often end up in the worst houses available in the private market: small and overcrowded rooms with poor ventilation, a dysfunctional heating system and obsolete sanitary equipment. This impacts their general health, especially the most vulnerable: the elderly, the sick and disabled, pregnant women and children. This also impacts children's school performance, as in many cases they lack the facilities to study and do their homework.

The only **complaints** for which the Belgian equality body (CEOOR) was contacted were related to cases of imminent evictions from illegal halting sites or, in the case of Roma, from insalubrious houses. **No complaints led to court cases** as they were all resolved through mediation or political debate. Nor were there cases of blatant racism or discrimination towards Roma or Travellers. The CEOOR however is not the only body which helps Travellers and Roma. There are many civil society organisations to defend their rights, mediate whenever problems arise, lobby for their problems to be solved, develop policy tools and assist the authorities in the management of these issues. In some cases, the CEOOR was contacted about negative stereotyping of Roma or Travellers in the media. In such cases, the CEOOR reacted using its right of answer.

Finally, with regard to good practices or major national projects addressing Roma and Travellers' housing conditions, there are few initiatives in place outside the regional policy framework. Two 'interesting' practices were mentioned by several interviewees: a media training for Travellers organised by an NGO in Flanders and an example of good management of a halting site by several municipalities and an NGO in Wallonia.

# 1. Desk research

## 1.1. Legal and policy framework

### 1.1.1. Protection of the right to adequate housing in national legislation

**Protection of tenants against forced eviction.** The law of 30.11.2008 (that entered into force on 01.01.1999) sought to better protect tenants who are forcibly evicted<sup>1</sup> from their main place of residence. Within four days of the start of the judicial procedure, the Public Centre for Social Aid of the municipality of residence has to be informed that an eviction procedure has been lodged with the judicial system. The Public Centre for Social Aid is then responsible for helping the evicted tenants find a new home or find emergency accommodation. If the judge rules that the tenant has to be evicted, the tenant receives an absolute minimum of one month before the implementation of the decision. The exact date of the eviction is officially communicated to the tenant at least five days in advance.<sup>2</sup>

Belgium has ratified a number of international conventions protecting the rights of ethnic and cultural minorities. In its concluding observations of 23.11.2007 on reports submitted by Belgium, the UN Committee on Economic, Social and Cultural Rights, which monitors the International Covenant on Economic, Social and Cultural Rights, underlines that the shortage of social housing and continuing increase in rental rates in the private sector remain an area of concern in spite of the efforts put in by the competent authorities.<sup>3</sup> In its concluding observations of 07.03.2008, the UN Committee on Elimination of Racial Discrimination, which monitors the International Convention on the Elimination of all Forms of Racial Discrimination, was deeply concerned about the practical enjoyment of social, economic and cultural rights of Roma and Travellers<sup>4</sup> in Belgium. The Committee recommended measures to be taken to increase the schooling of Roma children and the employment opportunities of

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<sup>1</sup> In Belgium, forced eviction is only possible after a judicial decision of eviction (ruling by a *vreederechter/juge de paix* [Judge at the Tribunal of first instance]).

<sup>2</sup> [http://www.notaire.be/info/location/420\\_expulsion\\_du\\_locataire\\_defaillant.htm](http://www.notaire.be/info/location/420_expulsion_du_locataire_defaillant.htm) (30.03.2009)

<sup>3</sup> The committee recommends that Belgium 'adopt all appropriate measures at federal, regional and community levels to ensure access to adequate housing for low-income households and other disadvantaged and marginalized individuals and groups, *inter alia* by allocating adequate resources to increase the supply of social housing units for them, by providing them with appropriate forms of financial support, such as rental subsidies, and by ensuring that the rent charged in respect of dwellings is related to their quality.'

<sup>4</sup> For more information on the terminology used, please see paragraph 30.

Roma and Travellers.<sup>5</sup> Article 23 of the Belgian Constitution guarantees the right to decent housing to all.<sup>6</sup>

**Access to private housing.** Rental contracts, including rental contracts for caravans (since 01.01.2003), are regulated by federal laws, which were modified in 2007.<sup>7</sup> The objective of the reform was to better protect tenants, combat discrimination in the private rental sector and prevent raising rents.<sup>8</sup> Landlords are allowed to require a valid ID in order to sign a rental contract. A valid residence permit is sometimes requested but it is not a legal obligation for the signature of the contract. Landlords are not punishable for letting housing units to undocumented migrants. In theory, banks only require a valid ID in order to open a bank account.<sup>9</sup> Finally, showing a valid ID is sufficient to open electricity, water and gas accounts. Access to social housing is granted to third-country nationals registered in the Population Register or the Aliens' Register. However, each region has a different policy on the issue of claims by asylum-seekers and people with temporary residence permits.<sup>10</sup> In Flanders, in addition to classical conditions of income, property and legal residence, a language-related condition to accessing social housing has been introduced. All claimants have to prove either their knowledge of Dutch (level A1) or their willingness to learn Dutch. Certain categories of claimants can also be asked to prove their

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<sup>5</sup> The committee further recommended that Belgium 'provide, in its next periodic report, detailed information on the enjoyment of social, economic and cultural rights of Roma and Travellers as well as on the impact of the measures taken to increase and improve sites on residential land for caravan-dwellers and improve access to health care and other basic facilities.'

<sup>6</sup> Belgium / *Belgische grondwet / Constitution belge* [Constitution of Belgium], available at: [http://www.senate.be/doc/const\\_fr.html](http://www.senate.be/doc/const_fr.html) (17.03.2009)

<sup>7</sup> The new legal provisions are to be found in three laws: article 97 to 103 of the law of 25.04.2007 related to diverse provisions and published on the Belgian Monitor on 8.05.2007; law of 26.04.2007 on letting leases published in the Belgian Monitor on 05.06.2007; and articles 62 to 75 of the Programme law I of 27.12.2006.

<sup>8</sup> The main measures in this respect are the obligation to display the price of the rent on public advertisements for properties to let; the obligation of registering and contracting a written letting lease that includes an audited inventory of the property as well as detailed legal provisions related to the rights of the contracting parties; the reduction of the lease bond from three to two months' rent. No evaluation of the effectiveness of these measures has been conducted yet; the extent to which administrative and judicial controls occur has already been questioned.

<sup>9</sup> In reality, banks apply various internal rules for opening an account. The opening of a joined bank account (owner/tenant) is the only legal way for the landlord to collect the refundable housing deposit. A valid ID is needed.

<sup>10</sup> Asylum seekers are registered in a waiting register, as they are awaiting a decision on whether they will be granted a permanent residence permit. In Flanders, they cannot claim access to a social housing unit. In the Brussels-Capital Region, there is a waiting list in Brussels for individuals or households that are not registered in the Aliens' Register or the population Register but that can prove they are at the stage of regularising their stay. If they gain unlimited stay in Belgium, the time they have waited is capitalised. In Wallonia, there is no centralised system of requests registration in the public housing sector. Asylum seekers can introduce their demand to the public housing estate managing organ, which will decide whether the demand is accepted.

willingness to follow the integration programme designed within the Flemish *inburgering* policy.<sup>11</sup>

**Regional housing codes.**<sup>12</sup> Each regional authority sets the standards to be met by property put on the rental market, in a regional ‘housing code’. The right of each citizen to decent housing is the central idea in the regional housing codes, be it rented or occupied by foreigners or Belgian nationals. All properties put on the rental market have to comply with standards set in the regional code; if the rented property does not meet the regional minimum standards, tenants can lodge a complaint with the regional housing administration.<sup>13</sup> The regional housing codes also stipulate conditions to be met for entitlement to housing benefits and social housing.

**Protection against unscrupulous landlords.** Abusing financially or socially deprived individuals (foreigners or Belgians) to sell or rent them property at an abnormally high price and in conditions which are incompatible with human dignity is a penal infraction in Belgium.<sup>14</sup> Unscrupulous landlords can be charged, prosecuted and sanctioned. The property can be confiscated if the landlord is found guilty of such crime.<sup>15</sup> In most cases where exploitation is suspected, the Prosecutor’s Office begins with closing the house because of insalubrities. All tenants then face immediate eviction. They are often directed

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<sup>11</sup> More information on those legal provisions was provided by the Belgian NFP in its 2007 National Data Collection Report, p. 86 and in its 2008 Complementary Data Collection Report, pp. 20-22. For more information on the ‘inburgering’ policy in Flanders (i.e. integration programmes for foreigners, including language courses, introduction to the host-society values, institutions and culture and occupational training), please see

<http://binnenland.vlaanderen.be/inburgering/integrationprograme.htm> (01.06.2009)

<sup>12</sup> Social housing and housing policies are regional competences. The text of reference in Wallonia is the *Code wallon du logement* [Walloon Housing Code], available at: <http://mrw.wallonie.be/DGATLP/DGATLP/Pages/Log/DwnLd/CodeLogementOfficieu x.pdf> (17.03.2009). In Flanders, the text of reference is called the *Vlaamse Wooncode* [Flemish Housing Code], available at:

[http://www.bouwenenwonen.be/bouwenenwonen-topics-regelgeving-wonen-vlaamse\\_wooncode.html](http://www.bouwenenwonen.be/bouwenenwonen-topics-regelgeving-wonen-vlaamse_wooncode.html) (17.03.2009). In the Brussels Capital-Region, the *Code Bruxellois du logement* [Brussels Housing Code] is composed of two *ordonnances* [bills], available at: <http://www.slrbr.be/slrbr/FR/6/3.htm> (17.03.2009)

<sup>13</sup> Cf. the websites of the regional housing administrations, section ‘housing inspection’ : -+

--[http://www.bruxelles.irisnet.be/fr/region/region\\_de\\_bruelles-capitale/ministere\\_de\\_la\\_region\\_de\\_bruelles\\_capitale/competences\\_et\\_organisation/a\\_management\\_du\\_territoire\\_et\\_logement/direction\\_de\\_l\\_inspection\\_regionale\\_du\\_logement.shtml](http://www.bruxelles.irisnet.be/fr/region/region_de_bruelles-capitale/ministere_de_la_region_de_bruelles_capitale/competences_et_organisation/a_management_du_territoire_et_logement/direction_de_l_inspection_regionale_du_logement.shtml) & <http://www.lin.vlaanderen.be/wegwijsnabbb/rwo/insprwo/index.htm> & <http://mrw.wallonie.be/dgatlp/dgatlp/Pages/Log/Pages/SalLog/SalLog.asp>(17.03.2009)

In the Walloon Region, the appeal against the decision by the local mayor can be made with the regional government. In the Brussels Capital-Region, the appeal has to be lodged with the ombudsman (mediator) appointed by the regional government. In the Flemish Region, the appeal has to be addressed directly to the Flemish Regional Minister of Housing policy.

<sup>14</sup> Federal law of 10.08.2005

<sup>15</sup> Federal law of 09.08.2006



to the Public Services of Social Aid (CPAS/OCMW) or to the Centres of Emergency Social Aid (CASU). If a tenant has lodged a complaint against his/her landlord on the basis of exploitation, he/she is entitled to alternative accommodation provided by the authorities. In practice, that protection is not binding for the state: there is no obligation for the authorities to find accommodation for evicted tenants after closure of an insalubrious house.<sup>16</sup>

**Asylum-seekers and undocumented minors accompanied by their family.** Asylum-seekers who have claimed asylum in Belgium are dispatched by *FEDASIL*<sup>17</sup> over the federal reception centres. Since 01.06.2007, the reception of asylum-seekers can be organised in two phases: 1) asylum-seekers stay in reception centres with a collective regime for the first four months of the procedure 2) depending on their personal characteristics, they can be moved to an individual structure providing private housing units; for instance, the *lokale opvanginitiatieven / initiatives locales d'accueil* [local reception initiatives] organised by the local Public Social Aid Centres (OCMW/CPAS), or by NGOs such as the Red Cross. Undocumented minors are accepted in the federal reception centres, together with their families. Indeed, since the Royal Decree of 24.06.2004, undocumented minors can be granted material aid, i.e. accommodation in one of the federal reception centres for asylum-seekers, under certain conditions. The aid is only granted to 1) minors, 2) living in Belgium, 3) with their parents, 4) residing illegally on Belgian territory, 5) whose needs have been investigated by a Public Centre for Social Aid, 6) whose parents cannot look after their children because of the family's material situation.<sup>18</sup> Parents are accommodated in the reception centres alongside their

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<sup>16</sup> Evicted tenants are in contact with the police at the time of their eviction. If the evicted individuals do not possess a valid residence permit at the moment of their eviction, the police arrest them, and either release them with a removal order (an Order to Leave the Territory) or transfer them to an administrative detention centre for undocumented migrants to await their removal. With regard to individuals in possession of valid residence permits, the police orient these people to the competent social services: the Public Services of Social Aid (CPAS/OCMW), the Centres of Emergency Social Aid (CASU), or, in Flanders, the CAWs (*Centrum voor algemeen Welzijn* – [Centre for General Welfare]), which then have to find emergency solutions for the evicted families or individuals and have to help them find new accommodation. Beds in shelters are not always available, transit houses for families that lost their homes are not always available, which means that very often temporary solutions have to be found before people either find a new home in the private rental market, or have access to social housing (the latter option is less probable since there are waiting lists of several years in all three Regions). If the eviction takes place in the framework of insalubrious habitat conditions brought forward by a complaint of exploited tenants, the evicted plaintiff should also be taken care of by the competent social services. However, the problems faced by the plaintiffs are exactly the same as in any other case: lack of transit houses or adequate facilities to shelter the evicted victims. The lodging of a complaint does not provide extra guarantee that alternative accommodation will be found quickly.

<sup>17</sup> FEDASIL is the Federal Agency for the Reception of Asylum Seekers.

<sup>18</sup> In the absence of any data on the ethnic origin of the undocumented migrants benefiting of the exceptional material aid, it is impossible to differentiate between nationals of a given country and ethnic Roma having the nationality of that same given country. This does not exclude the possibility that ethnic Roma have benefited from the material aid granted to undocumented families with children (and they most certainly

child if their presence is necessary for his/her development. At the end of 2006, 6.4 per cent (828 residents) of the beds in federal reception centres for asylum-seekers were taken up by undocumented families. Since 2007, open centres run by the Belgian Red Cross have also welcomed undocumented children with their families.<sup>19</sup>

**Federal legal provisions – Rules regulating Travellers’ encampment.** The obligation for Travellers to carry a ‘*carte de nomade*’ [Nomad Card] – introduced in 1933 and revived under the German occupation in 1941 – was abrogated in 1975. Since then, anyone who resides in a municipality for at least six months a year and can prove this,<sup>20</sup> can have their legal domicile in that municipality. The municipality cannot refuse domiciliation (e.g. for security reasons or because the house is unfit for habitation) but can proceed to provisional domiciliation (for maximum three years).<sup>21</sup> If a person cannot prove that he/she lives there for six months/year or if he/she lives there for less than six months/year, the person can claim to have a domicile of reference in any municipality. In Belgium, the Law of 19.07.1991 on the domicile of reference allows the attribution of a post box address to anyone who is homeless or without a ‘fixed house’, i.e. in the sense of the law, those who live in houses that are not attached to the soil (caravans/trailers) and boats are included.<sup>22</sup> This facilitates administrative procedures to (re-)gain social rights. In practice, there are three possibilities: the reference address is that of a real person; the reference address is that of an organisation<sup>23</sup> that has had legal personality for at least five years; or the reference address can be that of the Public Centre of Social Aid where the person usually resides (in this case, a claim for state benefits is automatically made). One of the conditions for entitlement to state benefits and financial support from the Public Centres for Social Aid<sup>24</sup> is to

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have done so since Roma families have been known to have been accommodated in those federal reception centres); but it is impossible to put a figure on the phenomenon.

<sup>19</sup> Several interviewees (*Foyer & the Vlaams Minderheden Centrum* [Flemish Minorities Centre]) highlighted a frequent issue with Romanian Roma: they tend not to stay in collective reception centres or emergency accommodation but prefer to stay with relatives or with other Roma (cf. section 1.2. and 1.3.).

<sup>20</sup> Through electricity bills, children’s schools, phone bills, occupational activities, etc.

<sup>21</sup> Reference of the executive decrees, for more detailed information: Royal Decree of 6.07.1992, Circular Letter of 07.10.1992.

<sup>22</sup> *Belgium / Wet van 19 juli 1991 betreffende de bevolkingsregisters, de identiteitskaarten, de vreemdelingenkaarten en de verblijfsdocumenten, Belgisch Staatsblad van 3 september 1991 / Loi du 19 juillet 1991 relative aux registres de la population, aux cartes d’identité, aux cartes d’étrangers et aux cartes de séjour, Moniteur Belge du 3 septembre 1991, (19.07.1991), [Law of 19.07.1991 about registers, identity cards, the foreigners’ card and the stay documents], available at: [http://www.juridat.be/cgi\\_loi/loi\\_F.pl?cn=1991071931](http://www.juridat.be/cgi_loi/loi_F.pl?cn=1991071931) (17.03.2009)*

<sup>23</sup> The Circular Letter regulating this matter was issued by the Federal Minister of Home Affairs in May 2006 and entered into force on 7.01.2006. Travellers who do not have a fixed address can use that of an organisation which is statutorily involved with the defence of the rights of this population group. Full text available at: <http://www.ejustice.just.fgov.be/cgi/api2.pl?lg=nl&pd=2006-07-06&numac=2006000367> (17.03.2009)

<sup>24</sup> One such Public Centre is established in each municipality in Belgium.

have one's main and usual place of residence in Belgium. One has to go to the Public Centre for Social Aid of the municipality where one usually resides, regardless of one's legal domicile.<sup>25</sup> That is why the system of reference addresses enables individuals to avoid many conflicts of competence (the difference between *de facto* residence and legal residence becomes of no importance).

**Brussels Capital-Region. Rules regulating Travellers' encampment.** There are no specific rules to regulate Travellers' encampment; only general urban regulations and administrative directives are applicable. In accordance with the *Ordonnance du 29.08.1991 de la Région de Bruxelles-Capitale / Ordonnantie van 29.08.1991 van het Brussels Gewest* [Decree of 29.08.1991 of the Brussels Capital-Region], a *permis d'urbanisme*, i.e. a written licence from the municipal executive (of the same type as for construction works) must be applied for in order to put one or more caravans on a plot of land; that licence is of limited duration and cannot be prolonged.<sup>26</sup> In accordance with the *Décision du gouvernement de la Région de Bruxelles-Capitale / Besluit van de Brussels Hoofdstedelijke Executieve van 26.11.1992 betreffende de stedenbouwkundige vergunningen van beperkte duur* [Decision of the executive of the Brussels Capital-Region of 26.11.1992] stipulates that six months is the maximum duration of licences for using a piece of land as a parking lot for caravans, cars, etc. The maximum duration of licences for accommodating 'nomadic people' is ten years. This constitutes the only piece of Brussels regional legislation in which Travellers are mentioned.<sup>27</sup> In Brussels regional housing code, no mention is made of itinerant modes of housing. Interviewees remark that building licences are often refused by municipal authorities or granted only once but expire after six months. Therefore, the majority of dwelling and halting sites Travellers use are illegal. Municipal authorities could proceed to eviction at any time.<sup>28</sup> In the Brussels Capital-Region, there is no effective

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<sup>25</sup> An interesting court decision is mentioned on the website of the Mediation Center for Travellers: the decision of the Labour Court of Liège of 03.03.1998 (N°97/5703), available at: [http://www.cmgv.be/pages-html/aide\\_du\\_CPAS\\_habitat\\_mobile.html](http://www.cmgv.be/pages-html/aide_du_CPAS_habitat_mobile.html) (16.03.2009)

Although a Traveller was frequently absent from his domicile (a caravan), the Court ordered that the municipality could *not* suspend the payment of state benefits on the ground that the person was no longer living on the territory of the municipality. The municipality should continue the payments until the competence conflict (deciding which Public Centre for Public Aid was competent) was settled by the federal authorities.

