

The Group Expulsion of Slovak Roma by the Belgian Government:

A Case Study of the Treatment of Romani Refugees in Western Countries

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The article examines the Belgian government's group expulsion of Romani asylum seekers from Slovakia in October 1999, following press hysteria and racist pronouncements by leading Belgian politicians. The human rights situation in Roma in Slovakia is analysed, and the Belgian government's narrow interpretation of its obligations towards asylum seekers under international law is outlined. It goes on to assess the negative impact of the Belgian case on the attitudes of other western governments towards the Roma. Similar episodes have transpired in other European and North Atlantic countries since the political changes of 1989 where centrist governments have caved in to right-wing pressure; the rule of law has been suspended; anti-Romani sentiments have become widespread among the public which has no easily available access to information about Roma other than sensational articles surrounding their expulsion.

In early October 1999 Belgium became the latest in a series of western states to respond to rising numbers of Romani refugees from central and eastern Europe by reducing the right to asylum to a formality which is, in practice, unavailable. Roma, often perceived as unwelcome visitors and rarely as refugees, have fallen victim to contemporary trends in the European Union (EU) to apply highly restrictive interpretations of the 1951 Geneva Refugee Convention in order to reduce the number of asylum-seekers in the EU. In many instances, including the Belgian case, the sudden constriction of the right to international protection where domestic protection from harm is unavailable has been preceded by scandal-mongering press reports describing Roma as out to 'gyp' the system by filing fraudulent asylum claims. In the more disturbing examples - unfortunately again including the Belgian case - politicians have added their voices to the chorus of offensive anti-Romani statements, evidently caving in to a perceived electoral threat posed by racist and xenophobic right wing parties. The result has been the suspension of the rule of law on grounds of racist hysteria for periods of time in many countries in the West, a phenomenon that should be of deep concern to us all.

own figure for 1998 is 89% based on the numbers of claims accepted and the number refused as given by Statistics Canada for Czech Nationals in 1998.

Lila Sarick, 'Roma decision seen as flawed'.
 The figure of 3,000 Hungarian Roma is an estimate by officials of the Toronto Shelters Committee in October 1999. They are responsible for housing the refugees. At a public forum, held by RCAC on 22 October 1999, in Toronto, immigration lawyers and civil rights activists discussed the problems facing Hungarian-Romani refugees, including the fact that Canadian Immigration officials at Pearson International Airport in Toronto were trying to persuade the refugees to return to Hungary. The worry that Canadian Immigration is working with the Hungarian government and the carriers to prevent Roma from boarding flights to Canada in Budapest was also discussed and is being investigated by ERRC in Budapest as a breach of human rights. For a report on the forum see Maureen Murray, 'Hungarian Roma demand asylum', *The Toronto Star*, 23 October 1999, p. A13.

In the United States, some states detain Convention refugees in disused jails. In Britain, adult male family members and single males are often placed in detention. Germany also keeps refugees under strict supervision.

Lila Sarick, 'Roma decision seen as flawed'. The immigration lawyer who is currently appealing these test cases, considers both test cases to be those of claimants who had very weak claims. Other lawyers who have reviewed the Issue Paper released by Canadian Immigration agree with this finding.

Farkas was not elected to his position by Roma but by the Hungarian voters in general on a national basis. Less than 10% of these are Roma. The (Hungarian) Roma Parliament, on the other hand, which only has NGO status with the Hungarian government, is elected only by Roma, who vote for members on a regional basis.

'Roma in Hungary: Views of Several Specialists', Issue Paper by the Research Directorate, Immigration and Refugee Board, Ottawa, Canada, February 1999. The lawyer representing the refugees in these two trial cases had originally requested Claude Cahn of ERRC but he was unfortunately unable to attend.

Legal Defence Bureau for National and Ethnic Minorities, *Felér Füzet (White Booklet)*, Neki and Osiris Publishing House, Másság Foundation. Legal Defence Bureau for National and Ethnic Minorities, Budapest, 1996, 1997 and 1998. Gábor Bernáth *et al.*, eds., 'Chronicle of everyday events, 1997: a year in the life of Roma in Hungary - Hungarian Helsinki Committee - Roma Press Center, Budapest, 1998; European Roma Rights Centre, 'Hajdúhadház.

