

# MIGRATION AND DISCRIMINATION

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**Abstract:** *A recent research report (Pew Research Centre, A Fragile Rebound of EU Image, 2020: 17) shows that discrimination attitudes persist against Roma in France and Spain. "Roma are perceived in negative terms by 41% of the population in Spain and 66% in France". Also, shows that Roma are among the populations most at risk of exclusion, with additional vulnerabilities when migrating between EU Member States. Sociologically, my analysis points to the difficulties Roma children face in accessing compulsory education without interruptions, which is increasingly emerging as a key issue to be addressed by the authorities, starting with the lack of coordination between schools in the places of origin and destination in providing compulsory education without interruptions for Roma children on the move. As a method I chose the interpretation of information. Starting from the main findings, the attention should be paid to the difficulties of migrant children who have simply migrated with vulnerable parents or out of curiosity or adventure and ended up in problematic situations. Their situation requires further attention based on the existing threats: the illegal nature of trafficking networks, the age of victims, the reluctance of adults to report crimes to the authorities, the difficulties in identifying victims and the sensitive nature of data. Special emphasis should be placed on building the capacity of professionals to address the challenges by implementing projects that gain the support of public authorities to address administrative barriers of Roma children in a comprehensive and sustainable way.*

**Keywords:** *migration; misinformation; risk; education; victims.*

## 1. Introduction

Soros Foundation Report (The situation of Roma in Romania, between inclusion and migration, 2019: 203), shows that the phenomenon of economic migration of Roma in Romania increased after 2011; in 2012, it was found that about a quarter of Roma households had experience of travelling or living abroad, while more than 60% had recently joined the migration movement (p. 206). Most migration is circular, consisting of short periods of time (3-6 months) abroad (mostly to Spain and France) followed by returns (p. 207). Within the migrant population, the research found a high percentage of minors (17%) (p. 207). Together, these elements highlight the disrupted nature of the educational process for Roma children involved in migration between Romania, Spain and France.

Very often, the incorrect application of the Free Movement Directive by local authorities leads to the denial of Roma rights (Free Movement Directive, 2004: 32-37), including education, which is manifested in difficulties in enrolling children in compulsory education and disruption of the education process due to migration patterns.

## 2. Arguments

A 2009 report by the Council of Europe (Recent Roma Migration in Europe, 2009: 72) cites difficulties with transnational cooperation between schools, leading to a situation where returning Roma children are unable to enrol in schools due to lack of

documentation from schools previously obtained in migration destinations; similarly, schools in migration destinations may cite lack of language skills of Roma children as a reason for not enrolling them (Otovescu, 2017).

Research clearly shows the difficulties of Roma children in accessing compulsory education without interruption. In France, difficulties related to the obligation to provide residence documents when enrolling in educational establishments have been reported, in addition to discriminatory practices in education and the unsuitability of school curricula to the needs of Roma children, leading to school failure and ultimately dropping out (Foundation Maison des Sciences de l'Homme - MIGROM, *The Immigration of Romanian Roma to Western Europe: Causes, Effects and Future Engagement Strategies*, 2014: 7 and 24). The latter report shows how emigration further decreases the chances of Roma children completing compulsory education: 55% of Romanian Roma children aged 7-10 living in France are not enrolled in school (compared to 19% in Romania) and 53% for children aged 11-15 (compared to 39% in Romania).

In France, up to 67% of school-age children - due to migration patterns - do not attend school and regularly drop out of the education system (CDERE, *L'Ecole impossible?* 2016: 14). In Spain, a 2018 report by the University of Granada under the EU-funded MIGROM project (*The Immigration of Romanian Roma to Western Europe: Causes, Effects and Future Engagement Strategies*, 2018: 6) also reveals problems in the provision of compulsory education for mobile families due to irregular attendance and low expectations of teachers, parents and students in terms of school results.

The main problem that needs to be addressed by the authorities is the lack of coordination between schools in the places of origin and destination in terms of providing seamless compulsory education for Roma children on the move. Schools lack transnational cooperation and communication mechanisms to coordinate educational activities for this target group; school enrolment and ongoing follow-up of children are thus hampered by lack of coordination and language difficulties.

The rules and procedures practised by other institutions like local authorities make the enrolment process difficult because of administrative requirements, for example when children need proof of residence to enroll in school. Procedures are often complicated for parents because of the language barrier and cumbersome bureaucracy involved in school transfer. Lack of coordination between educational institutions, lack of concrete and adapted tools in working with Roma children on the move, often associated with discriminatory attitudes towards Roma, are obstacles to the de facto guarantee of the right to compulsory education for Roma children involved in migration.

Roma children on the move are often excluded from compulsory education; the migration of their families in search of better opportunities can have a negative impact on their access to quality education.