<sup>26</sup> This means that the land must be returned to its pristine state before another licence is applied for.

<sup>27</sup> Regional Integration Center FOYER Brussels (2006) *Nota situatie woonwagenterreinen in het Brussels Hoofdstedelijk Gewest* [Travelling people in Brussels], available at: [http://www.foyer.be/IMG/pdf/Website\\_Link\\_Nota\\_Situatie\\_WWT\\_in\\_het\\_BHG\\_0612-3.pdf](http://www.foyer.be/IMG/pdf/Website_Link_Nota_Situatie_WWT_in_het_BHG_0612-3.pdf) (19.03.2009)

<sup>28</sup> For instance, eviction can be ordered when the mayor receives complaints from the neighbourhood or prior to local elections. Encampment sites and their inhabitants are financially not interesting for municipal authorities. Sometimes other rules are used to

regional policy with respect to equipment of regulated encampment sites on the region's territory. However, a non-binding resolution was passed on 20.02.2004 in relation to halting sites for Travellers; indicated that four such sites would be set up.<sup>29</sup> The resolution is not legally binding. At the time of writing this report, no concrete results could be reported.<sup>30</sup> In addition, there is no co-ordinating instance at the level of the region or of the municipal authorities for better collaboration of all involved public authorities.<sup>31</sup> No mention is made of land that would be allocated to encampment sites in the regional development plan and in the regional land allocation plan. The Brussels regional authorities exert the *compétence de tutelle* [supervision] on decisions by municipal authorities to set up encampment sites.

**Walloon Region. Rules regulating Travellers' encampment.** In the Walloon Housing Code, a dwelling unit is defined in the code as 'a building or part of a building structurally attributed to dwelling of one or more households.'<sup>32</sup> All standards and definitions described in the housing code apply to sedentary houses or flats. Caravans and mobile habitation are considered by the public authorities as leisure infrastructure or second residences. If the caravan is to stay in the same place for a long period of time, a *permis d'urbanisme* [licence of the same type as for construction works] must be applied for.<sup>33</sup> The municipal authority can refuse or grant the licence. According to regional regulations, caravans can only be authorised in a limited number of areas: community and public zones (if the claimant is a public service or a non-profit organisation), residential areas, rural residential areas, leisure zones and economic zones whose primary objective can no longer be pursued.<sup>34</sup> In addition, each

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justify eviction, such as in the case of a site in Flemish Brabant, closed by the municipal authorities on the basis of environment-related directives.

<sup>29</sup> Belgium / *Conseil de la Région de Bruxelles-Capitale* [Council of the Brussels-Capital Region], *Résolution du 20 février 2004 relative à la création de plusieurs terrains destinés aux gens du voyage* [Resolution of 20.02.2004 pertinent to the creation of several sites for Travellers] – session ordinaire 2003-2004, available at: <http://www.weblex.irisnet.be/data/crb%5CDoc%5C2003-04%5C107073%5Cimages.pdf> (19.03.2009)

<sup>30</sup> No sign of any effect of the resolution on the number of equipped public halting sites available on the territory of the Brussels-Capital Region was found in the reviewed literature or in the information provided by the 11 interviewees.

<sup>31</sup> Regional level and municipal level; and the different policy fields: social aid, housing policies, urban policies, regional development plans, equal opportunities and social cohesion

<sup>32</sup> Mediation Centre for Travellers (2003) *La mobilité un mode de vie. Guide juridique* [Mobility as a way of life. Legal guide], available at: [http://www.cmgv.be/pages-html/guide\\_juridique.html](http://www.cmgv.be/pages-html/guide_juridique.html) (17.03.2009)

<sup>33</sup> The exact wording of article 84, § 1<sup>er</sup>, 13° of the *Code wallon de l'aménagement du territoire, de l'urbanisme et du patrimoine* [the Walloon code for planning landscape, urban areas and heritage] is the following: 'None may, without prior written and specific licence from the municipal executive, usually/generally use a plot of land to a) leave one or more used vehicles, materials, metals or rubbish; b) to put one or more mobile installations such as caravans, disaffected vehicles and tents, with the exception of mobile dwellings authorised by a licence for camping-caravanning.'

<sup>34</sup> According to the Mediation Centre for Travellers, the local authorities often refuse licences under the pretext that the dwelling unit does not meet the standards required for

municipality takes its own set of administrative rules when it comes to parking on a public road, security regulations or regulations to maintain public order and cleanliness. With respect to regional policies promoting the equipment of sites<sup>35</sup> for Travellers, two types of subsidies from the regional authorities are available. The housing department of the Walloon public service allocates subsidies to provinces, municipal authorities or Public Centres for Social Aid. These subsidies can be used to finance up to 100 per cent of the costs of equipment (roads, gutters, public lighting and water distribution) and their installation.<sup>36</sup> The department of social action of the Walloon public service allocates subsidies to provinces, municipal authorities, federations of municipalities and subordinated powers to acquire and prepare sites for Travellers (up to 60 per cent of the costs for acquisition and equipment of sites located next to public transport giving access to schools, shops and other social contacts).<sup>37</sup> Both types of subsidies can be requested jointly and cumulatively.<sup>38</sup> The housing department of the Walloon public service is responsible for providing technical information on land regulations, norms and subsidies. According to the department, not one single site has been equipped for Travellers with the help of the available regional subsidies.<sup>39</sup> The policy in the Walloon Region is based on voluntary adhesion by local authorities as there are no constraints or binding directives.<sup>40</sup> A transversal inter-cabinet working group on the issue of

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built habitations in the given zone, or that the dwelling unit cannot be incorporated in the landscape or the local architecture, etc.

<sup>35</sup> Public land (belonging to a public authority) or private land (a covenant has then to be signed with the owner).

<sup>36</sup> *Arrêté du Gouvernement wallon du 24.11.2005 relatif à l'octroi par la Région d'une aide aux personnes morales en vue d'équipement d'ensembles de logements* [Executive decree of 24.11.2005 pertaining to the issuance by the Region of aid in the perspective of equipment of housing sites] / *Article 44 du code Wallon du Logement* [Article 44 of the Walloon housing code], available at:

[http://cohesionsociale.wallonie.be/spip/IMG/pdf/\\_Am\\_35Inagement\\_terrain\\_d\\_accueil\\_-\\_Ag44\\_\\_MB\\_29.12.2005\\_.pdf](http://cohesionsociale.wallonie.be/spip/IMG/pdf/_Am_35Inagement_terrain_d_accueil_-_Ag44__MB_29.12.2005_.pdf) (19.03.2009)

<sup>37</sup> *Arrêté de l'exécutif de la Communauté française du 01.07.1982 fixant les conditions auxquelles des subsides peuvent être octroyés aux provinces, aux communes, agglomérations, fédérations et associations de communes et aux pouvoirs subordonnés, en vue de l'acquisition, de l'aménagement et de l'extension de campement en faveur de nomades* [French Community executive's decree of 01.07.1982 on the conditions under which subsidies can be allocated in provinces, communities, agglomerations in view of acquisition of, furnishing and extending camps in favour of Travellers] (Moniteur Belge 10.09.1982), available at:

[http://cohesionsociale.wallonie.be/spip/IMG/pdf/Annexe\\_3\\_nouvelle-2.pdf](http://cohesionsociale.wallonie.be/spip/IMG/pdf/Annexe_3_nouvelle-2.pdf) (19.03.2009)

<sup>38</sup> Some expenses not eligible with the department of housing can be covered by the department of social action.

<sup>39</sup> The budget, the support and the information are available, but there is no demand from the local authorities. The department of housing is brought into contact with municipalities or provinces that would have the intention to set up a site for Travellers (sometimes via the Walloon Mediation Centre for Travellers).

<sup>40</sup> The objective is to support and promote pilot projects or initiatives so that municipal authorities would gradually copy what has been done by pioneering municipalities. For an extended account of how the Region seeks to motivate local authorities to take

Travellers, presided by the Walloon Minister of Social Action and Equal Opportunities, was set up in September 2007.<sup>41</sup> The first objective of the working group is to convince municipalities to create official sites for Travellers.<sup>42</sup> In March 2009, the Walloon Minister of Housing and the Walloon Minister of Health, Social Action and Equal Opportunities issued a joint letter to all municipal executives in Wallonia (to mayors and aldermen). This letter calls on all municipal executives to better manage the situation of Travellers who will stay on or apply for a site on their municipal territory. The ministers advise all municipalities to develop a transient halting site such as a grassland, a sports ground or a parking lot from March to October 2009. The provisional site should have the capacity for a maximum of 35 caravans, for two or three weeks. The ministers also recommend designating a person in charge of these issues within each municipal administration. These recommendations are based on the results of a survey<sup>43</sup> by the Walloon Mediation Centre for Travellers (CMGVW).<sup>44</sup> In 2008, the Region also called the local authorities to consider including encampment sites projects in the framework of their bi-annual housing plans.<sup>45</sup> According to the housing department of the Walloon public service, only one municipality (out of 262) applied for subsidies in this framework to equip a site for Travellers. In the absence of official residential or halting sites for Travellers, an *ad hoc* dialogue approach prevails: each case of arrival and stay of a group of Travellers has to be negotiated and organised over again with each actor (families, municipality and – if needed – the Mediation Centre for Travellers). According to the Mediation Centre, only a dozen of the

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initiatives (information, expertise, training and subsidies), please consult: [http://cohesion sociale.wallonie.be/spip/rubrique.php?id\\_rubrique=5](http://cohesion sociale.wallonie.be/spip/rubrique.php?id_rubrique=5) (19.03.2009)

<sup>41</sup> Since the issue is transversal to ministerial competences (urban policies, poverty, local authorities, etc.), the Region opted for an inter-departmental approach. The transversal working-group encompasses representatives of the nine Walloon ministers (all the regional ministers). The department of social action of the Walloon public service provides the secretariat of the working group.

<sup>42</sup> At a later stage, all available or created sites will be mapped.

<sup>43</sup> cf. infra, qualitative information

<sup>44</sup> The Walloon Mediation Centre for Travellers was created in 2001 to mediate between local authorities, public services and groups of Travellers. It is in charge of the evaluation of the Walloon policies with regard to Travellers. The ministers' letter was accompanied by an informative leaflet co-edited by the Mediation Centre and the *Direction Interdépartementale de la Cohésion sociale du Service Public de Wallonie* (DICS) [Inter-departmental Directorate of Social Cohesion of the Walloon Public Service]. The leaflet - CMGW/DICS (2009) *Guide pratique pour la gestion du séjour temporaire des gens du voyage en Wallonie* [A practical guide for managing the temporary stay of Travellers in Wallonia] - contains a guide of good practices established by the Mediation Centre, useful addresses, ministers' recommendations, pieces of relevant legislation, examples of municipal regulations and letters to neighbours, as well as an extract of the Committee's final observations for the elimination of racial discrimination.

<sup>45</sup> The municipal housing plans are submitted to the Region in the form of a call for projects.

262 municipalities have taken real policy measures in order to manage and organise the Travellers' stay on their territory.<sup>46</sup>

**Flemish Region. Rules regulating Travellers' encampment.** On 11.05.2001, the Flemish government recognised caravans as a fully legitimate way of living that had to be incorporated into in the Flemish Housing Code. On 19.03.2004, the Flemish Housing Code was effectively modified.<sup>47</sup> As in other regions, the Flemish policy is based on promotion of voluntary initiatives by municipalities. Whereas Flemish authorities stimulate the creation or renovation of sites by providing regional subsidies, guidelines and information, the initial decision of setting up halting sites is the municipalities' task. Flemish provinces have the task of co-ordinating the municipalities' policies and initiating joint projects with several municipalities. Since provinces have to approve all municipal land allocation plans, they can pressure local authorities to establish halting sites.<sup>48</sup> Some provinces provide additional subsidies to stimulate municipalities. The Flemish regional land allocation plan of 12.12.2003 stipulates that halting sites should preferably be established in urban residential areas. They should be equipped to allow temporary residence for families. Halting sites are not recreation or tourist facilities; they are an integral part of the residential land allocation of a given urban area. These elements should be taken into account when elaborating provincial and municipal land allocation plans. At the time of writing this report, about 30 Flemish municipalities had residential halting sites and five had transient halting sites. In addition to these housing and urban policies, Travellers are one of the target groups of the Flemish regional policy towards ethnic and cultural minorities.<sup>49</sup> In the 1998 Flemish decree on ethno-cultural minorities, Travellers are designated as a minority to be protected.<sup>50</sup>

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<sup>46</sup> Other regional policy measures could have been included in this paragraph. For instance, in accordance with article 21 of the Decree of 27.06.1996 of the Walloon Region, all households or communities occupying buildings situated on a municipal territory have the right to (paid) removal and treatment of household waste by municipal authorities. Travellers are entitled to the housing benefits such as the *Allocation de déménagement, d'installation et de loyer* [Allocation for moving, settling in and paying rents] – which is a financial support for help homeless people or people living in houses no longer suitable for habitation move to decent housing. There are measures to help people living in caravans out of economic deprivation to move back to normal housing. Additional examples can be found in: the Walloon Travellers Mediation Centre's (2003) *La mobilité un mode de vie. Guide juridique*. [Mobility as a way of life. Legal guide], available at: [http://www.cmgv.be/pages-html/guide\\_juridique.html](http://www.cmgv.be/pages-html/guide_juridique.html) (17.03.2009)

<sup>47</sup> *Decreet tot wijziging van het decreet van 15 juli 1997 houdende de Vlaamse Wooncode en van het decreet van 4 februari 1997 houdende de kwaliteits- en veiligheidsnormen voor kamers en studentenkamers* BS 13.07.2004, pg 55070, available at: <http://www.vmc.be/thema.aspx?id=597> (19.03.2009)

<sup>48</sup> The province of Limburg has had an active policy of pressuring municipalities to implement land allocation plans.

<sup>49</sup> Vlaams Minderheden Centrum [Flemish Minorities' Centre] (2006) *Standplaatsenbeleid*, available at: <http://www.vmc.be/thema.aspx?id=593> (19.03.2009)

<sup>50</sup> Belgium/ Vlaamse Gemeenschap / *Decreet inzake het Vlaamse beleid ten aanzien van etnisch-culturele minderheden* [Decree on the Flemish policy towards ethno-cultural minorities] [ (28.04.2008) available at: [http://www.binnenland.vlaanderen.be/minderheden/\\_documentatie/minderhedendecreet\\_280498.pdf](http://www.binnenland.vlaanderen.be/minderheden/_documentatie/minderhedendecreet_280498.pdf) (19.03.2009)

The objective concerning this group is to set up enough sustainable halting sites for them. In 1998, the Flemish Government created the *Vlaamse Woonwagencommissie* [Flemish Trailer Commission], which assisted the Flemish authorities in the creation of guidelines on the location, costs, management and design of halting sites. The Commission also advises the housing minister. According to a regional integration centre's report, it is supposed to have at least two meetings a year, but in 2006 it did not hold a meeting at all.<sup>51</sup> Although civil society actors generally assess the achievements of the Flemish authorities as satisfactory, the present number of official halting sites is far from the targets announced. In addition, conflicts with neighbours and negative stereotypes have not disappeared.<sup>52</sup>

### 1.1.2. Specific protection in national legislation

There is no specific protection in national legislation for Roma women, children, the elderly and the disabled. However, the anti-discrimination and anti-racism legislation protects all residents on Belgian territory from hatred, violence or discrimination against them because of their national or ethnic origin, their age, disability, gender, etc.

**Anti-racism and anti-discrimination legislation.** The federal anti-discrimination legislation applies to the private housing market insofar as the goods or services put on the market are publicly available.<sup>53</sup> The anti-discrimination law of 10.05.2007<sup>54</sup> prohibits direct and indirect discrimination in access to publicly available goods and services on the ground of religious or philosophical conviction, sexual orientation, civil status, birth, wealth, age, actual or future state of health, disability, a physical or genetic characteristic,

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<sup>51</sup> Regionaal Integratie Centrum ODICE Oost-Vlaanderen, (2006) *Nota woonwagenbeleid: analyse en aanbevelingen* [Note on mobile home policy: Analysis and recommendations], available at: [http://www.vmc.be/uploadedFiles/VMC/Thema/Woonwagenterreinen/Nota\\_woonwagenbeleid\\_2006.pdf](http://www.vmc.be/uploadedFiles/VMC/Thema/Woonwagenterreinen/Nota_woonwagenbeleid_2006.pdf) (17.03.2009)

<sup>52</sup> As mentioned by the non-profit organisation *VROEM* vzw, municipalities tend to believe they have to be very strict with Travellers when they are allowed on halting sites. Very often municipalities apply much stricter rules to Travellers than to their other residents. Also, public communication by local authorities on initiatives taken for Travellers is very rare. However, facilitating factors have been identified in Flanders: lobby by Travellers and direct contact with municipal authorities; prevention of problems (rather than *ad hoc a posteriori* solutions); visibility, collaboration with self-organisations and specialised NGOs.

<sup>53</sup> E.g. a property to let advertised on the internet or on a poster placed in a shop window is publicly available.

<sup>54</sup> Belgium/ *Loi du 10 mai 2007 tendant à lutter contre certaines formes de discrimination, Moniteur Belge du 30.05.2007 / Wet van 10 mei 2007 ter bestrijding van bepaalde vormen van discriminatie, Belgisch Staatsblad van 30.05.2007* [Law of 10.05.2007 combating certain forms of discrimination], available at: [http://www.diversite.be/index.php?action=wetgeving\\_detail&id=15&select\\_page=12](http://www.diversite.be/index.php?action=wetgeving_detail&id=15&select_page=12) (02.03.2009)



political conviction, language and social origin.<sup>55</sup> The discrimination ground ‘gender’ is the object of a specific law. The law prohibiting discrimination between men and women of 07.05.1999 was replaced by the gender law of 10.05.2007, which transposes Council Directive 2004/113. In addition, regional and community decrees have recently been passed by the Parliaments of the Communities and the Regions to transpose Council directives 2000/43/EC and 2000/78/EC into regional and community legislation, which means that anti-discrimination provisions apply in their specific fields of competence (regional housing policies, social housing policies and access to publicly available goods and services).<sup>56</sup> The anti-racism law of 30.07.1981<sup>57</sup> prohibits incitement to hatred, racism or xenophobia.