'Hungary', *Roma Rights*, no. 1, 1999, Budapest, ERRC, March 1999.
 Ian Hancock had previously been invited by Canadian Immigration and IRB in October of 1997 as an expert on country conditions of Roma in the former Communist countries of eastern Europe and is internationally acclaimed as an expert on the conditions of Roma in these countries.

'Roma in Hungary: Views of Several Specialists'.
 Maureen Murray, 'Hungarian Roma demand asylum'.
 Maureen Murray, 'Hungarian Roma demand asylum'.
 Lila Sarick, 'Roma decision seen as flawed'.
 This information is from the author's personal interviews with the refugees.

This paper firstly examines the details of the Belgian group expulsion of Slovak Roma in October 1999. Secondly, it presents an overview of the human rights situation of Roma in Slovakia to put the Belgian treatment of the asylum seekers in perspective. Next, the paper details the Belgian government's narrow interpretation of its international obligations. The discussion then shifts to show how, in many ways, the Belgian example is typical of a series of 'asylum crises' occurring throughout the Euro-Atlantic world in the 1990s, especially when the refugees at issue are Roma. Finally, the paper explores the impact of popular racist hysteria on Roma themselves.

Group expulsion policy

On 5 October 1999 Belgium expelled seventy-four Slovak Romani asylum seekers after attempts to detain approximately 150 Slovak Roma in two Belgian cities. On 30 September and 1 October 1999, local authorities in the city of Ghent ordered a number of Romani asylum seekers to appear before the police. Some went of their own accord after receiving written summonses, while police reportedly detained others during house searches. According to reports by *Amnesty International* and by the *Belgian Centre for Equal Opportunities and Opposition to Racism*, many Roma were lured to the police office under the false pretext that they had to complete additional forms as a part of their asylum application.¹ According to reports in the Belgian press, Interior Minister Antoine Duquesne later accused the police force of rushing the procedure and detaining the Roma too quickly. This statement was difficult to take in good faith, since the expulsion was carried out on the orders of the Foreigners Office, a governmental body under the Interior Ministry. Once at the police station, the Roma were immediately detained and transferred to a closed detention centre called '127bis Steenokkerzeel' on the outskirts of Brussels. They remained at the centre for four days under heavy police guard until their deportation on 5 October 1999. Another group of Slovak Roma was deported from the city of Tienen.

The Belgian government's decision to proceed with the deportation came in the face of a decision earlier the same day by the European Court of Human Rights in Strasbourg expressly requesting that the Belgian government stay deportation for eight days to permit consideration of whether such deportation would violate the European Convention of Human Rights (ECHR). The Court was responding to a complaint filed on behalf of Romani applicants by the *Belgian League for Human Rights*. In a communication reportedly faxed to the Ministry of Justice at approximately 4:00 p.m. on 5 October, the European Court requested that the Belgian government provide information by no later than 8 October 1999 as to whether it had given due consideration to the applicants' claims that they would be subjected to inhuman and degrading treatment in Slovakia. The Court additionally requested details on why Belgian authorities had expelled asylum applicants whose cases had not yet reached a final decision by the State Council (Conseil d'Etat, Raad van State), the last instance of appeal in the Belgium asylum system.² Almost two hours after the receipt of the European Court's request for a stay, the Roma were deported via Brussels airport. The Belgian government's

disregard for the ECHR was affirmed by subsequent statements by Belgian officials: on October 6, a spokesperson of the Interior Ministry reportedly told *Radio Free Europe (RFE)* that the government had acted lawfully since, in the government's view, the European Court would certainly have agreed had it considered the matter. Prime Minister Guy Verhofstadt publicly suggested that halting the deportation would have placed another obstacle in an already difficult operation, thereby giving the impression that the government was not committed to the active expulsion of persons who have not been granted political asylum.

