

Developments in mediation – Current challenges and the role of ROMED

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The issues at stake

The training programme for Roma mediators, launched by the Council of Europe in 2011, has certain features which make it unique for a project of this scale, in terms of real value, duration and key outcomes, both in Europe as a whole and in individual member states.

The strategy adopted must respond to needs and expectations starting with those of Roma communities, since opportunities of this kind have rarely come their way in the past. Implementing it is a complex business and there is still a high risk of error, which is why there must be a parallel process of reflection.

This booklet offers a brief presentation of the document published by the Council of Europe as part of that reflection process.

► Putting the programme in context and explaining its value

The research sets out to contextualise and evaluate the action taken, and to highlight its positive features and uses. It is intended to provide guidance for programme leaders, to enable active participants – trainers, mediators, employers and others – to see their efforts as part of an overall scheme, to help policy makers to make the right decisions, and to explain the operation to a broader audience.

Contextualisation is important, since it identifies the factors which need to be taken into account in mediator training, traces the conceptual history of mediation and analyses its antecedents. This helps us to select realistic approaches, build on past work, increase our knowledge and adapt the action we take more effectively.

By creating a space for dialogue, contextualisation also helps to bring Roma-related issues and initiatives out of their isolation, by which we mean that action taken in this area can and must be inspired by, and itself inspire, action in other areas. This boosts the programme's image, since the usual stereotypes are reversed and Roma are seen as a reference source and model for positive action. It also has beneficial effects on European co-operation, action to combat discrimination and marginalisation, and the search for ways to improve difficult situations. ROMED provides inspiration for the intercultural policies that are needed to manage present-day societies, where diversity and pluralism are the hallmarks.

Mediation – The idea

► Background

Mediation has long been used as an instrument of social regulation in various cultures. Recently, it has acquired a higher profile – and a new function. As economic problems develop, social change becomes more marked and accelerates, leaving individuals less and less able to keep pace with it. Simultaneously, migration and rural depopulation are uprooting and sometimes fragmenting families, and thus weakening social ties and traditional regulating mechanisms, all this at a time when the workings of society itself are steadily becoming more complex. Everything conspires to make interpreters, facilitators, mediators, counsellors and guides essential in relieving the plight of communities who are increasingly a prey to poverty and exclusion. Cumulatively, various problems (housing, employment, health, etc.) are undermining social ties, focusing people on their own difficulties and eventually leading to a sense of relegation and rejection which can spark violence. On a personal level, individuals feel profoundly isolated. This is why professional “facilitators” with community-building skills are proposed as a means of restoring social cohesion.

There are ambiguities, however: these new professional workers are employed by the authorities and may be seen as an attempt to “buy” peace in the community, defuse potentially explosive situations and shift responsibility away from the very people whose autonomy they are supposed to be fostering.

► Uncertain status

At present, mediators are in fashion and are sometimes seen as the magic key to resolving conflicts and defusing tensions, but their function has never been institutionally consolidated, with the result that neither their work, nor the training they need, has been properly defined. In most cases, theirs is a precarious activity aimed at precarious communities.

Nonetheless, this activity is increasingly regarded as vital in a Europe where economic choices have obscured social realities.

► A new approach

Mediators' usual task seems to be that of repairing strained or severed communication links, stepping in when institutions fall short, and defending violated or disregarded rights – in other words, reacting when problems arise. Indeed, mediation is often seen as the art of conflict management. Certain trends suggest, however, that mediators could play a more “proactive” and positive role, and facilitate action instead of just responding to problem situations.

Mediation and Roma

Activities aimed at Roma can inspire new practices. The fact that policy makers are now insisting on the need to train and employ more Roma mediators, and that field projects (some of them far from new) are fuelling that process, suggests that the general situation is improving. The publication highlights past milestones and provides useful pointers for the future, citing old projects which the various institutions have forgotten.

The first major European research study on Roma, published by the European Union in 1984, discussed several aspects of mediation and the way in which various countries practised it. Its conclusions and recommendations contained proposals on the training and employment of mediators.

► Increasing activity

A resolution based on that study and concerned with school provision for Gypsy children was adopted by the European Union in 1989 and generated various activities aimed at developing a reference framework for mediators. A number of pilot projects were launched. In 1993, a Roma association carried out a study on mediators, in co-operation with other similar associations in various parts of Europe. It made various points concerning the status, function, recruitment and training of mediators.

In the 1990s, local and national initiatives proliferated, as did projects commissioned by the EU. The publication summarised here describes various activities which reflect the interest taken in mediators by some countries, and the experience gained over the years in this field.