### 1.1.3. Legislative or administrative decisions regarding ‘ethnic’ data collection

**Statistics on housing and housing conditions.** The federal law for the protection of privacy and personal data prohibits the collection of ethnic data for any purposes other than specific targeted scientific research.<sup>58</sup> This implies that no statistical information on Roma is available at all: neither on their housing conditions, nor on the situation of Roma children, Roma women, the elderly Roma or Roma disabled people with regard to housing. The latest national statistical monograph on housing and housing conditions in Belgium was published in 2007. Drawing on data from the latest socio-economic survey

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<sup>55</sup> For a detailed account of legislative provisions and application fields, please refer to the Belgian NFP’s 2007 Data Collection Report, pp. 11-17, available at: [\(http://www.diversite.be/index.php?action=onderdeel&onderdeel=82&titel=Europ%C3%A9enne#L’Agence%20des%20Droits%20Fondamentaux%20de%20l’Union%20Européenne%20\(FRA\)\)](http://www.diversite.be/index.php?action=onderdeel&onderdeel=82&titel=Europ%C3%A9enne#L’Agence%20des%20Droits%20Fondamentaux%20de%20l’Union%20Européenne%20(FRA)) (02.03.2009)

<sup>56</sup> The relevant decrees for housing are

1) the Flemish anti-discrimination decree of 10.07.2008, available at: [\(http://www.diversite.be/index.php?action=wetgeving\\_detail&id=62&select\\_page=12\)](http://www.diversite.be/index.php?action=wetgeving_detail&id=62&select_page=12) (02.03.2009)

2) the anti-discrimination decree of the French Community of 12.12.2008, available at: [\(http://www.diversite.be/index.php?action=wetgeving\\_detail&id=64&select\\_page=12\)](http://www.diversite.be/index.php?action=wetgeving_detail&id=64&select_page=12) (02.03.2009).

The protection offered by these decrees to victims of discrimination is almost exactly similar to the protection enjoyed under the federal law.

3) In the Walloon Region and the Brussels Capital-Region, decree bills have been drafted by the competent regional ministers and are currently being discussed and amended by the Regional Parliaments.

<sup>57</sup> Belgium / *Wet van de 30 juli 1981 tot bestraffing van bepaalde door racisme en xenofobie ingegeven daden zoals gewijzigd door de wet van 10 mei 2007 / Loi du 30 juillet 1981 tendant à réprimer certains actes inspirés par le racisme et la xénophobie modifiée par la loi du 10 mai 2007* [Law of 30.07.1981 repressing acts inspired by racism and xenophobia as modified by the Law of 10.05.2007], available at: [\(http://www.diversite.be/index.php?action=wetgeving\\_detail&id=29&select\\_page=12\)](http://www.diversite.be/index.php?action=wetgeving_detail&id=29&select_page=12) (02.03.2009)

<sup>58</sup> Cf. <http://www.privacycommission.be/fr/legislation/national/index.html> (02.06.2009)

(2001), the publication<sup>59</sup> provides an in-depth analysis of housing indicators in Belgium. The data demonstrate that housing conditions of foreigners and people of foreign origin are on average poorer than those of Belgians. Foreigners and citizens of foreign origin tend to dwell in lesser quality housing: older buildings with less comfort, sometimes in a poor state of repair and a smaller total area. This study also assesses that the private housing market has been neglected by public policies, which have centred on property acquisition, encouraging buyers with a range of fiscal measures reducing taxes for mortgage payers.

#### 1.1.4. General public policy on housing

**General public policies.** With respect to the integration of Roma and Travellers into the Belgian labour market, the competent regional authorities have no specific measures.<sup>60</sup> Roma and Travellers are only targeted insofar as they are low-skilled, allophone migrants, etc. Specific measures can only be found when looking at civil society projects subsidised by the authorities in the framework of broader programmes (e.g. integration and social inclusion). Through various programmes at federal, regional or community level, civil society organisations are funded for either temporary projects (e.g. Roma self-organisations) or more structural action promoting social inclusion of Roma and Travellers: e.g. the

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<sup>59</sup> D. Vanneste, I. Thomas, L. Goosens (2007) *Le logement en Belgique* [Housing in Belgium], Bruxelles: Direction Générale Statistique et Informations économiques, available at: [http://statbel.fgov.be/studies/home\\_fr.asp#4](http://statbel.fgov.be/studies/home_fr.asp#4) (17.03.2009)

D. Vanneste, I. Thomas, L. Goosens (2007) *Woning en Woonomgeving in België* [Housing and obtaining housing in Belgium], Brussel: Algemene Directie Statistiek en Economische Informatie, available at: [http://statbel.fgov.be/studies/home\\_nl.asp#4](http://statbel.fgov.be/studies/home_nl.asp#4) (17.03.2009)

<sup>60</sup> As mentioned before, housing is a competence of the Regions in Belgium. Other issues are regional competences (management of the employment market and accompanying job seekers in their search for employment for instance, as referred to above) or competences of the Communities (promotion of ethno-cultural minorities for instance). The three Regions are: Flanders (regional authorities have merged with Community authorities in Flanders: whereas the distinction Region/community still exists with regard to the legislative power of both institutions (Region vs. Community), the executive power is in the hands of one government and one administration: the Flemish authorities), the Brussels Capital-Region, the Walloon Region. The three communities are: the Dutch-community, the French-speaking community, the Dutch-speaking community (very limited in number). Competences have evolved differently in the different regions and communities: for instance, the integration of foreigners is a competence of the central Flemish government in Flanders, while it is a competence of the Walloon regional government in Wallonia, and a shared competence of the two Community governments in Brussels (Cocof and VGC). The federal government and administration has kept a number of competences in issues which have been mainly regionalized such as employment: the legislation on salaried employment contracts or on self-employment is a federal legislation, its implementation and the monitoring of its implementation are performed by the federal government. In housing related issues, the federal government keeps its competence over the legislation on rental housing contracts. That legislation could be regionalised in the future as it is part of the institutional negotiations between Dutch-speaking and French-speaking political parties, the main force behind the institutional evolutions in Belgium.

Regional Integration Centre *FOYER* Brussels, Flemish Minorities Centre (VMC), Mediation Centre for Travellers (CMGVW);

#### 1.1.5. Positive actions

N/A

#### 1.1.6. Housing components of gender equality legislation and policy

Cf. anti-discrimination legislation

#### 1.1.7. Housing components of disability legislation and policy

Cf. anti-discrimination legislation

#### 1.1.8. The impact of legislation and especially of the Race Equality Directive on the housing situation of Roma and Travellers

No data available

#### 1.1.9. The impact of general public policies on the housing situation of Roma and Travellers

**Legal residence of EU nationals from the new European Union Member States (EU MS).** A distinction should be made between Roma who arrived in Belgium before their country of origin's accession to the EU (either 2004 or 2007) and those who arrived after it. Roma who arrived in Belgium between 1990 and 2003 often claimed asylum. The overall majority of these asylum claims were dismissed.<sup>61</sup> As a result, many Roma, including those who had not claimed asylum, tried to get their situation regularised on the basis of humanitarian (or medical) grounds.<sup>62</sup> Only a small group of them were granted

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<sup>61</sup> Even Roma who could prove to a certain extent that they had been victims of discrimination or racial harassment, could not be granted refugee status in the terms of the Geneva Convention. In addition, interviews were done in the language of the asylum seekers with the help of interpreters, who often came from the very same country where Roma had been discriminated against and hated for centuries.

<sup>62</sup> Article 9 of the Alien Law of 15.12.1980.

residence permits. In addition, a limited number of Roma were regularised during the regularisation campaign of 2000. However, the majority of Roma residing in Belgium had to continue living informally. In 2004 (and in 2007 for Bulgaria and Romania), visa requirements were abandoned for new MS nationals. Since then, self-employed citizens of new MS in possession of a valid EU ID are eligible for long-term residence permits after registering with the local authorities.<sup>63</sup>

**Residence status depending on country of origin.** Gaining legal residence in Belgium seems to be a determining factor in improving one's situation and living conditions. Roma from certain countries tend to have had more opportunities to gain that legal status than others, which in turn indicates the respective social and economic situation of the whole group.<sup>64</sup> Until 2007, Romanian Roma residing in Belgium were mainly refused asylum-seekers, people who had started a regularisation procedure or who were refused regularisation on humanitarian grounds and undocumented migrants.<sup>65</sup> A small number of Romanian Roma received permanent residence permits in the 2000 regularisation campaign (regularisation on the basis of duration of stay). The accession of Romania to the EU does not seem to have brought changes in the migration fluxes of Roma, except for somewhat increased mobility.<sup>66</sup> Romanian Roma are mainly concentrated in Brussels. Many Roma from ex-Yugoslavia received temporary legal status thanks to a clause of non-refoulement.<sup>67</sup> When the clause was cancelled, many claimed asylum; the majority were refused but a number of them received refugee status. Roma from Kosovo who claimed asylum tended to have a higher probability than any other of being granted refugee status. The largest communities of Roma from ex-Yugoslavia and Kosovo are in Antwerp and in Brussels. The first wave of Roma migrants from Macedonia arrived in Belgium in the 1960s and is well integrated by now.<sup>68</sup> Many of those who came with the second migration wave triggered by the war in the 1990s have been granted refugee status. Very few Roma from Bulgaria were legally residing in Belgium until recently.<sup>69</sup> Concentrated in Brussels,<sup>70</sup> and (to a lesser extent) in Ghent, they are known as a very mobile community.

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<sup>63</sup> Roma are often unfamiliar with these procedures of registration.

<sup>64</sup> This paragraph is based on information from the research conducted by *RIC Foyer* in 2004. Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel* [The Roma in Brussels]

<sup>65</sup> Among undocumented Roma, even today many travel across the EU and do not stay in Belgium.

<sup>66</sup> Cf. Response of the Belgian NFP to a FRA query about the influx of Roma from new EU member states. The same conclusion was also true for Roma from other countries: influxes started in the 90s; the accession to the EU of the ten new member states only contributed to increased mobility.

<sup>67</sup> Until 1995 for Bosnia and Croatia.

<sup>68</sup> Most of them received an international protection status (refugee); many have acquired Belgian nationality. Cf. Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel* [The Roma in Brussels]

<sup>69</sup> Those who were legal residents had been through a regularisation procedure.

<sup>70</sup> Some of them have links with Bulgarian-run prostitution networks in Brussels.

The largest community of Slovak Roma is found in Ghent. They mostly came to Belgium in the late 1990s as asylum-seekers and were refused asylum.<sup>71</sup>

**Access to the Belgian labour market of EU nationals from the new EU MS.**

In Belgium, the principle of free circulation of services was implemented for new EU MS in 2004.<sup>72</sup> This means that any EU national can start a self-employed activity without any additional permit.<sup>73</sup> Restrictions have been applied to the free circulation of workers: EU nationals from Poland, Hungary, Estonia, Latvia, Lithuania, the Czech Republic, Slovakia, Slovenia, Bulgaria and Romania<sup>74</sup> have to apply for a work permit B (valid for one employer, one type of work for a limited period) in order to gain access to the Belgian labour market. However, there is a rapid procedure for EU nationals who are going to be employed in bottle-neck occupations;<sup>75</sup> the work permit can even be issued while they are already on Belgian territory. In addition, many new member state nationals are employed in Belgium as detached workers. Since 2006, asylum-seekers who are awaiting the results of the examination of their asylum claim/appeal are no longer granted a work permit and are not allowed to work. This highly limited access to the labour market has had a significant impact on the income opportunities for Roma and thus on their housing situation.<sup>76</sup>

**Access of Roma to social housing.** The Flemish Housing Code stipulates that social housing tenants have to be able to speak Dutch (level A1) or show evidence that they are willing to learn the language. In some cases, tenants can be asked to take part in the Flemish integration programme (language course, career orientation and course on the host society). Several interviewees<sup>77</sup> have pointed out that conditions placed on access to social housing, are much too strict and can be considered discriminatory toward Roma, in particular the permanent residence permit requirement<sup>78</sup> and the language requirement. Overall, only a couple of Roma families live in social housing. Social housing policies are not targeted at Roma, or at any migrants with precarious administrative status. Roma families are often very large, which presents an additional obstacle in the allocation of a social housing unit due to a shortage of units suitable for large families.

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<sup>71</sup> Only three Slovak Roma were granted refugee status.

<sup>72</sup> In 2007 for Romanian and Bulgarian nationals.

<sup>73</sup> The same regulations apply to EU and Belgian nationals.

<sup>74</sup> Belgium will probably extend the restricted access to the Belgian labour market for Bulgarian and Romanian nationals until 2011.

<sup>75</sup> Those are occupations listed by the regional employment authorities, for which they observe labour shortages, e.g. construction work and nursing.

<sup>76</sup> Cf. section 1.3. qualitative information.

<sup>77</sup> Interviews with Regional Integration Centre Brussels and Vlaams Minderheden Centrum [Flemish Minorities Centre].

<sup>78</sup> This condition applies in all three regions: Flanders, Wallonia (to a lesser extent) and Brussels . Cf. supra.

## 1.2. Quantitative data on the housing situation of Roma and Travellers

### 1.2.1. Number of Roma and Travellers in Belgium

Most reports estimate the number of **Roma** in Belgium to be **between 10,000 and 15,000**.<sup>79</sup> The Council of Europe however claims there are about 35,000 Roma in Belgium.<sup>80</sup> The only regional estimations available are about the Brussels-Capital Region: between 5,500 and 6,500 Roma are believed to live in that region.<sup>81</sup> By far the largest community in Brussels is the Romanian Roma (estimated at between 3,500 and 4,600), followed by Roma from Macedonia (750 to 850) and the Former Yugoslavia (530 to 620).<sup>82</sup> According to social workers, mediators and educators working with this population, Romanian Roma are mainly living in areas and districts with high concentrations of immigrants: in Schaerbeek, Molenbeek, Brussels city and Anderlecht (in order of importance).<sup>83</sup> They often try to settle in streets or neighbourhoods where other Roma families live. Some houses or addresses are known to have been used by Roma families.<sup>84</sup> A 2007 study by the King Baudouin Foundation<sup>85</sup> found that the Roma in Brussels lived in small apartments with an average of 7.7 other people.

<sup>79</sup> ENAR (2002) *Garder la distance ou saisir des chances – Roms et gens du voyage en Europe occidentale* [Keeping the distance or grabbing opportunities – Roma and Travellers in Eastern Europe], available at:

[http://cms.horus.be/files/99935/MediaArchive/pdf/roma\\_fr.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/roma_fr.pdf) (11.03.2009)

<sup>80</sup> J-P. Liégeois (2007) *Roms en Europe* [Roma in Europe], Editions du Conseil de l'Europe.

<sup>81</sup> K. Van Meirvenne (2007) 'Situatie Roma in Brussel niet rooskleurig' [The situation of the Roma is not rosy] in *Brussel Deze Week*, 14.04.2007, available at:

[http://www.foyer.be/spip.php?lang=nl&pageb=article&id\\_article=5448](http://www.foyer.be/spip.php?lang=nl&pageb=article&id_article=5448) (11.03.2009)

AND the Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel* [The Roma in Brussels] (11.03.2009). This estimate is based on data from associations working with Roma, detailed analysis of immigration office data (which does not register ethnicity but gross estimation of number of Roma was possible for asylum seekers and regularisation claimers with the help of civil servants handling these dossiers) and cross-checking with self-estimation of leading community figures per type of group, social workers of the Public Centres for Social Aid and various NGOs frequented by Roma in the Brussels Capital-Region.

<sup>82</sup> Roma from Bulgaria account for 460-510 people, Roma from Slovakia for about 125 people and Roma of other nationalities (Moldavian, Ukrainian, etc.) for 150-250 people.

<sup>83</sup> These districts are part of the 19<sup>th</sup> century belt around the city centre. The industrial neighbourhoods, where few houses have been renovated and housing conditions are the worst, are almost exclusively inhabited by immigrants (newcomers, established immigrants and second generation immigrants).

<sup>84</sup> They are sometimes the property of slum landlords.

<sup>85</sup> Koning Boudewijn Stichting (2007) *Bedelarij onderzocht* [Research into begging]

Although they are **mostly sedentary**, it is hard to count the Roma as many do not have a legal staying permit. If you do not own a legal staying permit, you cannot be granted social housing. When people without a permit apply they are transferred to the accommodation centre of FEDASIL, the federal institution for asylum-seekers. The problem is that only 30 to 40 per cent of the Roma go to FEDASIL.<sup>86</sup>

The **number of Travellers** in Belgium is estimated to be between **12,000 and 15,000**.<sup>87</sup> The Flemish Minorities Centre tried to count the number of Travellers in Flanders in 2003. Their survey revealed that some 850 families (about 2,500 persons) permanently live in trailers.<sup>88</sup> On top of this, about 1000 families travel through Flanders in trailers; staying on legal or illegal halting sites. No statistics are available concerning the housing conditions of the Roma, but such numbers are available for the Travellers.

## 1.2.2. Data on housing conditions

As mentioned in section 1.1., data on ethnicity is not collected in Belgium. Data on nationality or country of birth is collected in the *Enquête socio-économique (ESE) / Sociaal-economische enquête (SEE)* [Socio-economic survey (SES)]. But the data analysis of information collected through the survey in 2001<sup>89</sup> does not provide very useful material related to the housing conditions of Roma. The data is only broken down in the nationality categories: 'Belgian', 'EU', (EU 15), 'Europe non-EU', 'Turkish' and 'Moroccan'. The housing conditions of EU15 nationals tend to resemble those of Belgian nationals (better conditions), while the housing conditions of European non-EU nationals tend to resemble those of Turkish and Moroccan migrants (worse conditions).<sup>90</sup> Another recent national study (2007) published by the *Federale Overheidsdienst Maatschappelijke integratie, Groeststedenbeleid/Service Public Fédéral Intégration sociale* [Federal social integration public service] does not reveal much more on the housing conditions of Roma. This study, from ULB, KUL and ICEDD bears the title 'Dynamic analysis of troubled neighbourhoods in the Belgian urban regions'. It provides a mapping and a typology of difficult

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<sup>86</sup> Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel: Onderwijs en gezondheid bij Brussels Roma: deelname nog zeer ondermaats!* [The Roma in Brussels: Education and Health of Brussels Roma is still very poor!]

<sup>87</sup> Belgium / Coordination des ONG pour les Droits de l'Enfant (2003) *Recherche relative au développement d'une réponse sociale à la question de la mendicité des enfants en Belgique*

<sup>88</sup> Flemish Minorities' Centre (2006) <http://www.vmc.be/thema.aspx?id=587> (15.03.2009)

<sup>89</sup>The socio-economic survey is a survey of all households registered in the National Register. One questionnaire is sent per household in order to collect detailed data on socio-economic and health aspects.

<sup>90</sup> The relevant figures can be consulted in the Belgian NFP's RAXEN National Data Collection Report 2007.

neighbourhoods based on a wide range of socio-economic indicators.<sup>91</sup> The analysis of difficult neighbourhoods provides interesting information on segregation and the presence of third-country nationals in difficult areas. Twenty-two variables<sup>92</sup> composed quantitative indicators for identifying precarious areas. Among those variables, the proportion of third-country nationals (outside the EU15 and rich Western countries) in the total population was considered as indicative of socio-economic difficulties.<sup>93</sup> In total, 1,369 troubled neighbourhoods were listed, 295 of which were registered in the Brussels-Capital Region, 274 in Charleroi and 267 in Liège.<sup>94</sup> Each of them contains at least 200 inhabitants. A typology of these neighbourhoods was developed in which one type was identified as ‘immigrant district, troubled’. Those neighbourhoods are characterised by large numbers of (non-EU) foreign residents, high unemployment, few home owners and low income. However, health and education indicators and the presence of central heating are slightly better than in troubled districts populated by a majority of Belgians. There are also less isolated persons in immigrant districts.<sup>95</sup> As outlined in the ‘qualitative data’ section, Roma families tend to dwell in immigrant/troubled neighbourhoods, where housing is cheaper.