The Belgian expulsions followed in the wake of a number of articles in the Belgian press inciting anti-foreigner and anti-Romani sentiment. Some of the articles described Slovak Romani refugees in Belgium in defamatory terms. One article, published in the daily *De Standaard* on 24 September 1999, ran under a headline stating that Roma from Slovakia eat dogs, although the author did not go on to substantiate this claim in any way. The same article quoted a local official from the town of Tienen as saying, 'There are some of them who want to stay here, who want to learn Dutch and look for a job. But they're Gypsies, most of them just loiter about'. During the weeks prior to the deportations, high-ranking Belgian officials referred repeatedly to persons with open asylum claims as 'illegals'.³ Verhofstadt was quoted in the daily *Het Laatste Nieuws* on September 20 1999 as stating:

We have been talking with Albania and Slovakia and we modestly began with repatriation. But also with Bulgaria and Macedonia and with Kosovo we want to reach a repatriation agreement in order to let the many illegals go back quickly. Refugees from countries like Slovakia and Bulgaria are not even real asylum seekers, because there are no political problems there which would justify this. Moreover, these are countries that want to join the European Union. We cannot allow that in the meantime masses of illegals from there come to Belgium.

Thus Prime Minister Verhofstadt confirmed popular misconceptions that 'asylum seekers' and 'illegal immigrants' are one and the same thing, while at the same time suggesting that no one in central and eastern Europe can claim a legitimate fear of persecution.

During the course of these events, a number of Belgian associations criticised the actions of the government. Umbrella organisations for the protection of asylum seekers and refugees in Belgium (*Overlegcentrum voor integratie van vluchtelingen* on the Flemish side and *Coördination et initiatives pour réfugiés et étrangers* on the Walloon side) and the *Centre for the Equal Opportunities and Opposition to Racism*, a national organisation founded on the initiative of the Belgian government in 1993 for the purpose of combating discrimination, voiced concerns about the ambiguous procedure of 'inviting' the Roma to the police station and transporting them immediately to '127bis', days before the actual repatriation. In the aftermath of the first transportation to the closed refugee centre, local refugee organisations and the Romani organisation *Opré Roma* called

for an interview on the matter with Mr Frank Beke, the mayor of Ghent. They conveyed to him the insecurity and angst which had affected the local refugee communities as a result of the police's actions. The Budapest-based international non-governmental organisation (NGO) *European Roma Rights Centre (ERRC)* protested about the deportations in a letter to Prime Minister Verhofstadt on 7 October 1999. The *ERRC* called upon his office to reverse the decision to expel the Slovak Romani asylum seekers; to offer to finance the return of all seventy-four deportees to Belgium; to ensure that their applications for asylum be given due consideration in accordance with the 1951 Convention relating to the Status of Refugees; and to ensure that several hundred other Romani asylum seekers from Slovakia presently in Belgium would not be expelled until their asylum applications had not been given adequate consideration by all appropriate judicial authorities.

Members of parliament and members of the governing Green parties (Ecolo and Agalev) also protested against the group expulsion. Approximately one hundred activists from the francophone Ecolo Party demonstrated at the closed centre of '127bis', leading to some incidents with the state police. These developments turned the expulsion of the Slovak Roma into a bone of contention within the government. In early summer 1999, during the negotiations that led to the formation of the present government of Greens, right-wing Liberals and Socialists,⁴ Belgium's asylum policy had been put forward as one of the areas in need of significant improvement.⁵ In the light of the repatriation, fierce criticism by opposition parties and the protest of the rank and file of Ecolo towards its own governmental participation nearly caused a breach in the ruling coalition. The government stated afterwards that it was not happy with the way things had turned out but claimed that it had been 'pushed' towards an overhasty repatriation as a result of rising criticism by both left and right. Ecolo vehemently advocated an end to repatriation, while the right-wing Liberals came out clearly in favour of a constant and firm repatriation policy, including collective expulsion. Especially due to the electoral success of the Flemish extreme right party Vlaams Blok,⁶ policy-making on refugee and asylum matters has become difficult terrain. All political parties in Belgium have frequently stated that they will keep a '*cordón sanitaire*' around the Vlaams Blok, meaning that they will never work together or form a coalition with the party. However, in the field of asylum policy much of the debate among centrist parties is nonetheless infected by the views of the extreme right.