The Council of Europe

The Council of Europe has been working on Roma-related issues for over 40 years and mediators are one of them. The Congress of Local and Regional Authorities of Europe highlighted this question in 1994. A network of cities has been established and various thematic meetings have been organised, while field activities have provided opportunities to explore the ideas put forward at these meetings in more depth.

In 2000, the Committee of Ministers adopted Recommendation No. R (2000) 4 on the education of Roma/Gypsy children in Europe. This grew out of work done since 1983, which had already helped to clarify a complex issue. Various seminars, case studies and publications also highlighted the importance of mediation in schools.

A seminar held in 2004 reviewed the role, institutional context, status and training of mediators and school assistants. It focused on different ways of envisaging and practising mediation, and stressed the value of comparing them. A team of experts carried out a survey and the findings were published in a report covering 35 countries.

Recommendation CM/Rec(2009)4 on the education of Roma and Travellers in Europe, adopted in 2009, again highlights the importance of employing school mediators and assistants.

► Governments meet in October 2010

In October 2010, at a time of economic crisis, when discrimination was increasing and families were finding it harder to move between countries, the Secretary General proposed the holding of a high-level meeting on Roma, attended by all the member states. A number of texts resulted. The Strasbourg Declaration on Roma referred several times to the role of mediators, while the Strasbourg Initiatives called on member states to “employ Roma school, health and employment mediators and train them with the handbooks and guidelines produced by the Council of Europe”.

The ROMED programme

In December 2010, mediation specialists and trainers met to determine the programme's structure, analyse existing training materials and devise a strategy based on an initial group of countries and the development of a European approach.

They declared that mediators must use their familiarity with the outlook and modus operandi of both sides to become active – but, as far as possible, neutral – facilitators, to generate dialogue and steer them towards a process of constructive co-operation, which might lead to the changes needed to improve the situation.

They also drew up a list of 15 countries in which the project would be launched: Bulgaria, the Czech Republic, France, Germany, Greece, Hungary, Italy, “the former Yugoslav Republic of Macedonia”, Moldova, Romania, Serbia, Slovakia, Spain, Turkey and Ukraine. Kosovo¹ would also be participating. Selection criteria for candidates were specified, as were conditions for the recruitment of trainers.

1. All reference to Kosovo, whether to the territory, institutions or population, in this text shall be understood in full compliance with United Nations Security Council Resolution 1244 and without prejudice to the status of Kosovo.

► Launching the programme

The first training session for trainers was held in January 2011 and the second in August. Teaching materials were prepared and the mediators' code of ethics was refined, emphasising the 10 essential rules which they must follow in their work.

The first training sessions for mediators were held between January and March 2011, and over 400 mediators attended. The following sessions were held six months later, between September and December. In the intervening period, mediators were expected to apply the lessons they had learned at the first session.

► The scheme expands

A Special Representative of the Secretary General for Roma Issues was appointed to co-ordinate activities. Synergies with the various sectors of the Council of Europe were consolidated, co-operative practices introduced and instruments devised. In this way, the programme has forged complementary links with other Council of Europe activities in fields such as education, human rights, action to combat prejudice and stereotyping, and anti-discrimination measures. ROMED is an important part of the Council of Europe system, where it serves as a testing ground in which policies take shape and are implemented, from national to local level.

Two examples of synergy between Council of Europe bodies are given: at national level and involving states, the Committee of Ministers set up an inter-governmental committee – the Ad Hoc Committee of Experts on Roma Issues (CAHROM); at local level, local and regional authorities are represented by the Congress of Local and Regional Authorities of the Council of Europe, which has stepped up its work on Roma.

The programme's potential

Following the launch of the programme in the 15 countries initially selected and also Kosovo, other countries – Albania, Belgium, Portugal, the Russian Federation and the United Kingdom – gradually came on board. In January 2012, further posts were advertised in an effort to recruit more trainers.

ROMED's special features make it highly innovative and give it great strength, but also great responsibilities. The context in which it works obliges it to find solutions which steer a middle course between potentially conflicting elements, for example emergency action and in-depth work, the situational and the structural, the ad hoc and the long-term, European requirements and local dynamics.



▶ A pilot project

ROMED is not a closed system. From the start, it must take account of other initiatives and forge closer ties with them, so that expertise can be usefully pooled and projects linked or even merged. This interface function is one important aspect of the programme.

Once up and running, it must remain a pilot project – in other words, be experimental and a source of inspiration and new ideas.