### 1.2.3. Data on available halting sites

With respect to the **Travellers**, it is necessary to define the meaning of encampment, residential encampment and temporary halting site:

An encampment lot is a small area where theoretically there is room for one caravan with one family living in it. An encampment site is a place where multiple encampment lots are located. A site with 20 lots thus provides room for 20 families. In reality, due to the massive lack of encampment lots, there is often more than one caravan on a single lot. This overcrowding of the encampment sites leads to many problems which will be discussed later<sup>96</sup>.

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<sup>91</sup> Ch. Kesteloot, Ch. Vandermotten, B. Ippersiel (2007) *Dynamic analysis of troubled neighbourhoods in the Belgian urban regions*, Brussels: PGS for Social Integration, Urban Policy Unit, available at:

<http://www.politiquedesgrandesvilles.be/en/publications/quartiers-en-difficult-.aspx>

(11.03.2009)

<sup>92</sup> These were variables related to the quality and size of the housing, income and education levels of households, and the local labour market and economy. Data came from the SES 2001, the National Institute for Statistics, and the *Kruispuntbank van de Sociale Zekerheid/ Banque Carrefour Sécurité sociale* [Crossed Database of the Social Security].

<sup>93</sup> The reasoning behind this was that access to the Belgian labour market is restricted for these persons, and citizenships rights are limited (which sometimes leads to disinvestment from local politicians in areas where foreigners are overrepresented).

<sup>94</sup> These cities are followed by Mons (140), La Louvière (102) and Antwerp (76).

<sup>95</sup> Ch. Kesteloot, Ch. Vandermotten, B. Ippersiel (2007) *Dynamic analysis of troubled neighbourhoods in the Belgian urban regions*, Brussels: PGS for Social Integration, Urban Policy Unit, pp. 21-23.

<sup>96</sup> See 1.3 Qualitative information on the housing situation of Roma and Travellers.



A residential encampment site is a site which is built for long term occupation by a group of Travellers. This generally means the utilities and infrastructure provided are broader and more easily accessible (e.g. water, electricity, sewage system and rubbish management provided on site). A temporary halting site is built to accommodate a group of Travellers for a period of up to two weeks. In this case, the services provided are of lesser quality and are not as easily accessible.

In 2003, there were **416 residential lots** spread out over 28 official encampment sites in **Flanders and Brussels**.<sup>97</sup> These grounds provide enough **space for about half of the 841 Travellers' families** to live on a site equipped with a sanitary building, enclosed lots and concrete soil. This also means that, more than 400 families have installed their caravans on private sites, which do not respect urban rules. Thus, these populations live under the permanent threat of being expelled. Because of the lack of encampment sites, a small proportion of Travellers live in houses, mostly in cities. By 2007, only ten new lots had been created, while all estimates indicate that there was a bigger increase in the number of Travellers. This means the number of halting sites per family actually decreased in Flanders between 2003 and 2007.

The Flemish Strategic Plan on Minority Policies of 1997 aimed to create 593 new residential halting lots by 2003. However, the Flemish Government did not manage to complete even one hundred new residential lots in that timeframe and since then the evolution has been even slower. Between 2003 and 2007 only seven new lots were set up.<sup>98</sup> One positive action is the thorough development of policy instruments aimed at improving the situation of the Travellers. The Flemish community government encourages municipalities to instal more sites and it provides subsidies to stimulate this. In 2001, a budget of one million euros was available for renovating existing halting sites. This budget was quadrupled in 2007.<sup>99</sup> It is cause for concern that despite all the new policy tools almost no results have followed, but it should be noted that the Flemish Government's actions have only started recently. The number of halting lots should increase over the next few years.

The state of temporary encampment sites in Flanders is even worse: the goal was to establish 415 new lots on 21 sites between 1997 and 2003, but in that time only 33 lots were established on two sites.<sup>100</sup>

**In Wallonia** and the Brussels-Capital Region, the situation is even worse: **In 2003**, there was only **one official site for Travellers** in Wallonia (fitted out by

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<sup>97</sup> ENAR (2002) *Garder la distance ou saisir des chances – Roms et gens du voyage en Europe occidentale* [Keeping the distance or grabbing opportunities – Roma and Travellers in Eastern Europe], available at: [http://cms.horus.be/files/99935/MediaArchive/pdf/roma\\_fr.pdf](http://cms.horus.be/files/99935/MediaArchive/pdf/roma_fr.pdf)

<sup>98</sup> Divers-iteit, October 2006, pp.28-31 AND Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen*, available at: [www.vmc.be](http://www.vmc.be) (17.03.2009)

<sup>99</sup> Interview with staff of the Flemish Integration Minister

<sup>100</sup> Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen*, available at: [www.vmc.be](http://www.vmc.be) (17.03.2009)

the city of Bastogne). **A handful of illegal encampment sites are tolerated.** Most halting sites are not official, thus the Travellers are expelled by the local authorities whenever a local resident complains about their presence. Some groups manage to negotiate a 5 to 10-day staying permit. In 2005, the CMGVW conducted a survey among all the Walloon municipalities. Results showed that more than one out of three municipalities has to address the issue of Travellers' stay on their territory. It seems that residential and urban areas (such as the province of Walloon Brabant) are much more commonly frequented by Travellers than rural areas (Province of Luxemburg).<sup>101</sup> Ninety per cent of the claims for staying in municipalities are made between 1 March and 31 October. In 82 per cent of the cases, the size of the groups does not exceed 30 caravans. They stay 15–21 days on average (84 per cent stay between 1 and 15 days). In almost all cases, Travellers ask for a halting site with access to water as the sole necessary utility. Most municipalities wish to be informed of or receive prior warning of the arrival of a group of Travellers.

The **number of Travellers in Brussels** was estimated to be about **80 families in 2006** (estimation based on a 2003 census from the Flemish Minorities Centre) of which **less than 30 per cent can stay on official encampment sites**<sup>102</sup>. Most of them camp on privately owned encampments in Anderlecht (four private residential encampments, none with a valid licence, together have capacity for a maximum of 34 families), Haren (two private residential encampments, of which one has a valid licence, together they have capacity for a maximum of eight families), Neder-Over-Hembeek (one private residential encampment, without a valid licence, with capacity for 20 families) and Molenbeek (one encampment owned by the local authorities, with capacity for six families). There is also one temporary encampment (only for short stays) owned by the municipal authorities of the city of Brussels in Haren, with a maximum capacity for 25 families. According to a *Foyer* official, there are **13 legal encampment lots in Brussels**. All privately owned encampments without proper licences are tolerated by the local authorities because they have been there for a long time and have not caused any trouble. Theoretically though, the Travellers could all face eviction without prior notice. In the whole region of Brussels, there are also illegal encampments situated in gardens and in between terraced houses.

A Foyer representative explained his organisation's estimates: 'In 2007 there were about 50 to 60 Traveller families we know of and we estimate there were about 10 to 15 more who stay on sites we don't even know exist. In addition, there are about 40 families who are permanently driving around Brussels, looking for an encampment site (itinerant families). About 20 families are living in a house because they couldn't find a site. We estimate that by 2010 there will be 86 families seeking a place to stay in or around Brussels. If no new encampment lots are created (which appears to be the case), 85 per cent of

<sup>101</sup> Mediation Centre for Travellers in Wallonia -Inter-departmental Directorate of Social Cohesion (2009) *Guide pratique pour la gestion du séjour temporaire des gens du voyage en Wallonie* [A practical guide for managing the temporary stay of Travellers in Wallonia]

<sup>102</sup> Interview with the Regional Integration Center *FOYER* Brussels

Traveller families in the Brussels-Capital Region will be forced to reside on an illegal site.’<sup>103</sup>

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<sup>103</sup> Interview with the Regional Integration Center *FOYER* Brussels

## 1.3. Qualitative information on the housing situation of Roma and Travellers

### 1.3.1. Quality of housing available to Roma and Travellers in terms of:

- 1.1. Affordability,<sup>104</sup>
- 1.2. Habitability,<sup>105</sup>
- 1.3. Accessibility,<sup>106</sup>
- 1.4. Location,<sup>107</sup> and
- 1.5. Cultural adequacy;<sup>108</sup>

*Housing conditions.* Qualitative research of Regional Integration Centre Foyer (RIC Foyer) on the social and administrative situation of Roma in the Brussels-Capital Region.<sup>109</sup> Most families in Brussels rent one single room for the whole

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<sup>104</sup> 'Housing is affordable if the household can afford to pay initial costs (deposit, advance rent), current rent and/or other costs (utility, maintenance and management charges) on a long-term basis while still being able to maintain a minimum standard of living, according to the standards defined by the society in which the household is located' (European Committee of Social Rights, Conclusions 2002, Sweden, p. 655).

<sup>105</sup> 'Adequate housing must be habitable, in terms of providing the inhabitants with adequate space and protecting them from cold, damp, heat, rain, wind or other threats to health, structural hazards, and disease vectors. The physical safety of occupants must be guaranteed as well' (CESCR, General Comment 4).

<sup>106</sup> 'Adequate housing must be accessible to those entitled to it. Disadvantaged groups must be accorded full and sustainable access to adequate housing resources. Thus, such disadvantaged groups as the elderly, children, the physically disabled, the terminally ill, HIV-positive individuals, persons with persistent medical problems, the mentally ill, victims of natural disasters, people living in disaster-prone areas and other groups should be ensured some degree of priority consideration in the housing sphere' (CESCR, General Comment 4).

<sup>107</sup> 'Adequate housing must be in a location which allows access to employment options, health-care services, schools, child-care centres and other social facilities. This is true both in large cities and in rural areas where the temporal and financial costs of getting to and from the place of work can place excessive demands upon the budgets of poor households. Similarly, housing should not be built on polluted sites nor in immediate proximity to pollution sources that threaten the inhabitants' right to health' (CESCR, General Comment 4).

<sup>108</sup> 'Housing should be in accordance to tenants' cultural background: 'The way housing is constructed, the building materials used and the policies supporting these must appropriately enable the expression of cultural identity and diversity of housing' (CESCR, General Comment 4).

<sup>109</sup> Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel*. [The Roma in Brussels] Qualitative data was collected by means of semi-structured interviews with ten Roma families, with social workers of five Public Centres for Social

family. Toilets, bathrooms and kitchens are sometimes shared with other tenants. The minimum rent for one small room was 250 euros in 2004. The houses are mostly old (pre-WWI) with minimal (no central heating in 50-65 per cent of the houses in these districts) or non-existent amenities (no bathroom in 17-35 per cent). In autumn and winter, the room is sometimes heated by the gas cooker or with electric heaters. Many houses are infested with parasites (rodents or cockroaches) the rooms are damp and there is mildew on the walls. Equipment is sometimes old and does not comply with modern security norms. 'Slum landlords' are a problem in the Brussels-Capital Region. No complaints filed by undocumented Roma are known of.<sup>110</sup> Although they protest about the rent, Roma families seldom complain about exploitation by landlords or about the absence of basic comfort (e.g. heating). Besides the fear of eviction and removal, a possible reason for this is that Roma act according to survival strategies: quality of housing is a secondary concern in comparison to having food and not being in the streets.<sup>111</sup> The precarious financial and administrative situation of many Roma also contributes to their high mobility. They move in and out very frequently, which does not facilitate administrative follow up by social aid.<sup>112</sup> Roma tend to settle more permanently when they receive legal status and state benefits.

**Flanders Travellers' housing conditions.** In 2004, the Flemish Government established quality criteria for encampment and halting sites, applying to all newly created or renovated official sites. Residential encampment sites must fit in the neighbourhood; they should be easily accessible to trailers but car traffic on the site should be limited. The site should not have more than 10 to 15 lots as it is to be designed for a group of Travellers with close ties: e.g. an (extended) family. There must be enough privacy for both Travellers and local residents. Every lot must be equipped with one sanitary unit for each family. The infrastructure should be permanent: hard ground, semi-hardened lots and public lighting. In addition, water, electricity, gas and a sewage system should be available. For halting sites, quality criteria are very similar but less stringent: drinking water should be available within a radius of 100 meters; a dumping spot for used water should be no further than 25 meters removed and there should be a collective sanitary unit. A 2006 report by the Flemish Minority

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Aid, and with one centre for general welfare (CAW). Other actors (neighbourhood initiatives, non-profit organisations dealing with poverty, etc.) were also contacted.

<sup>110</sup> Exploitation of socio-economically vulnerable tenants is prohibited: there are penal sanctions in place; controls and condemnations are frequent. There are cases known of regularised migrants who, after their regularisation, filed complaints against their landlord with the Prosecution Office. It needs to be added that Roma are not always comfortable or familiar with the judicial system.

<sup>111</sup> Roma always try to pay their rent: having a roof over one's head is considered important. Payment of electricity, gas and water bills is another issue: they are not considered priorities.

<sup>112</sup> Roma move out for various reasons: they are unable to pay the rent anymore, they are identified by the immigration department, or conflicts with the neighbourhood get worse. They then look for another (cheaper) housing unit or are accommodated by relatives, in Brussels or elsewhere in Europe. They often depart abroad for a couple of months or years and then come back, frequently for family events (weddings, etc.).

Centre<sup>113</sup> evaluated the application of these guidelines. It appeared that on public sites the guidelines were respected – partly thanks to the subsidies provided by the Flemish government. The quality of private sites, however, was clearly poorer – due in large part to the limited financial resources of the families who own them. One worrying aspect is that due to the general shortage of halting lots, most sites were overcrowded with too many trailers. This challenges the general cleanliness of the site and the sanitary units in particular. The shortage of sites is also a structural issue in Flanders. In the absence of alternatives, families will occupy plots of land illegally and will face the risk of eviction. But sanctions or even evictions can also occur on regulated sites if families stay for too long. Formal criteria for allocation of lots can undermine the principle of family unity.

The quality of the caravans themselves often depends on the owners' financial capacity. Some general trends were noticed by the Flemish Minorities Centre in their 2006 report.<sup>114</sup> The conclusion was that housing quality criteria of the Flemish Housing Code are not really adapted to the specific situation of the Travellers. It recommended establishing specific criteria for trailers, as otherwise most caravans should be declared uninhabitable. While these observations are only valid for the Flemish part of the country, there is no reason to believe that the situation in Wallonia would be vastly different:

The average size of caravans is steadily increasing. Hence the stability of the ground becomes a more important feature of halting and encampment sites.

The Travellers count on the sanitary units provided as they often do not have a bathroom in their caravan. Many Travellers who have a bathroom still use the sanitary units to avoid moisture problems in their caravan.

Most caravans are heated with gas or heating fuel systems which do not always meet safety and environmental standards. Insulation and ventilation are also problems and cause major energy losses.

The fire safety provisions of the trailers and sites are inadequate: the building materials as well as the proximity of the buildings constitute a fire hazard.

As regards affordability, the establishment of a new site or the renovation of an old one is subsidised at a ratio of 90 to 100 per cent in Flanders.<sup>115</sup> The operating costs of a site are not subsidised yet, although there is an opportunity to receive subsidies for the management of sites with more than 20 lots. This means that when establishing the fee the local authorities only have to take into account the operating costs of the site, which is usually between 20 and 80

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<sup>113</sup> Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen* available at: [www.vmc.be](http://www.vmc.be) (15.03.2009)

<sup>114</sup> Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen* available at: [www.vmc.be](http://www.vmc.be) (15.03.2009)

<sup>115</sup> Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen* available at: [www.vmc.be](http://www.vmc.be) (15.03.2009)

euros/month. The fee for staying on a private site is to be determined by the owner, but since most private encampment sites are owned by Travellers' families, solidarity between Travellers ensures the price is not too high. The Flemish Minorities Centre concludes that the quality of housing available to Travellers in Flanders is acceptable in terms of affordability. In terms of location and accessibility the Flemish halting sites do not fit very well in the neighbourhood. An evaluation by the Flemish Minorities Centre in 2003<sup>116</sup> stated that less than a third of all halting sites are located near a town centre. Five of the 28 sites were located on former garbage dumps. Six sites were on green or agricultural land, while only four were in urban areas. Most local authorities establish halting sites where there is little or no resistance to them; typically far away from residential areas.<sup>117</sup> This enables short term political gains for town officials but it does not allow Travellers and local residents to get to know each other and break down stereotypes. It also prevents Travellers from integrating in our society. In the same way as in Wallonia and Brussels, negative stereotypes are still an issue in Flanders, and the goodwill of municipalities is needed to implement the regional policy.<sup>118</sup> This causes major regional differences in the availability and quality of infrastructure for Travellers. Pressure by self-organised Travellers' lobby groups has led to improvements in certain regions, like Limburg. With respect to the cultural adequacy of the housing, it should be noted that the Traveller-specific housing (the caravan) was only recognised in Flanders in 2003, by the modification of the Flemish Housing Code. Since then, the general approach has been to include Travellers into society by respecting their cultural differences rather than by forcing them to become sedentary.

Cf. 1.3.6.

### 1.3.2. Issues of spatial and social segregation, and social cohesion

Cf. 1.3.3.

**Qualitative research of RIC Foyer on the social and administrative situation of Roma in the Brussels-Capital Region**<sup>119</sup> Housing is more

<sup>116</sup> Vlaams Minderheden Centrum, (2006) *standplaatsenbeleid: analyse en aanbevelingen* available at: [www.vmc.be](http://www.vmc.be) (15.03.2009)

<sup>117</sup> This can have a negative impact on schooling of children if no public buses and no cars are available to take the children to school. Cf. paragraph on the impact of the housing situation on overall exclusion and on vulnerable groups.

<sup>118</sup> Municipalities are not obliged to create a site for Travellers. This explains why the number of sites in Flanders is well below the targets established by the regional authorities. In some provinces and municipalities, little has been done to create encampment sites.

<sup>119</sup> Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel* [The Roma in Brussels]. Qualitative data was collected by means of semi-structured interviews with ten Roma families, with social workers of five Public Centres for Social

expensive in the capital. About half of the people living in the Brussels Capital-Region spend half or more of their income on housing.<sup>120</sup> In the rental market in the Brussels-Capital Region, Roma people face difficulties similar to those of other ethnic and cultural minorities: 1) discrimination and racism among the majority population; 2) problem with residence status, insecurity of stay; 3) low and/or irregular income 4) absence of knowledge about their rights. As mentioned above, the bad reputation of Roma as tenants is an additional obstacle. As in the other regions, all these factors together explain why the majority of Roma settle in socio-economically deprived areas where housing is cheaper and where there is a concentration of poverty and of immigrants: Molenbeek, Schaerbeek, Brussels, Anderlecht and Saint-Josse-Ten-Noode.