On 10 November 1999, Belgian Minister of the Interior Antoine Duquesne responded in a letter to the *ERRC's* protest. In the letter he claims that the repatriation was executed in a 'context of transparency'. The basis for this statement is not at all clear, since many of the expelled Roma had been lured into detention through misleading statements by Belgian authorities. Duquesne additionally suggests that the forceful nature of the repatriation (Duquesne calls it 'removal') was a necessary evil. The letter tries to refute the allegation of ethnic discrimination by stating that the repatriation was aimed at Slovak citizens in general and not specifically at Roma. An explanation as to why only Romani

asylum seekers were sent back collectively is not given. In his letter to the *ERRC*, the Minister additionally refers to the independent judgement of the General Commissioner's Office for Refugees and Stateless Persons, responsible for evaluating the asylum claims. Unmentioned in the letter is the fact that that he himself is responsible for shaping the overall character of the asylum policy.

Group expulsion targeting members of one ethnic group is not only highly symbolically charged, it is also in violation of a number of provisions of international law prohibiting discrimination, most notably the Convention for the Elimination of all forms of Racial Discrimination (CERD) and Article 14 of the European Convention on Human Rights (ECHR) both of which have the force of law in Belgium.⁷ Had this group expulsion not been undertaken, Minister Duquesne suggests in his letter to the *ERRC*, Belgium and the Belgian government would have faced even greater problems with the Roma in the future: 'To agree that those individuals whose removal you contest, continue to stay illegally in Belgium wouldn't bring any structural solution to this highly difficult problem: eventually, it would only shift the emphasis of the problem'. Taken as a whole, the letter implicitly supports the unfortunate reasoning which has taken firm root in central and eastern Europe: namely that the mere presence of the Roma is in itself the problem.

Asylum for the persecuted Roma of Slovakia

Statistics on the number of Slovak citizens granted asylum in Belgium in recent years – in the face of numerous credible reports about the persecution of Roma in Slovakia – raise concerns that asylum procedures in Belgium may be infected by political considerations. It also suggests that in Belgium, extremely narrow – if not completely exclusive – interpretations of the 1951 Convention relating to the Status of Refugees presently rule the day.

Popular misconceptions on what exactly constitutes asylum abound, so it is worth recapitulating the basics here: the 1951 Convention Relating to the Status of Refugees provides that states parties must provide protection to persons who can demonstrate 'a well-founded fear of persecution' in their country of origin for one of the five 'Convention reasons': race, religion, nationality, political opinion, or membership of a social group. Current trends indicate that 'persecution' should be seen as a genuine risk of 'serious harm' matched by 'the failure of state protection'.⁸ The Convention is future-oriented; one must not demonstrate that one has been harmed, but rather that there is a genuine risk that one will be harmed if sent back. The mandate not to send an individual back to his/her home country to face harm is so deeply embedded in the European legal order that even where individuals cannot avail themselves of protection under the 1951 Convention, they may still claim protection under Article 3 of the European Convention on Human Rights, which proscribes inhuman or degrading treatment.

Comprehensive documentation on the human rights situation of Roma in Slovakia has been available since 1992, when the New York-based NGO *Human Rights Watch* published a report entitled *Struggling for Ethnic Identity:*

philosophy is changing today to that of living "from one benefit to the next".¹⁵

Protection in the West in practice

In light of evidence that being Romani in Slovakia is simply not safe, Belgian authorities appear either to disregard available documentation, or to apply an unreasonably severe standard for what amounts to persecution. In his letter to the ERRC, Belgian Interior Minister Antoine Duquesne stated that all Slovak persons who have applied for asylum in Belgium in recent years claim to be Roma. According to the Belgian General Commissioner's Office for Refugees and Stateless Persons, from the end of 1996 through to the first eight months of 1999, Belgian authorities issued 1,498 immediate refusals at the moment of application, out of a total of 2,015 applications by Slovak citizens. Over the same period a total of three Slovak citizens were granted asylum in Belgium.¹⁶ As *Amnesty International* wrote on 5 October 1999, 'The deportation plan agreed between the Belgium and Slovak governments appears to be guiding, overriding, and contaminating what should be an impartial asylum procedure'.¹⁷

A rather simple dynamic is at play: despite the guarantees of protection from persecution on account of race clearly laid out in the 1951 Convention, western governments do not now abide by the Convention when claims are made on account of race. British asylum lawyer Deborah Winterbourne has summarised the prevailing practice as follows:

...[T]he protection of refugees by Western European governments is a sham.