▶ Broad impact

Where there are problems, inaction is the expensive option. It is cheaper to do something positive rather than to perpetuate a situation which makes people dependent on the social services and prevents them from contributing to the economic life of the countries they live in. Money spent on training and employing mediators is money well spent.

Mediators' strategic position between families, institutions and non-Roma communities, where they promote consultation, facilitate Roma involvement, provide young people with training and integration models, and generally operate where the real action is. This also allows them to contribute significantly to the development of numerous projects.

Moreover, the ROMED programme is not simply relevant to Roma; its benefits extend to many other groups. This is no marginal issue, of interest only to communities often seen as marginal themselves. We are at the very heart of the fundamental political, social and cultural questions which Europe faces today – and will face tomorrow.

Keys to success

The publication does not simply put the programme into context, it also makes it part of a dynamic process. It discusses issues with a vital bearing on its success and wider impact.

▶ An institutional ethos

A clear political philosophy should be behind all action since, without this, lofty intentions can easily mask the formal failings of schemes designed to address, as a matter of urgency, a deteriorating situation. We also need to consider the thrust of the political principles on which decisions are based.

► **Qualifications**

The programme sets out to improve the situation of Roma, but also to promote the profession of mediator, enable it to be recognised and secure better working conditions for mediators. This is why they must be professionalised through formal qualifications.

Module-based training can meet these requirements, making it easy to see how knowledge is gained and what level has been reached. Basic modules introduce trainees to the field and show them how to tackle a broad range of situations, while specialised modules enable them to adjust their practice later. This generates a training profile for skills which match a work profile, allowing them to construct their own learning itinerary and improve their qualifications and professional position in the medium or long term. A system like this triggers a dynamic process of desegregation and professional integration.

► **Accreditation**

A modular system facilitates accreditation. In this connection, it is worth mentioning the European Credit System for Vocational Education and Training, which opens the way to recognition of prior learning and is now being extensively tested. ROMED can contribute significantly to this process.

► **Consolidated status**

An increasing number of states now have official job profiles for mediators. Giving them a defined status has the advantage of placing them within a global structure. This is an approach which gives equal access: Roma mediators with recognised skills become part of an overall employment plan – equivalent skills mean equivalent status.

► **A code of professional practice**

In addition to status as a source of protection and security, mediators need a professional code of practice. The ethical rules by which they must be guided in their work include moral principles governing their own attitudes and conduct. These need to be set in a wider context by adding a section relating not to the mediator's personal qualities, but to the mediation process, combined within a code of professional practice which covers both and spells out shared obligations by the different stakeholders.

► A strategy

Activities are proliferating and becoming increasingly complex, which is why organisation and co-operation instruments are needed and why we must feed a few working principles into a strategy that we can use to consolidate and steer the programme.

Players and assets

► Roma mediators

The ROMED programme is about the training and employment of Roma mediators. This point must be emphasised, to ensure that its aims, and the Council of Europe's values, are respected.

Since the 1980s, various Council of Europe texts have stressed the importance of employing Roma mediators, as did the Strasbourg Declaration on Roma and the Strasbourg Initiatives of October 2010. They all make it clear that the programme is aimed at Roma mediators, a proposal consistent with other texts covering direct participation by Roma and their organisations in activities which concern them, with the added aim of creating jobs for Roma, who are normally excluded from the labour market.

Using terms from the sociology of development, this ties in with the need to harness the dynamism of the communities concerned.

► Substantial Roma involvement

Employing Roma mediators has many advantages: they are familiar with the context, often know the language and can tap the communities' own dynamism, while the scheme itself encourages Roma to participate in projects which concern them, creates jobs, provides a positive model which may prompt others to get involved in similar projects and fosters a new attitude to Roma professionals, not only in their own communities, but also among their professional associates and institutional partners.

ROMED is proof that, if we want to do away with specialised structures which may ghettoise their users, we must develop the latter's skills. This, indeed, is the central point of training.

► Recognition of prior learning

The flexibility offered by modular training must be supplemented by exploiting the possibilities of access to qualifications offered by recognition of prior learning.

Recognition of prior learning allows anyone to have his/her experience validated and use it to obtain professional qualifications. This opens up opportunities for people who have had no access to conventional schooling. Equal opportunity starts with acceptance of multiple paths to qualifications and knowledge.

► Public authorities – Getting them on board

The countries which launched the programme must honour their commitments, since conditions of employment for mediators are decisive: before training, when potential candidates must be motivated to enrol and stay the course; during training, when field exercises must be a real learning process; and after training, when employment must be made available.