### 1.3.3. Access to private housing

**Access to private housing.**<sup>121</sup> The large majority of the Roma staying in Belgium came after the fall of the communist block.<sup>122</sup> They live in houses and flats, which they have found in the lowest segments of the private housing market. The majority of Roma residing in Belgium are in a precarious or illegal administrative situation; they have no access to the official labour market and have no right to state benefits. Those who started self-employed activities (*inter alia* to obtain legal residence),<sup>123</sup> barely earn enough to make a living. Survival strategies prime over long term integration strategies (i.e. occupational training). They earn a living through unofficial work: begging, selling newspapers to homeless people, selling flowers, fixing used TVs and electric equipment, playing music, cleaning, etc.<sup>124</sup> In the absence of a secure income, access to quality housing is very problematic among Roma communities. An

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Aid, and with one Centre for general welfare (CAW). Other actors (neighbourhood initiatives, non-profit organisation dealing with poverty, etc.) were also contacted.

<sup>120</sup> The Brussels housing code does not impose any standard on prices. The private rental market has seen an important price increase, while average salaries remained stable. The price/quality ratio of dwelling units put on the private rental market is not systemically controlled and the same amount can be asked for housing of very different qualities. When the regional authorities do control the general state of rental housing, and when a house is found uninhabitable, eviction is often the only solution offered to tenants; and in the long run it makes the number of low-priced units shrink further.

<sup>121</sup> According to NGOs and representatives the Belgian NFP interviewed, the housing situation of Roma is similar in the three Regions of the country. Since there are no objective statistics on Roma housing conditions in Belgium, most of the information in this chapter is derived from qualitative studies by NGOs, or from their daily professional practice. This could have had a zoom effect on the most vulnerable groups among Roma, because NGOs are mostly in contact with families in need of assistance.

<sup>122</sup> Influxes were the largest between the end of the 90s and 2003. Cf. Ph. Lamotte, L.Chabrun (2008) 'Roms. La fin du voyage ?' in *Le Vif L'express*, 19.09.2009, p.51-52.

<sup>123</sup> Cf. section 1.1.

<sup>124</sup> K. Van Meirvenne (2007) 'Situatie Roma in Brussel niet rooskleurig' in *Brussel Deze Week*, 14.04.2007, available at:

[http://www.foyer.be/spip.php?lang=nl&pageb=article&id\\_article=5448](http://www.foyer.be/spip.php?lang=nl&pageb=article&id_article=5448) (11.03.2009)



estimated 80 per cent of the Brussels Roma live in poverty.<sup>125</sup> Roma often report that payment of the rent is the heaviest financial burden on the family.<sup>126</sup> Networks with other Roma or family members already established in Belgium are of prime importance in finding a house or a flat.<sup>127</sup> Newcomers are most often accommodated by family members upon their arrival. When that solution is no longer possible, Roma families have to look in the private housing market. They often fall prey to unscrupulous owners offering poor quality housing<sup>128</sup> at a slightly lower rent than the rest of the market. While they share the same difficulties as other newcomers concerning precarious administrative status and no income opportunities (undocumented migrants, refused asylum-seekers trying to regularise their situation, etc.), Roma have to face additional discrimination based on tenacious negative stereotypes.<sup>129</sup> In Brussels, direct discrimination was repeatedly reported when landlords realised the ethnic origin of their prospective tenants.<sup>130</sup> Therefore, Roma families are found in the lowest

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<sup>125</sup> Cf. K. Geurts (2005) *'Bedelende Roma in Brussel'* [Roma begging in Brussels], 10.11.2005, available at:

[http://www.foyer.be/spip.php?lang=nl&pageb=article&id\\_article=5453](http://www.foyer.be/spip.php?lang=nl&pageb=article&id_article=5453) (11.03.2009)

<sup>126</sup> Regional Integration Center FOYER Brussels (2007) *Scholarisatie van Roma in Brussel. Analyse en aanbeveling* [Roma education in Brussels. Analysis and recommendations], available at:

[http://www.foyer.be/IMG/pdf/Website\\_Link\\_Analysetekst\\_Scholarisatie.pdf](http://www.foyer.be/IMG/pdf/Website_Link_Analysetekst_Scholarisatie.pdf)

(11.03.2009)

<sup>127</sup> As in finding a job or an income-generating activity.

<sup>128</sup> Often without basic amenities or heating, or with bad ventilation, or they are accommodated in hardly habitable cellars.

<sup>129</sup> Centre de Mediation des Gens du Voyage en Région wallonne (2009) *Entre séjour temporaire et ancrage local : pour une politique régionale des Gens du Voyage. Memorandum en vue des élections régionales du 7 juin 2009*. [Between temporary residence and local anchorage: for a regional policy of Travellers. Memorandum of regional elections of 7th June 2009] The Walloon Travellers Mediation Centre has reported cases of refusal to let a property when landlords realise the candidate-tenants are Roma. The Mediation Centre is sometimes contacted to mediate between the Roma families and the owners, but with no success so far. Extra discrimination based on ethnic origin was also observed in the Brussels Capital-Region. Landlords often complain about 'do-it-yourself' installations (including electricity lines) in the housing units rented by Roma, or about overcrowding of the rented unit (due to a preference for communal life among Roma families, and to numerous family visits), and lack of hygiene (linked to overcrowding and to the general state of the house). This soon leads to conflicts with landlords and other tenants, and underpins the bad image of Roma families among landlords. As a result, Roma tend to rent units that no one else wants (e.g. cellars, rooms without windows, unhealthiest flats or rooms etc.). When Roma tenants do have legal residence and employment, landlords are much less reluctant. (Cf. RIC Foyer (2004) *De Roma van Brussel* [The Roma in Brussels])

<sup>130</sup> Several cases have been reported by Roma mediators of RIC Foyer. The male head of the family meets the landlord and shows their interest in the unit, the rental agreement is prepared, but when the man comes with his wife in the traditional Roma fashion (wearing her hair long and a long flowery dress), the landlord suddenly refuses to sign the contract. The visual appearance seems to be behind the discriminatory practice. If Roma are not recognised as such, they suffer less from discrimination. That recognition is gender-related.

categories of the private market, where exploitation is the most common.<sup>131</sup> Roma also tend to rent dwelling units without any type of formal contract, paying cash deposits and cash rents.<sup>132</sup> The socio-economic situation of Roma in Belgium contributes to the reinforcement of negative stereotypes. Although they have no future in Belgium, live in acute poverty, are relegated to the least habitable areas and to the worst categories of flats on the rental market, Roma still prefer these living conditions to going back to their country of origin.<sup>133</sup> Overcrowding is another phenomenon contributing to negative stereotypes: Roma sometimes try to share the rent with other Roma families or accommodate other families in need. The rented units are too small for the crowd, the property is rapidly damaged and conflicts with the neighbours often occur. Hygiene is a priority in certain Roma families, not in others.

#### 1.3.4. Access to social housing

**Access to social housing, social aid and emergency accommodation.** From the 2004 research of the Brussels-based RIC Foyer,<sup>134</sup> it appears that Romanian Roma asylum-seekers sent to federal accommodation centres for asylum-seekers do not tend to stay in collective accommodation (30-40 per cent stay). The majority prefer to go and live with relatives or acquaintances. Local reception initiatives providing private accommodation to asylum-seekers have more success with Romanian Roma who are not asylum-seekers (about 70 per cent stay). The situation of Slovak and Czech Roma asylum-seekers is different: about 80 per cent stay in the collective accommodation centres. A few Roma live in squats (if they do not find accommodation with relatives or paid accommodation). Others are temporarily homeless, especially during the first days or weeks after their arrival in Belgium or after forced eviction.<sup>135</sup> Some then sleep in their cars or caravans. Relationships with other families or relatives are important. Out of the ten families interviewed for the Brussels research, two were providing emergency accommodation to other families, while their own situation was also far from stable. Some do not find any

<sup>131</sup> Oddly enough, Roma are ‘good payers’: they are ready to pay high prices (400-500 euros) for low quality units.

<sup>132</sup> Legally, deposits cannot be made in cash, but have to be put on a joined bank account. The lack of a formal contract is an obstacle to having one’s rights respected (threat of eviction and threat of denunciation to the Immigration Office), but it can also aid tenants in an unstable administrative position to contract very flexible obligations.

<sup>133</sup> Many lived in appalling conditions in their home country. Others sold their houses before migrating to Western Europe and have nothing to go back to. Whereas life in Belgium does not imply an immediate improvement of their living conditions, Belgium (or Western Europe in general) is considered to offer more hope in the long run than the home country.

<sup>134</sup> Regional Integration Center FOYER Brussels (2004) *De Roma van Brussel* [The Roma in Brussels]

<sup>135</sup> Undocumented Roma families are not always accepted in crisis centres for homeless people, they are re-directed to the centre for homeless undocumented migrants in Brussels: CAW Mosaik Asiel (only one demand from a Roma family in the first six months of 2004). In Brussels, Roma who need emergency accommodation are often assisted by NGOs such as *Convivance* and *Buurthuis Bonnevie*.

housing, thus they stay in caravans on camping grounds on the outskirts of big cities.<sup>136</sup> Half of the ten Romani families interviewed during the Brussels research had experienced receiving help from mosques and Christian priests in order to pay the monthly rent. The extended family also helps with payments if needed. At the time of the research, no Romani families were found living in social housing. In addition to the scarcity of social housing in Brussels, the size of Romani families is an obstacle: units for large families are rare.<sup>137</sup> The quality of housing becomes more important when Roma acquire legal residence, although the Public Centre for Social Aid has noticed that they often stay in poor districts and inadequate housing even after they have received their permanent residence permit and could claim housing benefits.<sup>138</sup>

### 1.3.5. Informal settlements, legality and legalization of settlements

**Context: Travellers in Belgium.** The large majority of Travellers in Belgium are either Manouche/Sinti Travellers whose presence in Northern Europe goes back to centuries ago,<sup>139</sup> or ‘Rom’.<sup>140</sup> Travellers came to Western Europe from Wallachia and Transylvania in the 19<sup>th</sup> century migration wave, following the termination of slavery in Romania.<sup>141</sup> These Travellers now have Belgian citizenship and are mainly self-employed in industries compatible with their nomadic lifestyle. A third group is the ‘Voyageurs’ of Belgian descent, who were traditionally itinerant artisans and traders. Most of them have settled in houses, but some still travel. Specific issues include finding adequate halting sites (transient or residential encampment sites), the recognition of their type of habitat by the authorities (acquired in Flanders, but not in the two other regions) and the schooling of 6 to 18-year-old children.<sup>142</sup>

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<sup>136</sup> Conflicts between these newcomers and the already established Manouche/Sinti clans may occur.

<sup>137</sup> In Brussels, the situation is special in the sense that the shortage of social housing is even more acute than in the rest of the country (the average income is lower; there are more families with low or no income). Claimants have to wait for two to six years before being allocated a housing unit.

<sup>138</sup> Aid for finding a new housing unit or aid for small repairs and heating costs.

<sup>139</sup> The majority of the Belgian Manouches came to Belgium from Alsace in the 19<sup>th</sup> century.

<sup>140</sup> In the literature describing Travellers’ groups in Belgium, the terminology ‘Rom’ is used to designate the Vlach Roma who came to Western Europe in the 19<sup>th</sup> century.

<sup>141</sup> Mediation Centre for Travellers (2002) *Les gens du voyage en Wallonie* [Travellers in Wallonia]

<sup>142</sup> Whereas other itinerant groups such as ‘forains’ and ‘bateliers’ would send their children to boarding school, Manouche and Rom children typically stay with the clan, even if this means taking the child out of school.

**Brussels Capital-Region.**<sup>143</sup> As outlined in the quantitative section, obstacles to the higher number of encampment sites in the Brussels Capital-Region include high acquisition prices for available plots of land.<sup>144</sup> This could be prevented by adopting an adequate regional space attribution plan, in which encampment sites are planned and plots could be bought at a reasonable price by local authorities.<sup>145</sup> In addition, because such sites have no clear legal status, owners<sup>146</sup> do not invest in infrastructure, therefore they are often under-equipped. Public encampment sites are usually of a better quality than privately owned ones. The latter are characterised by less amenities and a more basic infrastructure. But municipal authorities tend to tolerate/set up encampment sites on isolated plots of land, far from residential areas.<sup>147</sup> Even on a small territory as the Brussels capital-Region, this seems to be the case: only four of the nine encampment sites listed for the Brussels Capital-Region were located in residential areas.<sup>148</sup> The remaining four were located in mixed areas and one in a recreational area. Out of the total, three were situated close to railways, and one had underground gas pipes. Overcrowding is first felt when it comes to sanitary facilities.<sup>149</sup>

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<sup>143</sup> This information comes from RIC *Foyer*, which is mandated by the Flemish Community to work on the issue of halting sites for Travellers in the Brussels Capital-Region.

<sup>144</sup> Possible land for encampment sites has the value of building plots in the private market, which price is excessively high, as in most large cities.

<sup>145</sup> Regional Integration Center FOYER Brussels (2006) *Nota situatie woonwagenterreinen in het Brussels Hoofdstedelijk Gewest* [Travelling people in Brussels], available at:

[http://www.foyer.be/IMG/pdf/Website\\_Link\\_Nota\\_Situatie\\_WWT\\_in\\_het\\_BHG\\_0612-3.pdf](http://www.foyer.be/IMG/pdf/Website_Link_Nota_Situatie_WWT_in_het_BHG_0612-3.pdf) (19.03.2009)

<sup>146</sup> In the majority of cases, owners of private encampment sites are Travellers or *forains* themselves, which explains why many sites charge moderate prices. Prices on state owned encampment sites vary from 20 to 80 euros/month per encampment.

<sup>147</sup> Maybe to avoid negative reactions from neighbours.

<sup>148</sup> Cf. Regional Integration Center FOYER Brussels (2006) *Nota situatie woonwagenterreinen in het Brussels hoofdstedelijk Gewest*. [Travelling people in Brussels], available at:

[http://www.foyer.be/IMG/pdf/Website\\_Link\\_Nota\\_Situatie\\_WWT\\_in\\_het\\_BHG\\_0612-3.pdf](http://www.foyer.be/IMG/pdf/Website_Link_Nota_Situatie_WWT_in_het_BHG_0612-3.pdf) (19.03.2009)

<sup>149</sup> Ideally, halting sites have to be close to main roads and motorways, as they are used only for short stays. In addition, quality sites require professional management and internal rules adapted to the nature of the site (permanent residence or short stay for itinerant families).

### 1.3.6. Movement, encampment facilities and use of private land

**Walloon Region.**<sup>150</sup> Travellers are concentrated around towns and cities located along important travelling roads and motorways. In isolated towns and small villages, the presence of Travellers is scarce. In the relative absence of regulated sites in Wallonia, Travellers use private lands.<sup>151</sup> In winter, Travellers tend to camp or halt closer to residential areas where various services can be accessed (water, electricity and school). In summer, the quality of the halting sites is less important (except water) and movements are more frequent.<sup>152</sup> The core-issues in Wallonia are the lack of legal and regulated transient halting sites<sup>153</sup> and the lack of legal and regulated residential encampment sites.<sup>154</sup> Travellers' encampment sites in Wallonia are *de facto* illegal, which means that they face either refusal of establishment by local authorities or eviction.<sup>155</sup> Municipalities apply local regulations for the parking of vehicles to caravans. Only a handful of municipalities have launched pilot projects or have a well-developed policy regulating Travellers' stay on their territory.<sup>156</sup> Another key-issue related to halting sites is the duration of the stay allowed or tolerated.<sup>157</sup> Material

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<sup>150</sup> In the Walloon Region, four travelling axes of Travellers have been identified: east to west, across the industrial axe; north to south (from the Netherlands to Luxemburg); the two remaining axes draw a line from Brussels to the north of France and from Brussels to the south-east of the country. Cf. Walloon Travellers' Mediation Centre (2002) *Les gens du voyage en Wallonie* [Travellers in Wallonia]

<sup>151</sup> The use of halting sites by acquainted, related families or families travelling in the same region is often auto-regulated. Families' demands concerning halting sites vary greatly (depending on their economic activities, frequency of travelling, size of the group, etc.) – and solutions can also vary (parking lot, farmland, tourist camp site, renting of a plot of land, abandoned industrial zone, etc.).

<sup>152</sup> Equipment needs range from next to nothing (only water) to sophisticated equipment, to which some families are used because they have lived on very well-equipped sites in neighbouring countries (availability of sanitary facilities, showers, electricity and rubbish removal)

<sup>153</sup> Mainly used in spring and summer

<sup>154</sup> Mainly used in autumn and winter

<sup>155</sup> Cf. interview with Travellers' Mediation Centre. According to the Travellers' National Committee, municipalities refuse the establishment of a camp in 99 per cent of the cases. In the absence of any alternative, they are forced to camp in complete illegality.

<sup>156</sup> That very situation is often abused by municipalities: they refuse Travellers and either refer them to neighbouring municipalities or systematically re-direct them to those municipalities that have made the effort to provide Travellers with minimum facilities. These municipalities are then flooded with all the groups refused elsewhere in Wallonia and have to manage a much higher number of Travellers.

<sup>157</sup> The legal duration imposed is often unpractical for Travellers: something may happen (disease, new income opportunity, etc.) that necessitates a longer stay; ideally the maximum number of days allowed should remain indicative rather than fixed arbitrarily. Also promiscuity, unwanted intimacy with other groups or conflicts can be the reason to leave a given halting site. In addition, Travellers are often allowed to stay once, for a week or two, but when they come back to the same plot of land a second

conditions such as stability of the ground, humidity, exposure to wind, etc. are often unsuitable. The administrative complexity of local regulations on encampment and parking discourage the lodging of complaints. Conflicts with municipalities and neighbours are yet another area of concern. The negative reputation of Travellers is said to be one of the main causes of the lack of facilities and initiatives in Wallonia.<sup>158</sup> According to the Walloon Travellers' Mediation Centre, the absence of regulated sites, official procedures and positive initiatives by municipal authorities are at the very root of the Travellers' negative image.<sup>159</sup> Experiments in pilot municipalities have shown that when the local authorities set up procedures to manage the Travellers' stay, 80 per cent of problems with the local community disappear. In recent years, the Walloon regional authorities have demonstrated a clear will to improve the situation: financial, technical and expert support is offered to municipalities envisaging the creation of halting sites or stay procedures for Travellers. The problem is that there is no demand. According to Walloon officials, the regional policy is still in its early stages and time is needed to achieve results. But other observers remark that the voluntary approach has shown its limits. Regional policy relies on the goodwill of municipalities; they can only give the actual impulse needed to implement projects. As long as regional policy is not binding for municipalities, improvement is unlikely. Travellers' opinion about the Walloon policy is much more critical.<sup>160</sup> in spite of the promises and efforts of regional authorities (mediation, working-groups, subsidies, etc.), nothing concrete has been done for Travellers in Wallonia. As long as there is no legal obligation for municipalities to organise Travellers' stay, like in France, they will continue to be discriminated against every day.<sup>161</sup> In the interviews, the

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time, they find that setting up a camp will not be tolerated any more (Cf. National Travellers' Committee).

<sup>158</sup> Different groups of Travellers may have very different reputations: some groups are known as more aggressive (e.g. French Tziganes); others have frequent contacts with municipalities and are seen as good people.