In the present cynical circumstances, Western European states strive to achieve a fine balance between demonstrating that they abide by the Convention, while at the same time granting refugee status to an extremely limited number of persons. This is because governments do not want to anger the resident white population, who often fear that dark-skinned foreigners will absorb scant welfare resources... The problem for a state arises where an asylum seeker claims refugee status on the basis of the Convention reason of 'race'. If such a person is granted refugee status by the authorities, there is then a danger for the state that this case will be indistinguishable from those of other persons claiming asylum from the same race. Western European media and politicians have labelled this the 'floodgate problem'. As soon as a 'race' of people begin to claim asylum on the basis of their skin colour or ethnicity, Western European governments put their border authorities on red alert. Whether or not the group in question is persecuted or not is irrelevant. Western European governments are simply terrified of the economic and political consequences of allowing groups of people to settle in their countries.¹⁸

A system infected: political considerations and asylum

The events of autumn 1999 in Belgium have also been played out in a number of other western European countries in the recent past. When numbers of Romani

Czechoslovakia's Endangered Gypsies. Available documentation was updated and substantiated with the publication in January 1997 of the ERRC report *Time of the Skinheads: Denial and Exclusion of Roma in Slovakia*.⁹ There is a disturbing pattern of police abuse that targets Roma in Slovakia and, in the summer of 1999, a Romani youth was shot to death in police custody.¹⁰ Roma in Slovakia have also been killed by racist skinheads and in pogroms. In instances of serious human rights abuse, Slovak authorities have failed to protect Roma and failed to provide any legal remedy. A police officer in the eastern Slovak city of Košice told the ERRC that cases of skinhead abuse of Roma are 'usually sent to the archive at the end of the year'. Recent court decisions have held that Slovak skinheads who attack Roma cannot be found guilty of racially motivated crimes because Roma and Slovaks form part of the same 'Indo-European race'.¹¹ Roma often live segregated from non-Roma and often in inhuman conditions. According to recent statements by Slovak government officials, up to 95% of Roma in Slovakia are unemployed. According to a recent poll by the TNS polling institute, 60.4% of Slovaks say they favour separating Roma from the majority population.¹²

Far from acting effectively to combat racism and racist attacks in Slovakia, Slovak authorities appear to harbour anti-Romani views. On 9 March 1999, for example, *Radio Free Europe/Radio Liberty* reported that Jan Slota, mayor of the north-central Slovak town of Žilina, told a rally in central Slovakia that the country would never tolerate a Romani minority because 'they are Gypsies who steal, rob, and pilfer'. The *Czech Press Agency (CTK)* reported on 5 November 1999, that Slovak National Labour Office Director General Jaroslav Šumný had stated that Labour Office practices of marking the files of Roma with the letter 'R' did not constitute discrimination but were implemented owing to the 'complicated social adaptability' of the 'group'.

International media reported on 30 November 1999 that Slovak President Rudolf Schuster had told a forum of the German Society for Foreign Policy in Berlin on 29 November that Roma 'lack the will to integrate' and that Slovak Roma are 'profiting from state help but are neither willing nor capable of assuming responsibility for the improvement of their own situation'.¹³ *Radio Free Europe/Radio Liberty* reported on 10 January 2000 that Slovak Member of parliament Robert Fico had on 9 January introduced a draft law to Slovak journalists that would cut social benefits to Roma who, as he put it, 'indulge in speculative requests for political asylum'. A document distributed at the 'Meeting of Presidents of the Visegrad Four Countries'¹⁴ on 3 December 1999, entitled 'Working Document on the Roma Issue in the V4 Countries' included the following passage:

The lifestyle of many of them is oriented towards consumption and they live from hand to mouth. Because of their lower educational standard, the philosophy of some of them is to simply survive from one day to the next. If we add their increased propensity to alcohol abuse, absence of an at least minimum degree of planning, and low concern for developing normal habits including the feeling of responsibility, hygienic habits and ethics, this

asylum seekers from Slovakia in Finland attracted media attention in the summer of 1999, Finland introduced a visa regime for Slovak citizens and returned groups of Romani asylum seekers to Belgium under so-called 'safe third country' policies. Over the course of the summer, Norway also introduced visas, and British authorities had already imposed a visa regime on Slovak citizens in October 1998 after the press began reporting a 'wave'¹⁹ of Roma from Slovakia 'fraudulently' applying for asylum in Britain. On 30 November 1999 Denmark also introduced a visa requirement for Slovak citizens to prevent Slovak Romani asylum seekers from arriving in the country.²⁰ Massive deportations of Roma have been taking place in Germany since borders opened following the political changes of 1989; Germany has sent back large groups of Roma to Macedonia, Romania and Bosnia in ethnic-specific deportations throughout the 1990s.²¹ Racist hysteria similar to that of the Belgian case was whipped up by the Canadian media in 1997 following the arrival of increased numbers of Roma applying for asylum. Canadian authorities, however, for the most part withstood such pressure, and the majority of Czech Roma applying received asylum.²²

Anti-refugee measures by Western European states are especially disturbing in light of recent commitments by the European Council, meeting in Tampere, Finland, on 15 and 16 October 1999,²³ that:

The European Council reaffirms the importance the Union and Member States attach to absolute respect of the right to seek asylum. It has agreed to work towards establishing a Common European Asylum System, based on the full and inclusive application of the Geneva Convention, thus ensuring that nobody is sent back to persecution, i.e. maintaining the principle of non-refoulement.²⁴

One effect of the Belgian events, combined with the signals sent by other Western governments, is the heightened confidence of the Slovak government in proclaiming that Roma do not suffer abuse in Slovakia, but seek only the economic benefits offered elsewhere in the EU. A recent publication by the Slovak government, for example, states, 'It is not possible to accept the automatic link between the question of the emigration of Roma with the question of racial discrimination'.²⁵ More recently, according to *Radio Free Europe/Radio Liberty* on 7 December 1999, Slovak Deputy Prime Minister Pál Csaky stated that he saw no reason for Slovak citizens to emigrate for reasons of ethnic discrimination. At a meeting of Foreign Ministry officials from the countries of central and eastern Europe held by the Council of Europe in Bratislava on 21 November 1999 to discuss minority rights issues in the region, the Slovak delegation told the *ERRC* that published information about the dire human rights situation of Roma in Slovakia was no longer valid, 'since Slovak Roma are being refused asylum' and, by this logic, Slovakia has been deemed safe for Roma by western Europe. Claims by western European governments that repatriation would be coupled with initiatives aimed at encouraging the Slovak government to remedy the human rights situation of the Roma, have, to date, proved empty. European states adhere

to the language of universal human rights, but by denying entry to refugees, they merely act in their 'national' interest.

Another effect of the expulsions has been an atmosphere of growing popular speculation in Belgium about the cultural 'otherness' of the Roma, as well as a hardening of opinions in Belgium about Roma, generally shaped by stereotyped reporting in the media. The repatriation of the Roma was preceded by statements in the public debate about the 'problems' attached to their presence, and this debate took place without thorough reporting on the situation in Slovakia. The fact that very few Roma have been granted asylum in other western European countries was further taken as evidence that Roma only migrate to the EU in pursuit of economic opportunity.

This reasoning was clear in the press reports on the increasing Romani presence in the cities of Ghent and Tienen during the weeks before the repatriation. In an editorial in the daily *De Standaard* on 12 October 1999, Mr Yvan Vanden Berghe, professor of International Politics at the University of Antwerp, depicted the Roma as culturally backward and unwilling to integrate. In his article, which was published under the heading 'Stop the hysteria about Slovak Gypsies', Vanden Berghe states that:

large groups of Gypsies reject the culture and modernity of their country. Some do this radically and refuse to send their children to school, know only their own language and are actually not able to function in a post-industrial society. Some do this less radically, but mostly they alienate themselves from their fellow citizens because of a low living standard and a different view of life.

This picture is easily sold to a public with no substantial contact with Roma, a public that bases its views on media reporting.