The general verdict on current working conditions is negative. Accreditation, qualifications based on training modules, a defined status and a general mediation code of practice can to some extent improve them, by helping employers to understand and recognise the professionalisation of mediators, and form an accurate picture of the work they do and its usefulness.

► The local authority angle

Mediation is a topic of major concern to local authorities, which are directly affected by mediators' work in the field and are their main employers.

The Alliance of Cities and Regions for Roma Inclusion, set up by the Congress of Local and Regional Authorities of the Council of Europe, is an important platform for discussion, reflection and pooling of expertise by its members, allowing them to compare existing schemes and inspiring new ones. It has also established a pattern for exchange and co-operation between mediators working in the network of cities.

► The challenges facing ROMED

The difficulties the programme faces are due to its scale, the situation of Roma communities in Europe and the negative images which cling to them, but also to the ill-conceived policies devised for them. A further difficulty lies in the aims of the programme, which sets out to train people for, and find them jobs in, a profession which has not been clearly defined, is still finding its way and is not



highly regarded, although the need for it is now widely recognised. It suffers, in other words, from a lack of image and a lack of recognition, made worse because it concerns Roma. This is the double focus, responsibility and value of ROMED, which is designed to act as a pilot and a model for change.

The risks are real. At the outset, employers' interest may prove short-lived and superficial, and mediators may be made to serve policies which are not really aimed at making life better for Roma, but at keeping things quiet in the community. Later, if no jobs are forthcoming, all the time, energy and money put into training will have been wasted.

Nonetheless, there are positive aspects which are in its favour. The product of a powerful political decision, it forms part of a wider multi-annual European process, thanks to the joint action of the Council of Europe and the EU. By their very nature, the training and employment of mediators require an integrated approach, covering a broad range of aspects, and the programme provides a forum for the pooling of ideas on issues ranging from teaching methods to employment in the field, and from cultural dynamics to social integration.

► The primacy of culture

Although it was initially aimed at school, health and employment mediators, the programme must be opened to cultural mediators, too. Cultural projects offer possibilities which are rendered all the more important by the insidious and sometimes reductive tendency (reflected in things said and the priorities they generate) to turn cultural issues into social and economic problems, and minorities into social categories. One great advantage of cultural development is that it rejects a gloomy vision of certain communities as "problems" and gives them the positive recognition and dynamic support they are entitled to expect. There are links here with other Council of Europe programmes: the European Cultural Routes, with a new Roma Route; the "Dosta!" Campaign against stereotyping and prejudice; the Intercultural Cities programme, the Alliance of Cities and Regions for Roma Inclusion, the Cultural Resources for Integration of Roma project, and others.

Cultural development also reassures mediators and their associates, who fear that certain projects are essentially designed to rob them of their culture. In this context, the Roma example contributes significantly to the general discussion on mediation. The Roma mediators' brief extends far beyond conflict reduction (an aspect traditionally associated with mediation) and this counters a limited conception of the mediator's role, taking us from the mediator who repairs to the mediator who promotes, from the mediator who criticises to the mediator who interprets, from the mediator who temporises to the mediator who liberates – of whom cultural mediators are the most apt symbol.

ROMED must also be animated by a spirit which transcends the administrative constraints of the moment since, at a time like the present, when economies are floundering and political tensions running high, projects for Roma are not going to be a priority. We must build on the pilot nature of the programme, the effects of which benefit all Europeans, not only because they make for better relations between individuals and between cultures, but also because they give all those they touch new energy and new confidence in a shared future.

Documents concerning mediators' training and work:

- Calin Rus, "The training of Roma school mediators and assistants", report on the seminar organised in Timișoara (Romania) in co-operation with the Intercultural Institute, DGIV/EDU/ROM(2004)11.
- Calin Rus, "The situation of Roma school mediators and assistants in Europe", DGIV/EDU/ROM(2006)3.
- Calin Rus and Mihaela Zatreanu, "Guide for Roma school mediators/assistants", DGIV/EDU/ROM(2006)12.

To help situate the ROMED programme in the context of the field of education see:

- *Education of Roma children in Europe – Texts and activities of the Council of Europe concerning education*, Council of Europe Publishing, Strasbourg, 2006.

To place the programme into the larger context of the Council of Europe's activities of the last 40 years, see:

- Jean-Pierre Liégeois, *The Council of Europe and Roma – 40 years of action*, Council of Europe Publishing, Strasbourg, 2012.

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