<sup>159</sup> If nothing is planned for Travellers when they arrive and/or ask for a plot of land to stay on, their very presence is guaranteed to cause huge difficulties. Here is an illustration of how problems may occur. Because no procedure exists at the level of the municipality, groups come with no prior notice. Or if they do give a notice of their arrival, no measures are taken. The stay of groups of 100-150 people for 15 days in a given area is bound to have an impact on the environment. The first problem is the worried reaction of neighbours who phone the municipality, which had no idea that Travellers were present, cannot reassure the worried residents and gives the impression of being totally powerless. Because they mostly camp on non-equipped sites, Travellers ask neighbours for water or electricity (who agree once, twice but are soon overwhelmed by the numerous demands). In addition, the site chosen has no sanitary facilities; waste is not removed; etc. The group leaves (or is evicted), and residents' and authorities' negative stereotypes are reinforced. Whereas Travellers, like all other citizens, are ready to pay for water, electricity, waste removal and other utilities, local authorities spend valuable time and energy trying to evict them and calm angry residents.

<sup>160</sup> Interview with an official of the National Committee of Travellers

<sup>161</sup> According to several interviewees, Travellers are clearly not a priority in Wallonia and Brussels, despite international engagements guaranteeing their rights. Tolerance and goodwill on the part of a handful of municipalities should be replaced by binding structural policies. In Wallonia and Brussels, one official site in Bastogne, one semi-

Travellers' National Committee underlined that Travellers do not choose their itinerant way of life, they are born in caravans; their home and way of life have become their identity. Renouncing their itinerant life means renouncing their very identity.

- 1.3.7. Access to public utilities, particularly public transport, and issues of infrastructure and sanitation
- 1.3.8. Issues concerning access to housing and quality of housing for third country Roma/Traveller immigrants, Roma asylum-seekers and, especially, Roma/Traveller EU nationals moving to another Member State
- 1.3.9. Campaigns undertaken by authorities in order to inform Roma/Traveller communities on their right to adequate housing

**Impact of housing situation on overall exclusion and on vulnerable groups.** Roma tend to dwell in the cheapest areas, which are also the poorest neighbourhoods with housing of the poorest quality. These neighbourhoods also have bad reputations, high unemployment rates, high incidences of discrimination and a lack of investment. According to several interviewees,<sup>162</sup> the poor housing conditions of Roma have a negative impact 1) on their health (including children and pregnant women)<sup>163</sup> and 2) on children's schooling. Overcrowded houses or flats where everybody shares one single space to sleep, cook, eat, receive relatives and friends, etc. are not favourable for studying and doing homework. In general, houses rented by Roma are not adapted to people with disabilities and other special needs. Travellers tend to live in harsh conditions,<sup>164</sup> *inter alia* due to the absence of equipped halting sites. These harsh conditions impact vulnerable groups the most (women, children, elderly

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official in Mons and one official site in Brussels that has been closed for two years are the only 'structural solution' offered.

<sup>162</sup> The *Vlaams Minderheden Centrum* [The Flemish Minorities' Center] and the Regional Integration Center FOYER Brussels are both organisations very active in the field of schooling of Roma children. Based on their project, poor housing conditions appeared to be one main obstacle to Roma children's normal schooling.

<sup>163</sup> Elderly members of the family have most often remained in the country of origin. Children tend to be ill very often.

<sup>164</sup> Absence of water, electricity, heating and the obligation to look for a plot of land to stay for hours well into the night, etc.

people, disabled people, etc.).<sup>165</sup> Children's schooling is particularly difficult where there are no residential encampment sites.<sup>166</sup> Finding halting sites close to hospitals where relatives or friends can access medical treatment is also extremely difficult. Cases have been reported of patients who had to interrupt their treatment because their families could not find a proper halting site or were evicted from an unregulated site.<sup>167</sup> Another challenge for vulnerable groups is the reduced mobility of women and children when encampment sites are situated in isolated areas without access to public transport. Checks at night by the local police are another type of annoyance. In conclusion, the social action department of the Walloon public service pointed out that impoverishment of Travellers is a worrying trend.<sup>168</sup> At the policy level, no particular attention is given to vulnerable Roma and Traveller groups (with the exception of children through schooling programmes).

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<sup>165</sup> According to the Walloon Travellers Mediation Centre, life expectancy is 15 years shorter among women, and twenty years shorter among men in the communities of Belgian Travellers than in the rest of the population.

<sup>166</sup> NGOs can only start organising pedagogical activities with children when they know that families will stay in the same place for two weeks or more.

<sup>167</sup> The *Comité national des gens du voyage* [National Travellers' Committee] reported the case of a 45-year-old man who was treated for cancer in a hospital in Wallonia. Since solidarity ties are often very strong among Travellers, the whole group camped in a disused parking lot in order to be close to their cancer-stricken friend or relative. Despite negotiations with the municipality, the whole group was evicted and the patient left without completing his cancer treatment.

<sup>168</sup> Since Travellers' traditional activities are slowly disappearing, many Travellers have to develop profitable new economic activities. Certain groups fail to achieve this, with impoverishment as a result. The whole family or clan feels the consequences of this poverty. Some Travellers cannot afford an itinerant life any more and are obliged to adopt a sedentary lifestyle.



## 1.4. Case law and complaints relating to the housing of Roma and Travellers

### Federal organisations treating complaints

The *Centrum voor gelijkheid van kansen en racismebestrijding / Centre pour l'égalité des chances et la lutte contre le racisme* [Centre for Equal Opportunities and Opposition to Racism (CEOOR)] is the **Belgian federal equality body**. Within CEOOR, one person has built up expertise in Roma and Travellers issues. The federal equality body was mainly contacted for cases of imminent eviction from informal camp sites. Over the years the number of these complaints has decreased because regional NGOs defending Travellers' rights (cf. infra) are now more likely to be contacted. Two types of complaints are generally handled by CEOOR: 1) complaints related to eviction of Travellers from illegal or unregulated camps; 2) complaints related to how the media depict Roma people and contribute to the dissemination of stereotypes. Discrimination against Travellers can also take the form of resistance by the municipal authorities to equipping a suitable campsite on its territory.<sup>169</sup> Cases of eviction by local authorities from private land despite the owners' permission have also been reported by the Travellers' National Committee.<sup>170</sup> None of these complaints has led to a court case. Problems linked to evictions and halting sites are solved through mediation, through political lobbying or political debate rather than through litigation. Solutions provided by the CEOOR include: 1) mediation in case of imminent expulsion; 2) if needed, the CEOOR can address a plea to the municipal council so that the matter is discussed between municipal councillors; 3) if the press is involved in stereotyping Roma and Travellers, the CEOOR tries to react through a right of answer.

With respect to depiction of Travellers and Roma in the media and in the public space, the following cases are particularly exemplary:

- In 2008, a police inspector who was asked to describe the nature of an offence declared to the press that the robbery had been '*un cambriolage de type gitan*' [a robbery of the gypsy type], which led to a formal complaint. The subsequent police investigation proved there was no link between the offenders and gypsies.

<sup>169</sup> For instance, the municipality of Verviers put a piece of municipal land at the disposal of Travellers in 2004. Although the land is not suitably located, no other land was allocated (cf. O. Moonen (2008) 'Statu Quo pour les gitans de Jonckeu' [The *status quo* of Gypsies in Jonckeu] in *Le Jour Verviers*, 16.09.2008, available at: [http://www.actu24.be/article/regions/provinceliege/infoslg/statu\\_quo\\_pour\\_les\\_gitans\\_du\\_jonckeu/189914.aspx](http://www.actu24.be/article/regions/provinceliege/infoslg/statu_quo_pour_les_gitans_du_jonckeu/189914.aspx) (15.03.2009)

<sup>170</sup> Another case reported by the Travellers' National Committee is that of a forced eviction implemented by the local police: while the head of the family was at work, the caravan was moved to a waste dump and was left there. The children stayed inside the caravan during the eviction.

According to Ahmed Ahkim of the Mediation Centre for Travellers in Wallonia, discrimination against Travellers and Roma is the last ‘official racism’: stereotypes are disseminated without any public reaction.<sup>171</sup> For instance, it is considered normal to mention the gypsy origin of an offender in a press report even if it is not relevant to the facts.

- The local press often describes the presence of Roma in both legal and illegal encampment sites as a nuisance for the neighbourhood. The reported hostility of neighbours in Namur exemplifies this: when it was announced that a former camping ground in Lives-sur-Meuse would be converted into an equipped halting site for Travellers.<sup>172</sup> The city of Namur organised a public information session about the project, where 40 residents of the neighbourhood were present. According to the press report and the Travellers’ National Committee, hateful neighbours implicitly stereotyped Travellers as thieves. In addition, the city authorities used the creation of a halting site as a justification for a very strict eviction policy.<sup>173</sup>
- Travellers are also often depicted in the media as ‘unreliable’ – as found in a press article from 2008:<sup>174</sup> ‘We tell them that we agree that they stay for three days and they eventually stay for ten’ or ‘When you say yes to these brave people, they take their mobile phones and inform their friends there are encampments available. Then we end up with a high concentration of gypsies [...]’
- The locality of Banneux in Wallonia is an important pilgrimage site for Sinti/Roma. Every August, about 12,000 pilgrims, including Travellers and Muslim Roma, celebrate the Virgin Mary in Banneux. Whereas reconciliation between Travellers and local authorities generally yields positive results, the arrival of Roma from Kosovo is characterised as ‘disorganised’ and ‘unmanageable’. Some typical reactions follow: ‘They know they are not allowed to camp, but still they do and we have to clean up

<sup>171</sup> Ph. Lamotte, L.Chabrun (2008) ‘Roms. La fin du voyage ?’ [Roma. The end of the journey?] in *Le Vif L’express*, 19.09.2009, p.51.

<sup>172</sup> It is a small-scale project: Travellers will have to make prior reservation and stay for maximum 15 days, with maximum 15 caravans.

<sup>173</sup> B. Moriamé (2008) ‘Qui a peur des caravanes?’ [Who’s afraid of caravans?] in *Le Soir*, 23.10.2008, p. 16. As in other positive initiatives involving the creation of a tolerated/regulated halting site, the idea is to manage and control the travelling population on the municipal territory.

<sup>174</sup> J-L T. (2008) ‘Les gens du voyage ne sont plus les bienvenus’ [Travellers are no longer welcome] in *Le Jour Huy-Waremme*, 18.06.2008, p.17. Interview with local mayor.

everything afterwards.’ ‘The sacrifice of sheep had to be prohibited and police presence would be reinforced.’<sup>175</sup>

#### Regional organisations treating complaints

Please note that the civil society described hereafter is actually mandated or structurally recognised by the regional authorities to receive complaints by Roma/Travellers, mediate between complainants and regional or local authorities and advise regional or local authorities about adequate measures to be taken in order to improve the housing conditions of Roma/Travellers. That is why they cannot be omitted in the present chapter although the focus should be on ‘public institutions’.<sup>176</sup> With regard to the general anti-discrimination legislation, public institutions receiving complaints of discrimination on the ground of ethnic origin are the CEOOR (at the federal level, which includes the law on rental contracts) and the Flemish local anti-discrimination offices (in Flanders for the Flemish regional competences, which include social housing and housing conditions). The Walloon Region and the Brussels Capital-Region have to appoint an institution for receiving discrimination complaints related to their housing competences. For ‘bodies taking complaints on housing issues generally’, please, refer to section 1.1 Legal and policy framework (in particular, 1.1.1 protection of the right to adequate housing in national legislation).

In Flanders, the **non-profit organisation VROEM** (*Vlaamse Vereniging voor Voyageurs, Roms, Roma and Manoesjen* - Walloon Organisation for Travellers, Roma and Sinti) is active in the defence of Travellers’ rights through lobbying efforts at the local level, providing advice to local authorities, supporting the self-organisation of Travellers’ groups and engaging in judicial action. For instance, VROEM has lodged a complaint with the Flemish authorities against a municipality that wanted to allow impoverished caravan residents on a site allocated to Travellers’ encampment. VROEM also fights regulations stipulating that Travellers shall not park their cars on the encampment site itself.<sup>177</sup> Action is also taken against plans to regulate the type of cars allowed on encampment sites<sup>178</sup> and to regulate the duration of visitors’ stay on encampment sites.

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<sup>175</sup> M.B. (2008) ‘Après les gens du voyage, les Roms arrivent à Banneux’ [After the Travellers, the Roma arrive in Banneux] in *La Dernière Heure* [The Last Hour], 06.08.2008, p.13.

<sup>176</sup> Please note that the division between public services and public services performed by civil society organizations receiving state subsidies to perform that mission is not always very clear, at least in Belgium.

<sup>177</sup> Travellers had to park their cars far from their caravans, on the road at the entrance of the site, where no supervision was provided to prevent thefts or damage to the cars.

<sup>178</sup> The initial plan was to pass regulations depending on the price of the car (e.g. cars between 50,000 and 70,000 euros would be allowed on the site), which is discriminatory.

In Flanders and in Brussels, the **Flemish Minorities Centre** (*Vlaamse Minderhedencentrum*) defends the rights of Travellers and Roma by providing legal expertise to first-line assistance services, by providing advice to the Flemish authorities, by developing new methods and pilot projects, by political contacts and by media campaigns.<sup>179</sup> The Minorities Centre has not initiated legal action for charges of discrimination, but their advocacy work has led to the annulment of a couple of discriminatory measures, to the modification of local police regulations and to the cancellation of forced evictions. The organisation is currently examining how the EU legal provisions could be directly applicable in Belgium.

In the Brussels Capital-Region, the **RIC Foyer** is mandated by the Flemish Community to defend the rights of Roma and Travellers in Brussels, mainly through mediation. Foyer helps Travellers obtain a reference address; encourages the creation of halting sites and encampment sites; promotes schooling for Roma children and mediates between Roma/Travellers and public services or other third parties.

In Wallonia, the **Travellers' Mediation Centre** (*Centre de médiation des Gens du voyage en Wallonie*) intervenes in conflicts as a mediator between all stakeholders (authorities, NGOs, Travellers, neighbours, landlords, etc.). Its scope of their responsibility includes only finding alternative solutions to specific issues. Its two core objectives are 1) mediation when a group of Travellers wishes to stay on a given site;<sup>180</sup> 2) raising awareness of local and regional authorities so that they can find long term solutions within the local context. The department of social action and the department of housing of the Walloon public service have not received any complaints.

In Wallonia, the non-profit organisation *Comité national des gens du voyage asbl*, [**Travellers' National Committee**] also arranges mediation between Walloon municipalities and groups of Travellers, with the objective of finding ad hoc humane and sustainable solutions.

No description of exemplary cases of housing discrimination was given by the authorities and civil society organisations interviewed. The incidents reported to the CEOOR are not 'exemplary cases of housing discrimination' (cf. above). According to the CEOOR, so far there has been no legal case of housing discrimination on the grounds of Roma origin in Belgium. No official information (Federal Public Service Justice, federal police database, etc.) exists on 'cases of housing discrimination on the ground of Roma origin'.

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<sup>179</sup> Local organisations and Travellers' groups have been gradually taking over the last two tasks, namely media and political contacts.

<sup>180</sup> Either the mediation centre is contacted by local authorities and assists them with the organisation of the Travellers' stay, or Travellers contact the mediation centre because they received an eviction order from the municipality; the mediation centre then contacts the authorities and tries to negotiate the duration and the modalities of the stay.

## 1.5. Identifying good practices

We could not find any examples of good practices of the type described in the guidelines. There are some small-scale initiatives which are meant to resolve specific situations but there are no initiatives with a structural impact on the situation of Travellers or Roma. Only policy changes and policy evolution lie at the basis of structural changes. As we have seen above, those policy changes are currently developing, but the impact is not yet visible. This is why we have chosen two specific actions which we think are good practices. One initiative is from Wallonia, the other is from Flanders and both were financed by the regional authorities.

Title (in English and original language)	<i>Exemple de gestion d'un terrain</i> An example of the management of a halting site
Organisation/institution (in English and original language)	Communes de Durbuy, Hotton, La Roche et Rendeux; association ' <i>Le Miroir Vagabond</i> ' [The Vagabond Mirror]; CMGVW The Municipalities of Durbuy, Hotton, La Roche et Rendeux; association ' <i>The Vagabond Mirror</i> '; Mediation Centre for Travellers
Type of organisation/institution (e.g. government, civil society, social partner)	Collaboration between four municipalities and two civil society organisations.
Contact information and internet link	www.cmgv.be or diis@mrw.wallonie.be
Type of initiative (e.g. training, awareness raising, legal advocacy, etc.)	Shared management of a temporary halting site
Total budget and sources of funding	Budget unknown Source of funding: Walloon Region
Rationale	If the stay of groups of Travellers is managed by the municipal authorities, with the participation and collaboration of civil society organisation and self-organisations, over 90 per cent of the problems generally occurring when groups set up unregulated encampments disappear.
Objectives	Organise and manage the Travellers' stay in order to reduce problems resulting from the groups' illegal camping
Target group	Travellers
Time frame and location	Started in 2004, continuing to present. On the territory of those four municipalities, located at the south of Liège and Namur, near Marche-en-Famenne in a rural environment. The association ' <i>Le Miroir Vagabond</i> ' took the initiative to contact the four municipalities. They now organise the stay of the groups of Travellers in consultancy with each other.
Brief description of main activities	At the start of the travelling season (April-May) the four towns look for locations on which the Travellers could reside for one week. The association buys garbage bags (in Belgium every town has its own

	garbage bags for recycling purposes) and provides them to Travellers. The group leaves the bags at the entry to the site, where they are picked up once a week. Mobile toilets are placed on the terrain. All families are asked to pay a weekly fee for the garbage bags, the toilets and the use of land. A group cannot stay on the same site for longer than one week.
Involvement of Roma and Travellers in the design, implementation and assessment	Travellers are asked to give the time of their arrival ahead of time. They decide where the toilet should be placed. The project is co-implemented, co-designed and co-evaluated by 1) the non-profit self-organisation ' <i>Le Miroir Vagabond</i> ', which unites the efforts of several Travellers' communities; 2) the Mediation Centre for Travellers in Wallonia, which always seeks to ensure that the Travellers' groups can speak in their own voice and can be heard by the authorities.
Any specific focus on Roma women, children, the elderly or persons with disabilities	No.
Difficulties and limitations encountered	The weekly pick-up of garbage is not always sufficient. Since the garbage bags are left at the entry to the site, the negative image of Travellers is enhanced. The families have a hard time managing their stock of garbage bags: every week they have to switch municipalities and thus need to use new bags. If the Travellers are not in a position to decide themselves where to put the toilet, it is often left unused.
Any impact assessment or other evaluation	As the stay is organised in advance, most problems disappear: the impact is thus positive. Consequently, even with limited resources, very simple measures (garbage collection, mobile toilets, self-management of the duration of stay, etc.) and cooperation from different actors (municipal authorities, self-organisations, etc.), positive results are quick to show and the problems associated with the Travellers' stay automatically decrease.
Sustainability	It has been running for four years without problems. The project is sustainable if the groups respect the idea that it is a halting site, meant for passing groups and not for long stays. Given the shortage of regulated sites in Wallonia, the project can only be sustainable if the numbers and sizes of the groups do not suddenly increase and if such a site does not constitute too much of a 'pull factor'.
Possibilities for transferability and mainstreaming	In the Walloon Region, this initiative can easily be transferred to other municipalities. The only prerequisites are 1) involvement of several municipalities with the will to do something for Travellers; 2) a certain degree of self-organisation among the Travellers so that a representative can take part in the design, follow-up and implementation of the project. Because it is highly transferrable, the Walloon Region is promoting this initiative as a good

	practice and an example to be followed by other municipalities. (cf. circular letter to the Walloon municipalities, section 1.1)
Title (in English and original language)	Mediatraining voor woonwagenbewoners [Media Training for Travellers] <sup>181</sup>
Organisation/institution (in English and original language)	VROEM vzw: Vlaamse Vereniging voor Voyageurs, Roms, Roma en Manoesjen [VROEM non-profit: Flemish Organisation for Travellers, Roms, Roma and Sinti]
Type of organisation/institution (e.g. government, civil society, social partner)	Civil society
Contact information and internet link	<a href="mailto:kim@minderhedenforum.be">kim@minderhedenforum.be</a> <a href="http://www.vroemvzw.be">www.vroemvzw.be</a>
Type of initiative (e.g. training, awareness raising, legal advocacy, etc.)	Training for Travellers
Total budget and sources of funding	Total budget unknown; The teacher of the courses is paid about 800 euros for three half-day sessions.. Each participant takes part in three sessions. A 'Diversity Manager' Project is subsidised by the Flemish Minister of Integration
Rationale	If Traveller communities were to learn how to better make their voice heard by the media, by the general public and by the public authorities, it would help diminishing prejudice against them and it would enhance both their autonomy and their inclusion into society.
Objectives	Enabling Travellers to tell their message in a factual and positive manner to the press, mayors, policy makers and local populations. This should reduce clichés and prejudices and enable the sedentary population to have a more realistic and positive perspective of Travellers.
Target group	Travellers who have created or plan to create a self-organisation in order to represent their community at the local authorities. The Travellers who wish to take on a long-term commitment to defend the interests of their community.
Time frame and location	First courses in 2005; continuing to present. Every participant has three half-days of training (three to six participants) and there is an annual refresher course with all attendees.
Brief description of main activities	Travellers were taught to: A: Formulate their message in a few sentences. B: Give facts (e.g. 'the trailer has been recognised as a legitimate way of living, so we have the right to stay somewhere'; 'we lack X halting lots in this province'; 'The Flemish government provides 90 per cent subsidies for the creation of an encampment lot'; 'The only difference between Travellers and the sedentary

<sup>181</sup> Information retrieved through a former staff of the program at VROEM vzw.