Conclusion

We should be concerned about the repeated failure of western governments to provide protection to Roma fleeing ethnic persecution in eastern Europe. First of all, we should be keenly aware of the extent to which our supposedly centrist governments have caved in to pressure from the extreme right and more-or-less adopted the racist agenda. How much farther do governments have to go before it becomes irrelevant whether racist xenophobes such as Austria's Jörg Haider are actually in government, or merely outside pushing? Secondly, we should be worried at how lightly our governments seem to regard the international commitments that they have integrated as domestic law. What exactly does the rule of law mean if it is suspended every time several hundred refugees arrive from abroad? Finally, we should be concerned about ourselves: a huge number of Europeans and North Americans have recently learned everything they will ever know about Roma from a series of hysterical, scandal-mongering and racist press reports. Do we know enough about how racism and racist stereotypes work to consider ourselves free from the influence of such reporting?

- 1 See especially *Amnesty International*, 'Belgium: Round-up and deportation of Slovak Romani asylum-seekers', News Service: 187/99, AI INDEX: EUR 14/02/99, 5 October 1999.
- 2 There are two main phases of assessment in the Belgian asylum procedure: an admissibility evaluation (ontvankelijkheid, recevabilité) and a review of the grounds of the application (gegrondheidsonderzoek, l'examen du fond). During the first stage, the application is formally evaluated by the Foreiners Office of the Ministry of the Interior. An applicant who is refused at this first stage can lodge an appeal to the General Commissioner's Office for Refugees and Stateless Persons (GCRS). Once admission to the second stage is granted the individual background of the case is investigated by the GCRS through an interview procedure. The candidate refugee can challenge the decision of the GCRS at the Permanent Commission of Appeal for the Refugees. This commission is a legal authority whose jurisdiction can be contested by an appeal to the Belgian supreme administrative court, the Council of State. At the time of writing, the Ministry of the Interior is planning a reorganisation of the procedure. For a thorough discussion, see Dirk Vanheule, 'Vluchtelingen, asielzoekers en recht', *Streven*, no. 1, January 2000, pp. 51-64.
- 3 See, for example, the comments of Minister of Social Integration Vande Lanotte on 'the issue of illegals' in *De Morgen*, 21 September 1999. The popular use of the term 'illegals' to refer to people who have fled their country reinforces the stereotype that these people are automatically involved in criminal activity. The images connected to the term are frequently brought up when a specific treatment (e.g. the use of a high security system in '127bis') is explained. For a discussion of the political discourse in the field of the Belgian asylum policy, see Jan Blommaert and Jef Verschueren, *Autocrisisme*, Antwerp, Hadewijch, 1995, pp. 91-99.
- 4 Belgium's government coalition during the expulsions and at the time of writing was as follows: Greens; AGALEV (Anders Gaan Leven); ECOLO; Liberals; VLD (Vlaamse Liberalen en Democraten); PRL (Parti Réformateur Liberal); Social-Democrats; SP (Socialistische Partij); PS (Parti Socialiste).
- 5 The coalition agreement 'Bridge to the 21st Century' is available in Dutch and French at <http://www.fgov.be>. It states that the government agrees that the asylum procedures must be made 'shorter, better and clearer, with the maintenance of all the rights of the defense'.
- 6 The extreme right is very influential, mainly in Flanders. Since the national elections of 1991 the *Vlaams Blok*, a radical Flemish ethno-nationalist party with a specific anti-immigrant stance, has been able to attract a large part of the electorate, particularly in the cities. For instance, in the June 1999 election of the Federal Chamber of Representatives 20.6% of the voters in Antwerp voted for *Vlaams Blok* candidates. Nationwide the *Vlaams Blok* could reach nearly 10% of the votes for both the Chamber and the Senate. In the election of the Flemish parliament the party gained 15.5% of all votes in Flanders. Election results are available at <http://www.vub.ac.be/belgianelections>.
- 7 Belgium has been party to the CERD since 7 August 1975; the ECtHR entered into effect in Belgium on 14 June 1955.
- 8 See especially *Islam and Shaw v. Home Department*, UK House of Lords, 25 March 1999, per Lord Hoffman. For a discussion of the way the Geneva Convention is variously interpreted see J.-Y. Cartier, et al., eds., *Who is a Refugee? A Comparative Case Law Study*, Den Haag, Kluwer Law International, 1997.
- 9 *Time of the Skintreads: Denial and Exclusion of Roma in Slovakia* is available on the European Roma Rights Center internet website at <http://errc.org>, under 'country reports'.