Children who have simply gone on migration out of curiosity and adventure and ended up in problematic situations, their situation requires additional attention because they are often subjects of repatriation from their destination countries to their countries of origin, in this case Romania. Rozzi (2002) noted that the decision on repatriation should be made in the light of the principle of the best interests of the child and other considerations, "In all actions concerning children, whether undertaken by public or private social welfare institutions, judges, administrative authorities or

legislative bodies, the interests of the child should be a primary consideration." Unaccompanied minors who may be subject to repatriation are children who are not easily visible to the protection and support systems in the country of origin and the country of destination. They may live in marginal, dangerous or harmful situations, or face challenges and violations of their rights due to their irregular legal status and fear of coming into contact with authorities or non-governmental organisations. The challenges involved in providing protection for these children are that identifying unaccompanied minors is not always a reliable process. Some of these children may not have adequate documentation like birth certificate or passport for satisfactory proof of age.

Thus, repatriated children, who are not necessarily victims of trafficking, child labour and other forms of exploitation, must be carefully identified, screened and understood to ensure the protection of their rights and appropriate assistance for safe repatriation, reception and reintegration.

The illegal nature of trafficking networks, the age of victims, the reluctance of adults to report crimes to the authorities, the difficulties in identifying victims and the sensitive nature of the data are all factors that present real challenges to accurate data collection.

In the absence of accurate national data, continuous information to understand the problem, it is not known whether incidences of child trafficking, refugees, child labour, asylum seekers are increasing or decreasing.

Some non-governmental participants and some authorities involved in initiatives relevant to children in migration reported that they collect data in a fragmented, sporadic and inconsistent way based on their expertise and interest in particular population groups like unaccompanied children, asylum seekers or border monitoring activities, child trafficking. Other local stakeholders including representatives of the local agencies of the National Agency against Trafficking in Human Beings and GDSACP stated that at their level, they collect data and transmit it to the central agencies on a bi-annual basis. They stated that data analysis, interpretation and report production is a lengthy process that delays meaningful use of findings.

Consequently, we can say that access to data is quite limited. Personal data can only be accessed by the user who entered it and statistical data are accessible according to particular indicators at different hierarchical levels.

In general, data collection and analytical approaches lack common definitions, criteria and indicators. In addition, most specialists indicated that when collected, statistics and information are less regularly shared between stakeholders at national level and more often information and data are shared with those who usually find them internationally (e.g. UNICEF, CRC Commission, UNCHR) and the EU institutions that invest funds in this area of work (e.g. Council of Europe, Directorate General, Home Affairs, Directorate for Immigration, Asylum).

In Romania, working with children in migration reflects a focus on the parts not the whole.

A large percentage of stakeholders see the problem of children in circuitous migration. They believe that information on different categories of children in migration needs to be collected, disseminated, compared and synthesised in a consistent and continuous way. However, many stakeholders have repeatedly pointed

out that while there may be various data sets available on the situation of these groups, these statistics say nothing about how many of these children have been or are currently involved in migration. Few cited the fact that the existence of multiple layers in the service delivery process further complicates data collection. Thus, significant knowledge gaps remain in the field due to the lack of synthesis of these data and further analysis of the correlation between the vulnerability of these sub-groups and child migration will increase understanding of the situation of children in migration and inform policy and programme development.

A situation analysis carried out by Terre des hommes Foundation in 2017, named REVENIR, a group of migrant children revealed the following: "Romanian stakeholders find that accurate and comprehensive data on specific groups of children at risk is difficult to obtain and thus challenging to assess. In this regard, there have been different attempts from various stakeholders to construct estimates."

Child trafficking. In its Report on Romania's Progress in anti-trafficking initiatives, the European Commission suggests in 2015 revealed that Romanian children are mainly trafficked for begging and petty theft networks and has indicated that those from the Roma community appear to be disproportionately victims of these exploitative rings.

Children on the street. In its 2012 report, ECPAT International indicates that of the approximately 100,000 homeless children across Eastern Europe, over 2,000 are from Romania. "These homeless or street children frequently become victims of child trafficking and child prostitution and estimates have stated that roughly five percent of homeless children in Romania are forced into prostitution. In Bucharest, 30 percent of those working for sex are under the age of 18." (ECPAT International Report, 2012: 43)

Children left at home by migrating parents. A European study conducted by the Social Alternatives Association (Children on the street, 2019: 26) reported that approximately 400,000 children aged 0-18 have at some point in their lives experienced parental absence due to economic migration. This study indicates that in 2018, approximately 15% of children in Romania were at risk of becoming children in migration driven by the desire to reunite with their parents. At the end of June 2018, according to data released to the media by the Child Protection Department (DPC) of the Romanian Ministry of Labour, Family, Social Protection and Elderly People, 81,891 children were reported to have been left in the care of relatives, neighbours or social protection services because one or both parents had migrated to work abroad. The Central Authority for the Protection and Promotion of the Rights of the Child indicated that these children come from 59,070 families where one or both parents have migrated in search of work in other countries. Around 5% of this number are children benefiting from a special protection measure (e.g. foster care, residential services), 56% live with only one parent, 39% are cared for by family members (mostly grandparents or a relative) and for 1% the reported carers are neighbours or family friends.