	<p>population is their house.'; etc.                  C: Get used to the presence of cameras.                  By owning their message well, the Travellers increase their confidence in defending it. The training usually takes place on the premises of VROEM.</p>
Involvement of Roma and Travellers in the design, implementation and assessment	<p>Travellers take part in everything VROEM does. The original demand for such trainings came from the Traveller communities who noticed they were portrayed negatively in local newspapers. They thought the way in which they conveyed their message might have something to do with it.</p>
Any specific focus on Roma women, children, the elderly or persons with disabilities	<p>No</p>
Difficulties and limitations encountered	<p>The sessions went more slowly than expected. Language proficiency has to be at a minimum basic level. Working with a camera was difficult at first: the Travellers do not like being filmed.</p>
Any impact assessment or other evaluation	<p>About 15 people have done the training since the project was launched. The fact that some Traveller spokespeople know how to express their cause and how to gather public support for their cause has had a positive effect on the way local policy-makers consider the issue, i.e. with more seriousness than before. However, effective impact is difficult to measure as it is nearly impossible to quantify or isolate from other factors (social trends, party politics, etc.).</p>
Sustainability	<p>As long as there are new Travellers who wish to improve their communication skills, the project will be worth continuing. The sustainability of the project is thus directly linked to the presence of potential participants, their motivation and the benefits the training gives the whole community.</p>
Possibilities for transferability and mainstreaming	<p>That kind of project is easily transferable because training sessions require limited resources (a classroom, a trainer and motivated participants). It can also be transferred to other target groups, as the training is built around general communication skills, which can be useful to other self-organisations unaccustomed to talking to/in the media.</p>



## 1.6. Major national projects targeting the housing situation of Roma and Travellers that are not included in the previous section

Housing policies are regional policies in Belgium, hence no ‘major national project’ could be found. In the absence of major regional initiatives, the Belgian NFP chose to list all the local initiatives and small-scale projects that are directly or indirectly aiming at improving the housing of Roma and/or Travellers.

With regard to *housing*, there are **no** projects targeting Roma/Traveller women, elderly, persons with disabilities, children, nor is there any specific legislation or any specific public policy.<sup>182</sup>

In all regions, the authorities do not consider ethno-cultural minorities to be a target group in housing policies; these are policies aimed at anyone regardless of their ethnic origin.<sup>183</sup> Local authorities, with the notable exception of the city of Ghent, which took structural measures, adopt *ad hoc* measures to solve unexpected problems.<sup>184</sup> This shows the importance of such non-profit organisations as RIC Foyer and the Flemish Minorities Centre, which try to find a permanent solution. In addition, Roma self-organisations<sup>185</sup> are subsidised by the federal, regional or community authorities. Together with some leading community figures,<sup>186</sup> they represent the interests of Roma at public authorities. A few examples of local organisations are: *La voix des Roms* in Liège; in Antwerp, *Khere Amende* and in Sint-Niklaas, *Romano Dzvudipe*. The Flemish Community also distributes subsidies to Roma self-organisations in the framework of its policy toward ethnic minorities.<sup>187</sup> In Flanders, Roma self-organisations recognised and (sometimes structurally) supported by the Flemish authorities pursue diverse objectives. The non-profit organisation *Bachtale Chave* [Happy Children] is a recognised local initiative for youth education

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<sup>182</sup> Education projects targeting Roma children do exist.

<sup>183</sup> Interview with Flemish Minorities Centre

<sup>184</sup> Interview with Flemish Minorities Centre

<sup>185</sup> The involvement of Roma and Travellers is higher in self-organisations (obviously, these ‘self-organisations’ are created by Roma/Travellers) than in the non-profit organizations RIC Foyer or VMC for instance. However, the latter always involve the Roma and Travellers communities in their project and structural activities: they work for a target group & with that target group!

<sup>186</sup> E.g. Jules Modest for the Belgian Roma, I. Kajtazi and S. Hajvazi for ex-Yugoslavia, T. Moco for Slovak Roma and Czech Roma, and Daniela Novac for Romanian Roma.

<sup>187</sup> Vlaams Parlement/Decreet inzake het Vlaamse beleid ten aanzien van etnisch-culturele minderheden [Flemish Parliament. Decree on the Flemish policy towards ethno-cultural minorities] (01.04.1998)

located in Ghent. The non-profit organisation *Onafhankelijk Roma Initiatief* (O.I.R) [Independent Roma Initiative] has been active in supporting (mainly) the Roma from Slovakia and/or the Czech Republic since 2001. Volunteers provide translations or interpretations, organise mediation in conflicts, give advice to authorities, organise charity activities such as food aid and inform and train the Roma. The organisation is located in Ghent. *Romane Dzuvoja* is a non-profit organisation created by and for Roma women in Ghent. It organises activities such as conferences, neighbourhood fairs and activities for children. It also provides food during the one-night Roma Nation Day festival. The non-profit organisation *Opre Roma* [Rise Roma!] is also active in the province of East Flanders (Ghent). It is composed of volunteers who participate in projects such as the organisation of the Roma Nation Day Festival. In 1992-2002, the self-organisation organised a protest against the removal of undocumented Roma migrants (with a large number of refused asylum-seekers among them).<sup>188</sup> In St-Niklaas a non-profit organisation *VLOS* is trying to motivate Roma to take a seat in the neighbourhood non-profit organisations to work in neighbourhood mediations. These neighbourhood organisations are part of an urban renovation programme. Many local authorities are actively seeking to deal with 'rack-renters' or 'slum landlords' by forcing them to renovate the building. It may seem like a good idea to upgrade the quality of the houses, but there are two problems which arise as a consequence. The first is that when the house is renovated, the landlord increases the rent. The Roma families who used to live in the house cannot afford the higher rent and have to look for a new home.<sup>189</sup> The second problem is that the Roma families are left on the streets with no help at all.<sup>190</sup> A number of non-profit organisations provide assistance to evicted Roma families. *Huize Triest* [Triest Home] in Ghent and *Bonnevie* [Good-life]<sup>191</sup> in Brussels are good examples. They provide recently evicted families with a place to stay for the night and they help them find a long term solution as well. *Huize Triest* also has a community house in which families can stay while looking for a new place to live. These initiatives are not directed specifically at Roma. One respondent<sup>192</sup> added: 'Anyway the problem is not Roma-specific; the root of the problem is that about half the population of Brussels spend over half their budget on housing; the rents are simply too high.'

An example of a local initiative with expected positive results is being applied in Ghent. The municipal authorities of the city of Ghent decided in May 2008 to give the social integration income (state benefits for people with no income) to EU nationals of member states that entered the EU in 2004 and in 2007, and

<sup>188</sup> These four organisations are joined in a web platform 'Amaro Kher': [www.amarokher.be](http://www.amarokher.be) (15.03.2009)

<sup>189</sup> As they are always looking for the lowest rent possible, they often end up with a rack renter again.

<sup>190</sup> When they organise police or control operations against unscrupulous landlords, local authorities are not legally obliged to provide alternative accommodation to evicted tenants. Those are oriented to the CAW's (in Flanders) or the Public Centres for Social Aid (OCMW's, CPAS)

<sup>191</sup> <http://bonnevie.vgc.be/nl/overbonnevie.asp> (20.03.2009)

<sup>192</sup> 'lesson learnt' – Interview with the Regional Integration Center *FOYER* Brussels

who stopped a self-employed activity in Belgium, as from 01.07.2008.<sup>193</sup> According to the population department of the municipal authorities, there would be a total of 3,929 new EU nationals living in Ghent, among them a large majority of Slovak and Bulgarian Roma. The decision of Ghent's municipal authorities was motivated by the striking situation of acute poverty among Slovak Roma families in Ghent. After the enlargement of the EU, Belgium decided not to give immediate free access to its labour market to EU nationals from the ten new EU countries. Restricted access is granted; insofar as EU nationals from the ten new member states are 1) self-employed 2) coming to Belgium to fill vacancies in bottleneck occupations.<sup>194</sup> The Slovak and Bulgarian Roma in Ghent opted massively for self-employment, which gave them legal residence in Belgium and which opened the opportunity to receive financial support during the first five months prior to the start of their self-employed activity.<sup>195</sup> However, earning a living solely from self-employed activities is very difficult for them as many do not speak Dutch and many have no or limited skills. Most of them are self-employed as newspaper delivery boys and toilet attendants and barely make any profit at all. In March 2008, shelters for homeless people were flooded by demands of homeless Slovak Roma families with children. The situation was escalating<sup>196</sup> and social workers feared for the health of these impoverished families with neither home nor income (among them there were pregnant girls, disabled and underfed children). Closure of squats due to urban renovation could be a possible cause for that sudden influx of homeless Roma. One particular group of about ten Roma families was evicted from three different squats in less than three months. The fact that children were left homeless on the streets grabbed the attention of the media and made the local authorities take action. Also due to the lack of jobs and income opportunities, many families were evicted from their rental accommodation.<sup>197</sup> As the Roma are determined to live in poverty in Belgium rather than go back to their home countries, the municipal authorities decided to grant the social integration income to those who put an end to their self-employed activities under one condition: they had to take part in the Flemish *inburgeringstraject* [integration programme], which includes Dutch lessons and an occupational orientation course. The financial support is contingent on mandatory participation in the integration programme. The reasons behind these

<sup>193</sup> C. Galle (2008) 'Stadsbestuur probeert iets te doen aan erbarmelijke situatie van Romakindjes' in *De Morgen*, 14.05.2008, p.6.

<sup>194</sup> The government announced in 2008 that it would lift all restrictions for the eight new member states that entered the EU in 2004. Restrictions would still apply to Romanian and Bulgarian nationals' access to the Belgian labour market.

<sup>195</sup> For more information on state benefits given to EU nationals by Public Centres for Social Aid prior to the start of a self-employed activity, please consult: <http://www.belg.be/leesmeer.php?x=4378> (11.03.2009)

<sup>196</sup> A shelter for homeless people reported that 107 children benefited from their services in 2006. From September 2007 to March 2008, 299 children younger than 12 asked the organisation for help. The number of homeless Roma families in Ghent was then estimated at 60.

<sup>197</sup> The company that provided self-employed Roma with jobs as newspaper delivery in Ghent closed in September 2007. Cf. N. Carpentier (2008) 'Kindjes die hier in Gent uit een plas drinken?' [Are children to drink a lake here in Ghent?] in *De Morgen*, 15.03.2008, p.99.

strict conditions are 1) the fear that the measure would attract more migrants to Ghent ('pull factor') 2) the hope that Roma will benefit from the training offered by the Flemish public services and will find their way to the Flemish labour market. Since July 2008 about 130 Roma from Slovakia, some 49 from Bulgaria and less than ten from the Czech Republic have attended these integration courses. No results have yet been reported, but the fact that they have been able to afford minimum-standard housing is surely a positive result.<sup>198</sup>

In the Brussels-Capital Region, the Regional Integration Centre *Foyer* has played a leading role in trying to bring together Roma self-organisations with public and private actors targeting Roma in Brussels. In addition to 'first-line' assistance of Roma (information and inter-cultural mediation), and 'second-line' expertise on Roma, it provides school and other organisations (such as social services of the youth tribunal, youth police brigade, etc.) in the Brussels Capital-Region.<sup>199</sup> *Foyer* also does 'third-line' advocacy work, targeting policy-makers and trying to make them address the most critical issues. *Foyer's* advocacy work is based on exchange of experiences between all stakeholders present in Brussels. For that purpose, *Foyer* coordinates the Roma Council and the *Regionaal Overleg Roma Aangelegenheden* (RORA) [Regional Consultation Roma Affairs], which is a bilingual structure bringing together non-profit organisations and public services working with Roma. Finding adequate housing is however not a task of RIC *Foyer*, hence when they are confronted with such a request they transfer the demand to the social services. This organisation does a lot for the Roma but is not specifically focused on housing.

In conclusion, with the exception of structural measures taken in Ghent, regional and local authorities do not specifically address the social, economic and housing situation of Roma. However, civil society organisations and Roma self-organisations do provide *ad hoc* assistance and do call public authorities to take adequate measures for Roma.

The Travellers' situation is far from identical in Flanders, Wallonia and Brussels. The Flemish Government has a policy of subsidising local authorities for creating or renovating encampment sites. It also provides subsidies to civil society organisations specialising in policy advice or in assistance in the design and management of encampment sites (*woonwagenwerk*). The final decision still belongs to the local authorities, but the only excuse left not to instal a site is a lack of political will. In the Walloon Region, the situation is also dependent on the goodwill of local authorities, but the Region has very recently started giving more impulsion to local authorities (cf. section 1.1.) In the Brussels

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<sup>198</sup> Information retrieved by telephone in a conversation with an official of the city of Ghent, on 17.03.2009

<sup>199</sup> The largest part of *Foyer's* work is focused on getting Roma children and youngsters into mandatory education, regardless of their legal status in Belgium.

Capital-Region, one respondent<sup>200</sup> went as far as saying ‘there is no policy on Travellers.’

The Flemish policy on Travellers has elements of good practice, but it is not without problems. The most obviously positive result of the Flemish policy is that there are legal residential encampment sites and halting sites available to Travellers. Another positive effect is that the Regional Integration Centres are well supported by the regional authorities to effectively solve Travellers’ problems. Finally, the recognition of the trailer as a valid form of housing has made it possible to create a policy on the matter and to raise the population’s awareness. The recognition of trailers as a legitimate form of housing has enabled municipalities to consider Travellers real inhabitants of the town. The missing element in the Flemish policy is certainly the lack of obligation on the part of municipalities to create encampment sites.<sup>201</sup>

Most municipalities which organise the Travellers’ stay try to inform their inhabitants by spreading brochures or folders explaining who the Travellers are. In a town in Wallonia the Travellers organised a barbecue while town officials distributed the invitations to all residents<sup>202</sup>. This meeting enabled residents to dispel their prejudices. Projects such as this one aimed at improving relations between Travellers and the local residents are not exceptional in the towns which organise Travellers’ stay. *VROEM* has also had the idea to call meetings with Travellers before the halting site is created. The goal here is to do away with the negative image local residents might have of Travellers. If they are no longer prejudiced, they will not oppose the construction of a halting site as strongly. This might convince local officials that it is better to create a site and deal with the problem than to ignore it.(lesson learnt)

In Flanders, in about half of the municipalities where there is a residential encampment site, the good management of the site was cited as an example of good practice by a *VROEM* representative. He also said that in Mechelen the residential halting site is self-managed by the Travellers’ community and that it was one of the best managed sites of Flanders (involvement of Travellers). In Leuven, a Flemish city, the local authorities have decided to send a school bus to the halting site to pick up children who must go to school. This appears to be

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<sup>200</sup> Interviews with the Regional Integration Center FOYER Brussels AND Travellers’ National Committee

<sup>201</sup> Impact assessment. This element undermines the whole policy framework because it depends on the goodwill of the local authorities. Barring this one big flaw, the Flemish framework could be considered good practice because many local non-profit organizations participate in the process as they are asked to advise and help local authorities. Within those organizations there are often Travellers representing their community, or at least the organizations talk to Travellers. As a result, their participation is surely accounted for. The Travellers’ housing situation has certainly improved due to the framework, and the issue has been recognized as a general housing problem rather than merely a problem that minorities have to cope with.

<sup>202</sup> Interview with Travellers’ National Committee

a decent solution to the problem of isolation of the halting site (lesson learnt, impact assessment).<sup>203</sup>

In Brussels there are barely any initiatives aimed at improving the Travellers' housing situation according to a *Foyer* representative<sup>204</sup>. There are however some projects from *Foyer* targeting Travellers' children, but they are not relevant to the housing policies.

In Wallonia the *Centre de médiation des Gens du voyage* (Travellers' Mediation Centre) regularly organises meetings between local residents and Travellers. This allows the two groups to meet in a non-contentious situation. The Travellers' Mediation Centre also organises a yearly week of awareness raising and initiatives, held in a different town each time. The goal of this initiative is to reduce the prejudices that local residents have about Travellers and to make them a population category equal to all others. The impact of this is hard to evaluate, but a representative of the Travellers' Mediation Centre said he noticed 'how the general thought has changed: nobody used to know who Travellers were, while now we talk about recognizing problems and solving them.' The number of demands the Travellers' Mediation Centre receives to organise meetings and debates steadily increases. All of the Travellers' Mediation Centre's actions are elaborated in collaboration with Travellers: 'At all meetings we make sure Travellers are there so we don't talk about them, but we talk with them.' The Travellers themselves have echoed the positive feedback because they have noticed that these initiatives have had a positive impact on their situation.(impact assessment, lessons learnt, Travellers' involvement)

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<sup>203</sup> Of course it is recommended that the site is near a bus stop, but if such is not the case the special school bus is a fine second-best alternative.

<sup>204</sup> Interview with a representative of Regional Integration Centre

## 2. Field research - interviews

### 2.1. Brief description of methodology

All respondents were interviewed in their mother tongue. One interview was made by phone, but all other interviews were realised in a face-to-face situation. The respondents were selected according to the guidelines (authorities and relevant civil society organisations). Since Belgium is a federal state and housing (as well as social inclusion of foreigners) is a regional competence, several regional authorities had to be contacted. Representatives from the Brussels Capital-Region (housing administration and French-speaking Community Commission) could not be interviewed due to the shortage of time. Each interviewee was informed of how the data collected would be used, stored and then destroyed in accordance with EU data protection legislation. Each interviewee was then asked to sign the Consent Form. The interviewer strictly followed the guidelines for the interviews, making sure each question was asked and responded to.