- 10 See ČTK, 13 August 1999; *Pravda*, 19 August 1999; *Roma Rights*, 3/99, pp. 14-15.
- 11 See *Criminal Proceedings v. Jan P.*, 1996-2000.
- 12 *RFE/RL Newswire* Vol. 3, no. 250, Part II, 30 December 1999.
- 13 *RFE/RL Newswire*, Vol. 3, no. 231, Part II, 30 November 1999.
- 14 The so-called 'Visegrad 4' countries are the Czech Republic, Hungary, Poland and Slovakia.
- 15 Office of the President of Slovakia, 'Meeting of the Presidents of the Visegrad Four Countries: Working Dokument (sic) on the Roma Issue in the V4 Countries', High Tatras, 3 December 1999, p. 7.
- 16 Statistics provided by the *Belgian General Commissioner's Office for Refugees and Stateless Persons*.
- 17 *Amnesty International*, (Belgium).
- 18 Deborah Winterbourne, 'Love thy Neighbour', *Roma Rights*, 1/99, pp. 69-70.
- 19 Press language has been key to shaping public opinion on Romani refugees. Recurrent themes include the idea that Roma from eastern Europe are involved in an 'exodus' and constitute a 'wave' or 'deluge'. In actual fact, numbers are generally in the several hundreds and rarely over 1,000. On press reporting on the arrival of Romani refugees in Britain in 1997, see Lucie Roberts, 'Wish You Weren't Here: The Response of the British Press', *Roma Rights*, Winter 1998, pp. 54-55; Colin Clark, 'Counting Backwards', *Radical Statistics*, no. 69, 1998, pp. 35-46.
- 20 The imposition of strict visa requirements is used by many EU states as an instrument for limiting the growing number of unwanted asylum-seekers. In these cases foreign embassies or consulates have to determine whether a person seeking a visa wants to travel to the EU for business, holiday or immigration. It is most likely that requests of potential asylum seekers will be denied. Roma and persons whom border authorities believe wish to seek asylum are often denied visa or entry at borders on discriminatory grounds. For a discussion of visa policies and asylum in the European context, see Grete Brochmann and Tomas Hammar, *Mechanisms of Immigration Control: A Comparative Analysis of European Regulation Policies*, Oxford, Berg, 1999; Bernhard Santel, 'Loss of Control: the Build-up of a European Migration and Asylum Regime', in Robert Miles and Dietrich Thranhardt, eds., *Migration and European Integration: The Dynamics of Inclusion and Exclusion*, London, Fairleigh Dickinson University Press, 1995, pp. 75-91.
- 21 On deportations to Macedonia, see European Roma Rights Center, *A Pleasant Fiction: The Human Rights Situation of Roma in Macedonia*, Budapest, July 1998; on deportations to Romania, see European Roma Rights Center, *Sudden Rage at Dawn: Violence Against Roma in Romania*, Budapest, September 1999, and Project on Ethnic Relations, *Countering Anti-Roma Violence in Eastern Europe: The Stragov Conferences and Related Efforts*, Princeton, 1994; on German efforts to remove Bosnian Roma, see especially *Roma Rights*, 1/99. See also Yaron Matras, 'Analysis of Recent Romani Westward Migrations', in this *Review*.
- 22 On the Canadian proceedings, see 'Canada Holds Unusual Hearing on Romani Refugees from Hungary', *Roma Rights*, 1/1999, pp. 37-46. See also Ronald Lee, 'Post-Communism Romani Migration to Canada', in this *Review*.
- 23 The European Council meeting at Tampere was a special meeting of heads of European Union member states to discuss justice and home affairs issues.
- 24 'Presidency Conclusions, Tampere European Council 15 and 16 October 1999', Pt. 13. 'Non-refoulement' - the right not to be returned to a situation where there are reasonable grounds