Repatriation of Romanian children. Numerous problems associated with the repatriation of Romanian children were captured in an innovative study conducted between 2018-2019 by Alternative Sociale (Children on the move, 2019: 142) on a survey of 245 children from six regions of Romania: Vrancea and Vaslui (Moldova), Buzău (Muntenia), Dolj (Oltenia), Arad (Crişana-Maramureş) and Cluj (Ardeal). The

study shows that "out of the 245 children, 53% were boys and 47% were girls. In terms of age, 47% were children aged 14 to 17 and the remaining 53% were children aged 12 to 14". Almost half of the children (42%) had spent more than 3 years abroad, 20% less than 1 year and 38% had spent between 1 and 3 years. This study also found that almost 30% of the children in the survey had already been separated from their parents before their migration experience. These children lived with their grandparents (22%) or with a family member (about 5%) or a neighbour (1.5%). The findings also noted that 50% of children lived with both parents before their migration experience. Only 4% of these children lived only with their father and 17% only with their mother.

Additional statistics provided in this study reveal that from February 2008 to May 2012, there were 21,325 children returning from France and Spain who applied for assessment and recognition of foreign academic identification data and re-registration in the Romanian education system. The available statistics refer only to these two countries, but by estimating and extrapolating the findings they suggest that the prolongation of this phenomenon requires appropriate attention and support as well as interventions from authorities and civil society to ensure that children's needs regarding school integration and social re-accommodation are addressed.

Unaccompanied minors. A document published by IOM (International Organization for Migration, *Children on the move*, 2018: 65) reported a number of 7,444 minors travelling unaccompanied in Italy in the first months of 2009 (of which 5,680 were unidentified and they had no identification documents with them). It also highlighted an alarming increase in the number of unaccompanied minors travelling to Italy in the first half of 2018, as the data reported for that period was the same as the number of unaccompanied minors to Italy (7,797) reported for the whole of 2018. Also, there was broad agreement among stakeholders that Romania is more often considered a transit country than a country of destination despite the increasing number of asylum seekers.

In Romania, what is known about children in migration is the tip of the iceberg. Despite the lack of reliable statistics, practice shows that in Romania children in migration is a developing reality that requires concentrated efforts to find optimal solutions. (Situation analysis, Terre des hommes Foundation, 2017: 12)

"To decide whether it is a phenomenon or not, it is necessary to have statistics. In Romania, we have not seen any relevant statistics on children in migration." (Representative from GDSACP, Situation analysis, Terre des hommes Foundation, 2017: 13). "We know so little about the facts and numbers associated with the issue of children in migration. What we know is just the tip of the iceberg. Aisbergs hide a lot. Most of it is underwater and cannot be seen. The same goes for trafficked, exploited and unaccompanied children; they are pieces and parts of the notion of children in migration. A significant number of them are not visible. In addition, many dangers to the safety and well-being of these children are also hidden beneath both the vulnerabilities and opportunities associated with migration. Personal perceptions and experiences as an individual overlap with professional observations and experiences and support a general conclusion: 'Children on the Move' is a growing problem in Romania. It won't be long before we see it turn into a monster phenomenon." (Stakeholder Focus Group, Situation analysis, Terre des hommes Foundation, 2017: 13) "There is a gap between reality and reporting. Sometimes the situation collected at

national level does not reveal a realistic perspective because we know how statistics are collected - superficial, inconsistent and with room for personal interpretation." (Stakeholder Focus Group, Dolj)

In Romania, existing conversations and work with children in migration reflect a focus on the parts not the whole. (Situation analysis, Terre des hommes Foundation, 2017: 17)

A large percentage of stakeholders see the problem of children in migration as a convoluted one. They consider that information on different categories of children in migration (e.g. child trafficking, migrant smuggling, child exploitation, unaccompanied, separated, asylum-seeking, refugee children, children left at home, street children, etc.) needs to be collected, disseminated, compared and synthesised in a consistent and continuous manner. However, many stakeholders have repeatedly pointed out that while there may be various data sets available on the situation of these groups, these statistics say nothing about how many of these children have been or are currently involved in migration. Few cited the fact that the existence of multiple layers in the service delivery process further complicates data collection. Thus, significant knowledge gaps remain in the field due to the lack of synthesis of these data, and further analysis of the correlation between the vulnerability of these sub-groups and child migration will increase understanding of the situation of children in migration and inform policy and programme development.