Two elements forced us to conduct a lot more interviews than the required five. The first is the specific Belgian situation where the Regions are competent for social housing policies as well as providing halting spaces for Travellers. We might as well have been covering the situation of three different countries, as the differences between the Regions are very considerable. The other element is that there are also marked differences between the situation of the Roma and that of the Travellers, and in order to have information on both populations we often had to conduct interviews with different people from the same organisation. We have added the ‘category and region’ column to make it clear who speaks for which region and about which population groups.<sup>205</sup>

Organisation	Category and Region
<i>Centre de Médiation des Gens de Voyage</i> [Travellers’ Mediation Centre] (TMC)	Travellers, Civil Society, Wallonia
<i>Regionaal Integratie Centrum Foyer</i> [Regional Integration Centre] (RIC)	Roma, Civil Society, Brussels
<i>Regionaal Integratie Centrum Foyer</i> [Regional Integration Centre] (RIC)	Travellers, Civil Society, Brussels

<sup>205</sup> ‘Category’ refers to the interests the interviewed person represents in his/her job. Most interviewees are not Roma and/or Travellers themselves. Either they were interviewed because they represented the authorities competent for Roma and/or Travellers’ issues (authorities), or they were interviewed because they are in close contact with one or both of these groups, work with them on a daily basis and defend their interests and views in front of the authorities (Civil Society).

<i>Vlaams Minderheden Centrum</i> [Flemish Minorities Centre] (FMC)	Travellers, Civil Society, Flanders
<i>Vlaams Minderheden Centrum</i> [Flemish Minorities Centre] (FMC)	Roma, Civil Society, Flanders
<i>Raadgever Minister van Inburgering</i> [Consultant to the Flemish Minister of Integration]	Roma and Travellers, Authorities, Flanders
<i>Région Wallonne, Service Public de Wallonie</i> : Public Service to Walloon Region	Travellers, Authorities, Wallonia
<i>VROEM: Vlaamse Vereniging voor Voyageurs, Roma, Roms en Manoesjen</i> [Flemish Federation for Travellers, Roma, Roms and Sinti (VROEM)]	Travellers and Roma, Civil Society, Flanders
<i>Comité national des Gens du voyage</i> : [National Committee of Travellers] (NCT)	Travellers, Civil Society, Wallonia
<i>Ministère de l'action sociale de la Région Wallonne</i> : [advisor to the Walloon minister of Social Action]	Travellers, Authorities, Wallonia

## 2.2. Summary of main points with illustrative quotes

### Question 1:

What would you consider as the most important features of Roma/Traveller housing and accommodation situation in your country?

All respondents agreed that the most important problem concerning Travellers is the lack of halting sites. The Walloon public service official said 'The Travellers' biggest wish is for legal halting sites to be indicated, only after that will they be concerned about accommodating the site with water or electricity.'

The **reasons** given for this fact are that the townships do not wish to instal a halting site because they fear the local communities' response. The VROEM representative went as far as saying 'All politicians think installing a halting site is **political suicide**.' Subsidies are available but the municipalities are free to apply for them; some see this lack of obligation to install halting sites as a major factor in the slow evolution of the issue. In Wallonia only one of the 262 municipalities applied for such subsidies the previous year. And sometimes when the city is willing to establish a site, they have to abandon the project due to **local residents'** opposition. 'The **NIMBY (not in my back yard) syndrome** is a decisive factor in the shortage of halting sites' said a RIC official.



According to most respondents, at the heart of the problem there is the **bad image of Travelling communities**. One Roma representative even blamed blatant racism as he said ‘even when we’ve stayed somewhere without any problems and we want to go back the next year, we’re refused access to the site.’

The **regional differences** in Belgium are **huge** and not just between the two Regions, but also within the Regions. The VROEM representative explained it well saying ‘in Flanders there are some 400 halting sites while in Wallonia there is only a handful’. Another big difference, according to a RIC official is that ‘In Flanders a caravan has recently been recognized as a valid housing accommodation, while in Wallonia and Brussels it is not.’ The FMC’s representative pointed out ‘that the number of halting spaces has only increased where Travellers are numerous and well-organised, thus can put pressure on local authorities. The fact that some Flemish provinces provide an additional ten per cent subsidy has also helped.’ The Walloon Travellers’ Mediation Centre explained that ‘the sub-regional differences in Wallonia are especially striking between those municipalities which have installed a halting site and the vast majority which haven’t.’

The **weaker groups** within the Travellers population are **hit harder** by these issues, **but** there are **no specific issues** concerning them. An example of being hit harder is that children cannot go to school because they never know how long it will be before they are evicted from a place, while sick people have to switch hospitals if the rest of the family are forced to leave.

The **Roma** meanwhile are confronted with entirely different problems. Most Roma migrated to Belgium after the Iron Curtain fell and almost all of them have become sedentary. All respondents said their greatest problem is the **quality of the houses** they live in: they mostly live in very small places with bad ventilation, moist, cockroaches, heating problems, etc... Another major problem, according to the FMC and the Flemish authorities’ representative is that many Roma have no legal staying permit. This often depends on the country they come from: Ex-Yugoslavians have obtained a refugee status because of the war there, but most Roma are from Romania, Bulgaria or Slovakia with no legal staying permit.

The **lack of legal papers** creates an array of problems: they cannot apply for social housing and they cannot find a legal job. ‘This means they have a low income and are forced to rent a house from a rack-renter’ said a FMC representative. The RIC respondent added that because of this lack of staying permit they have no financial security, which causes many renters to refuse them.

Another reported issue is that they often have **verbal contracts** with their landlord, which gives them a lot of insecurity as they could easily be evicted without notice. The RIC’s official also pointed out that very often the Roma do not get their rent guarantee back.

Two respondents said there were cases of **blatant discrimination against Roma** who wished to rent. A RIC official explained that in many cases the landlord who agreed to rent an apartment suddenly changes his mind seeing the **woman dressed in visibly Roma fashion**. In many other unspecified cases landlords refused to rent to Roma, fearing they would create more problems than usual.

The FMC respondent explained how **children are particularly affected** by these poor housing conditions: 'As it is a small place where there are often many people, the children cannot do their homework and fall ill more often.'

Question 2:

Could you describe briefly your institution's work on Roma/Traveller housing and accommodation issues?

The **FMC's** job description is to **analyze situations and make policy recommendations**, develop methods, advise policymakers, create networks for exchange of information or discussion about ideas and coordinate the different actors' moves in this field. The activities with Roma are focused on education. In a survey about possible reasons for Roma children falling behind at school, housing appeared to be a major factor, but the FMC did not make specific policy recommendations on housing issues. With respect to the Travellers, the FMC urges municipalities to establish new halting sites, it helps those townships to design the sites and also assists in the management of the sites.

The **RIC 'Foyer'** has the task to **monitor Roma children's education** in Brussels. The RIC is also to **follow-up the halting sites problem** in Brussels. In this respect, they try to keep in touch with Travellers' families to know what problems they have to deal with. They are the contact point for all schools or public services which have problems with Travellers. In such cases they try to bring together both parties and find a solution whereby everybody wins.

An advisor to the **Walloon minister of Social Action** explained that the Travellers' issue has many different aspects falling into the competences of a number of ministries. What his institution does is **bring all the different cabinets together to create a platform for discussion** which establishes common goals and a common agenda. This inter-cabinet working group established in 2007 is directed by the Minister of Social Action, whose key priority is to convince local authorities to create halting sites. The representative claimed that his organisation had sufficient human resources, but the financial resources were lagging.

This last part contradicts what the representative of the **Walloon Region's Public Service** said. According to him 'there are enough financial resources right now, as the subsidies are barely used up. And if there was more demand for subsidies we'd find the money.' In addition, his administration's task is to **inform towns about and provide them with subsidies**.

The **NCT**'s official **represents Travellers** wherever this is needed. They try to mediate between Travellers' groups and the towns which experience problems with such a group.

The **Flemish Minister of Integration** decided to **pay for 90 per cent of all costs of establishing or renovating a halting site**. In 2007 the budget for these activities was quadrupled to four million euros. The priority is the creation of as many halting sites as possible; right now all resources are spent, which is a good sign. The minister cannot do much more at this stage, as the decision to instal or renovate a site belongs to the municipalities.

The **TMC** tries to **help Roma whenever they are confronted with discriminatory practices**. The respondent admitted that 'no actions have been successful so far.' With respect to the Travellers, they intervene at different levels: they mediate between a town and a Travellers' group if an urgent problem presents itself. More structurally, they try to raise awareness of the towns that have no halting sites, explaining the benefits of organizing Travellers' passage rather than hiding or ignoring the problem.

The **VROEM** official explained his organisation's three core tasks: they **lobby the local authorities** to set up halting sites, they **help Travellers in organizing themselves** in each province and they help in the **management of halting sites**.

Question 3:

Are there any national, regional or local housing and accommodation policies related to Roma/Travellers' housing? What would you say is their actual impact on the situation?

The **Flemish Region** provides **subsidies** to all municipalities who instal a halting site. The Flemish government representative pointed out that 'the subsidies have been quadrupled to €4 million in 2007 and this has allowed the creation of **68 new lots** in this legislative term. The number of new halting sites set up is an evaluation of the policy. The subsidies in this field have also allowed us to help Travellers organise themselves, whereas we used to have a more paternalistic approach.'

An **FMC** official added 'the Region has a 'trailer-commission', guidelines on how to establish a halting site and it organises policy coordination between all involved actors. But the **Region still cannot impose the creation of sites**. Compared to the size of the group, the Travellers get adequate consideration, but **too often** this attention is **dependent on individuals** who take the problematic at heart' The **VROEM** official added: 'One province found a way to force the creation of sites: the provinces have to approve the structural spatial planning of cities and towns; this province only approved the planning if a certain amount of space for halting sites was included.'

According to the **RIC official** '**In Brussels nothing is done** to improve the Travellers' situation. In 2004 a resolution to increase the number of sites was signed, but as this is non-binding, it has never been followed up by actions.'

The NCT representative confirmed this: 'Many politicians make promises to create halting sites, but they never take any action. In comparison to its neighbours, Belgium is lagging behind.'

The **Walloon Region** created an **inter-cabinet working group** in 2007, but **no results** have **yet** been recorded. The TMC representative added: 'Wallonia provides subsidies to towns that wish to establish a site. The financial means are sufficient as there was only one out of 262 towns which applied for subsidies last year. There are about ten towns which seriously work on this issue. It is a major problem that all other towns send the Travellers to these ten pilot-towns.'

The big difference between Wallonia and Flanders is that **'In Wallonia we're only starting the whole process'** said the advisor to the Walloon Minister of Social Action. But all interviewees agreed that in both Regions the main problem is that the decision to create a halting site still lies with the local authorities. The advisor added 'there is a positive evolution of the mentalities of those decision makers but they often still don't know how to act.' The TMC official added that 'when a group's stay of is organised (e.g. providing water, electricity and garbage disposal), 90 per cent of local residents' complaints disappear.'

The TMC's representative and the Flemish Government official both noticed the same effect on the weaker groups: **when a group of Travellers' stay is organised, the children are more likely to go to school:** they know how long they will stay, and as their basic necessities are fulfilled they can think about such secondary problems as education.

Concerning the Roma the FMS, RIC and VROEM representatives agreed there is neither a national, nor a regional or a local policy to improve their housing situation. The VROEM official said 'Flanders plans on building more social houses, but they build at a very slow rate and the Roma often don't have a legal staying permit to apply for one. Moreover, the **Roma still end up in the worst houses as they always look for the lowest rent.**'

Interviewees agreed that **most local authorities' initiatives are not helping the Roma:** actions against rack-renters only try to sanction the rack-renter, while the renters are left on the street with no place to go. The FMC representative added 'these actions often appear to improve housing conditions, but they also make the rent rise, which the Roma can't afford.' The RIC representative said: 'the only thing that improves the Roma's situation is when they are granted a legal staying permit: this enables them to find a legal job and apply for social housing.'

Question 4:

Could you identify any examples of 'good practice' related to Roma/Travellers' housing?

Most municipalities that organise the Travellers' stay try **to inform** their **inhabitants** by spreading **brochures or folders** explaining who Travellers are.

The NCT's representative said 'in one town the Travellers organised a **barbecue** and the town distributed the invitations to all residents. This meeting enabled the residents to dispel their prejudice; some even came to apologize for their prejudices.'

The Flemish Government official said a **city** currently has a project where it **sends a bus to the campsite to pick up children and make them go to school**. The government also paid the FMC to make a video about Travellers, , and how a town can apply for subsidies and how to organise Travellers' stay. She added: 'we always talk to the Travellers before we do anything; they are regularly invited to discuss certain issues and to give their point of view.'

The **Walloon Region** has **sent a guide book with practical ideas to all municipalities** about how to inform residents, how to communicate with Travellers and the subsidies available. The advisor to the Walloon minister of social action added that this brochure was created in cooperation with the TMC.

VROEM and the FMC gave **Travellers' representatives media and communication training**, subsidised by the Flemish Government. The FMC official said that 'these trainings and the increasing self-organisation of Travellers have made this group more able to stand up for their rights, and as a result, relations with town officials have improved.' The VROEM official added that 'in every town where there is a halting site, one town official is responsible for communication with Travellers.'

The TMC representative explained how a few adjacent towns have created a **halting site** which is now **managed in cooperation with a local non-profit** organisation. Aside from this, the TMC often organises meetings between local residents and Travellers. He said he 'noticed a distinct change in people's mentalities, shifting from the attitude 'Why should we help Travellers?' to 'How can we avoid problems?'. One of the reasons is that we never talk about the Travellers, we always talk with them and we introduce people to each other.'

With respect to the **Roma, not many good practices** were known to the respondents; the FMC representative explained this by saying: 'The minister does not take initiatives aimed at ethno-cultural target groups in housing policies, only socio-economical factors matter.'

In Ghent two **local non-profit** organisations (*Huize Triest* and *Bonnevie*) **helped Roma to find a temporary solution after they had been evicted from break-in buildings**. These evictions had quite some media coverage as the police actions often happened in the middle of the night and many parents were homeless with their children. The FMC representative said 'this media-coverage forced the local authorities to take action: the **Social Services**, which normally provide no help to illegal residents, offered the Roma **financial help on condition** that the parents attended several **courses**, including a Dutch language course.'

The RIC official explained that ‘most of the time the **Roma manage** to find a place to stay with relatives. It is exactly this capacity to **solve difficult situations** that **keeps** the Roma **issue low-profile**: if they always ended up on the streets, the problem would be a lot more visible and solutions would have to be found.’

Question 5:

Was your organisation involved in any cases of housing discrimination or other violations of the housing rights of Roma/Travellers?

The main task of most organisations interviewed is not to handle individual complaints about discrimination. When confronted with such an individual complaint, these **organisations transfer the plaintiffs to the appropriate institutions**. However most complaints do not reach the organisations as they arrive directly at the police station or the mayor’s office.

The **VROEM** respondent explained that it is his organisation’s task to find such cases and try to solve the problems. Whenever they get a complaint they contact the local authorities and the Travellers’ group and try to advise the municipality on how to handle the problem in such a way as to find a solution that works for all parties involved. He gave a recent example: ‘A town wanted to apply a condition as to which cars are allowed on the halting site based on their monetary value. We advised them to use qualitative criteria rather than monetary criteria, because according to the original plan the Travellers would be unable to use the halting site as their cars would not be worth enough to be allowed on the site.’

The **FMC** also has the task to mediate between authorities and Travellers. They give policy advice to the local authorities and assist them in all ways possible. It is however not their task to follow up legal cases: ‘We try to avoid expulsions or make authorities withdraw discriminatory measures, but we don’t handle complaints about racism or discrimination.’ He added that ‘in the Flemish context it is very difficult to talk about racism or discrimination as the authorities always translate this into a lack of taking opportunities: they say ‘people don’t try hard enough to take the opportunities we give them.’

The **Flemish ministers’** representative said that whenever a complaint reaches her office, they try to mediate between the actors involved: ‘The lack of halting sites is an infringement to the right to housing and in some cases the minister goes to the halting site to talk to the Travellers. He then explains the limits of his powers: the minister can only send a letter to the mayor but he is not in a position to take decisions. Personal contact with the Travellers is also important to make it clear that someone is handling their case.’

The **RIC**-official explained that the only group which is more blatantly discriminated against is **Roma women**: ‘Because they can be more identified as being Roma by their long dresses and long hair, they are more often confronted with discrimination in the renting market.’

## Annex 1: Statistical data and tables

The Belgian federal equality body, the Centre for Equal Opportunities and Opposition to Racism, could not extract relevant figures from its DOLMEN database (created in 2004). The CEOOR had not filed any formal complaint of housing discrimination lodged by Roma or Travellers.

	2000 - 2009
<b>Number of complaints regarding ethnic discrimination received by complaints authorities (such as ombudsperson's offices and national equality bodies)</b>	
<b>Number of instances where ethnic discrimination was established by complaints authorities (such as ombudsperson's offices and national equality bodies)</b>	
<b>Follow up activities of complaints authorities (such as ombudsperson's offices and national equality bodies), once discrimination was established (please disaggregate according to type of follow up activity: settlement, warning issued, opinion issued, sanction issued etc.)</b>	
<b>Number of sanctions and/or compensation payment in ethnic discrimination cases (please disaggregate between court, equality body, other authorities or tribunals etc.) regarding access to housing (if possible, disaggregated by gender and age).</b>	
<b>Range of sanctions and/or compensation in your country (please disaggregate according to type of sanction/compensation)</b>	

## Annex 2: Court, specialised body or tribunal decisions

<p><b>Case title</b></p>	<p>N/A – No known court case or tribunal decision relating to housing discrimination of Roma or Travellers.</p> <p>The most famous court case involving Roma (Conka arrest – Human Rights Court in Strasbourg) is not directly related to housing, but rather to migration law and its implementation. The Belgian State was found in violation of the European Convention of Human Rights in relation to the collective expulsion of Slovak Roma. The Conka family was deported to Slovakia in September 1999, together with a dozen other Roma families. All were refused asylum-seekers. They had been lured into the police station under the pretext of ‘completing their asylum dossier.’ They were arrested at their arrival at the police station and deported a few days later. Cf. <a href="http://www.foyer.be/IMG/doc/N%C2%B0%2024.doc">http://www.foyer.be/IMG/doc/N%C2%B0%2024.doc</a> (20.03.2009)</p>
<p><b>Decision date</b></p>	
<p><b>Reference details</b> (type and title of court/body; in original language and English [official translation, if available])</p>	
<p><b>Key facts of the case</b> (max. 500 chars)</p>	
<p><b>Main reasoning/argumentation</b> (max. 500 chars)</p>	
<p><b>Key issues (concepts, interpretations) clarified by the case</b> (max. 500 chars)</p>	
<p><b>Results (sanctions) and key consequences or implications of the case</b> (max. 500 chars)</p>	



## Annex 3: Bibliography

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