The children who participated in the study showed great interest in sharing their experiences and opinions on the scope of the phenomenon of children in migration in Romania. Many of the participants indicated that children aged 15 years and older tend to run away from home. They also rightly pointed out that counting these children is a challenge because *"their families do not always report their disappearance or when they report it is already too late as they are already across the border in other countries"* (Children from focus group in Constanta, Situation analysis, Terre des hommes Foundation, 2017: 18). However, more than half of the children who expressed their views during interviews and focus group discussions believe that a Romanian child who leaves home is most likely to choose to live away from his/her family in Romania rather than in another country.

Some children commented that they know so many peers and friends who ran away from home at least once in their childhood and spent more than a week away from their families. One teenager (F, girl, 16, Timis, sexually exploited and victim of child labour) made it very clear - "we are all looking for what we didn't find in our families". Furthermore, sharing her life experience, she said that "although I tried to adjust my life in different settings (foster family, orphanage), I didn't find places like - home". In a few cases, the children were more practical and suggested that "for a starting point adults should reflect on how many children are on the street, how many children run away from home, who they are, why they are on the street, what are their life plans, how many are victims of serious problems (e.g. conflict with the law, HIV/AIDS, sexual exploitation, people taking advantage of them, etc.), who knows that they are on the street or running away, the extent to which these children move in Romania and abroad, etc.". (Situation analysis, Terre des hommes Foundation, 2017: 19)

Most of the children who shared their views in the context of this study believe that no one knows the exact number of children on the move.

Most stakeholder discussions concluded that "the lack of relevant data leads to difficulty in formulating the appropriate answer as to whether or not the phenomenon of children in migration is a nationwide phenomenon, and thus the issues of children in migration are caught between anecdotal evidence showing a growing problem and awareness of a growing problem raised by multiple cases presented in the media" (Situation analysis, Terre des hommes Foundation, 2017: 21).

Children often showed great interest in sharing their experiences and opinions on the purpose of children in migration in Romania. There are opinions that indicate that children aged 15 years and older tend to run away from home. They also correctly pointed out that counting these children is a challenge because their families do not always report their disappearance or when they do report it is already too late as they are already across the border in other countries. A Romanian child who leaves home is most likely to choose to live away from his/her family in Romania rather than in another country.

### **3. Conclusions**

Finally, I understand the risk as a sum of factors and conditions that increase the likelihood of the onset, exacerbation or maintenance of a problem that will negatively impact the educational life of a migrating child.

The Convention on the Rights of the Child provides a framework for addressing children's needs from a rights-based perspective with regard to children's participation in decisions that affect them and hearing their views, for a better protecting children from discrimination and all forms of neglect and exploitation by preventing their harm and providing children with assistance to address their basic needs.

The structural difficulties of cooperation between sending and receiving countries need to be addressed through a replicable transnational cooperation mechanism, supported by national authorities, with simple tools for transferring and monitoring children's migration trajectories. There is also a need to implement projects that gain the support of public authorities to address administrative barriers to schooling for Roma children in a comprehensive and sustainable way. Particular emphasis should be placed on strengthening the capacity of education professionals to provide non-discriminatory education to Roma children on the move, through comprehensive training programmes that provide tools and working methods that have already proven effective. In order to generate conditions for change for the better, the difficulties of prejudice need to be addressed by implementing child-led campaigns that promote the rights of Roma children on the move to non-discriminatory education by presenting success stories.

In Romania, children in migration represent a rapidly growing and large group with a profound effect on local communities and Romanian society at large. Many issues related to financial constraints and lack of capacity to effectively identify the magnitude of the situation of children in migration in Romania have emerged.

Romania has a very well developed legislative and policy framework relevant to children in migration. However, it still seems to lack proper alignment of child protection policies with the broader social policy context in Romania - family policies, immigration policies, education, health, refugees and asylum, border control, including a link between legislative provisions and the allocation of funds to support effective

implementation of laws and policies. The development, diversification and sustainability of services at community level, especially in small communities, are jeopardised by the lack of funding to support and sustain activities and projects initiated by NGOs or local authorities.

Public-private partnerships are time-limited and not sustainable. In the absence of funds and qualified human resources to provide services beyond specific projects implemented with European funds, stigmatisation of vulnerable children and children in migration can be exacerbated. In these circumstances, equal attention should be given to stimulating and supporting local communities to develop programmes that aim to prevent the separation of children from their parents as a result of migration, with a focus on ensuring that the right services provided by the right people address problems when they arise.

Integrating discriminated children in migration in their country of origin, transit or destination is a complex undertaking and the implementation of specific legislative or non-legislative measures raises significant concerns among child protection specialists, advocates, policy makers and practitioners. Thus, it becomes critical to understand how different pieces of legislation and policy work together for or against children in migration given their complex circumstances at different points during their migration process.

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