Mediators in Roma Communities
Support for community-based mediation

MANUAL   **ARISE ROMA**

Introduction to the programme Mediators in Roma Communities

This publication is intended for people who are working on overcoming institutional, social, and cultural obstacles – either through their position in the Roma community or their institutional position – to achieve social equality for the Roma. The publication has emerged alongside the development of an informal educational programme named The programme Mediators in Roma Communities, completed in two cycles in 2021, and organised by the Centre for Peace Studies and the Roma Youth Organisation of Croatia.[1] Roma activists, assistants, mentors, social workers, teachers, expert associates from schools, and police representatives participated in the programme.

The programme Mediators in Roma Communities is a programme with a social focus; it aims to achieve social justice and to combat discrimination,prejudice, and discrimination by embracing the principles of human rights, equality, and pluralism. Socially focused programmes place a stress on understanding social problems and on the role of social actions in solving such problems, and the programme participants develop skills in critical thinking, participation in decision-making, teamwork, and social action.[2]

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[1]   The training and publication were completed as part of the project ARISE ROMA, in partnership with the Centre for Peace Studies, Roma Youth Organisation of Croatia, and the Arterarij civic association from 2019–2021. The project included a wide range of activities with several objectives: empowering the Roma community to participate in the development and monitoring of policies that relate to them, building the capacity of Roma civil society organisations (CSOs), eliminating discrimination by raising public awareness about the conditions in which the Roma community lives and the discrimination that community faces, increasing the knowledge possessed by the Roma community regarding discrimination, empowering the community to report on this discrimination, increasing the capacity of mediators in professions that work with the Roma, networking the Roma with pro-Roma CSOs, and strengthening Roma cooperation in local communities in the struggle against Roma discrimination.

This programme and publication hope to contribute to raising the quality of social infrastructure associated with the knowledge and skills of the individuals and institutions involved. Through a simultaneous process, we (i) develop the preconditions for social inclusion and the development of solidarity and (ii) strengthen the knowledge and capacity of institutions and of the Roma community that uses that infrastructure.

Besides increasing knowledge levels, we also strengthen personal and institutional collaborations among the actors involved, by promoting an awareness of living conditions, discrimination, and of the generational poverty of the Roma population on the one hand, and by informing participants about the system, the scope of institutional work, and the mechanisms on the other hand.

With this goal in mind, **this publication offers basic information and additional sources divided into the following categories: (1) the position of the Roma in Croatia, (2) discrimination and combating discrimination, (3) the institutional framework underpinning work with the Roma national minority, (4) the understanding of pluralism in the framework for the protection of human rights, and (5) basic information and a description of skills for community-based mediation.**

We view mediation as taking several possible forms. It could refer to (i) a trusted person mediating in the interpretation of language and culture (ii) the prevention of violence by contributing to transformation in situations marked by a lack of understanding (iii) various positions assumed between persons and groups in roughly equal power relations. We consider mediation to be an inappropriate process to use in situations marked by clearly unequal power relations, situations of direct and structural violence, direct discrimination, or in cases of

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2   Intercultural education programmes can be: (1) contribution-based, i.e. **focused on content**, such as 'education for cultural understanding', (2) compensation-based, i.e. **focused on the participants**, such as extra language and culture classes, or (3) **socially focused**, i.e. aiming to achieve social justice by understanding social problems and fostering actions that resolve them. *J.A. Banks (Prema: Interdisciplinarni rječnik (2001.): Obrazovanje za ljudska prava i demokraciju, Zagreb).*

criminal offences. Furthermore, we look at mediation here as informal community-based mediation, not only within Roma communities, but also between the community and wider society.

The authors of this publication are experts from and practitioners in various fields. They prepared the curriculum and implemented the training.

SARA LALIĆ

The Roma's position in Croatia

People who work with Roma communities and Roma activists need to be aware of the Roma's general position in Croatian society. Workers in the education system, social care, healthcare, local and regional government institutions, the police etc., are often familiar with the difficult conditions in which some members of the population of the Roma national minority live, and with the Roma's multiply marginalised position in Croatia compared with an average member of the general population. Of course, Roma activists and representatives have the best insight into what is going on in Roma communities. However, to understand the problem in depth, developing a familiarity with relevant research and data that deals with the position of members of the Roma population in Croatia is useful. The following section includes a list and links to relevant literature in that field:

— Bagić, D., Burić, I., Dobrotić, I., Potočnik, D., and Zrinščak, S. (2014) *Romska svakodnevica u Hrvatskoj: prepreke i mogućnosti za promjene.* UNDP, UNHCR i UNICEF
— FRA – European Agency for Fundamental Rights (2016) *Second European Union Minorities and Discrimination Survey: Roma – Selected findings*
— Kunac, S., Klasnić, K. and Lalić, S. (2018) *Roma Inclusion in the Croatian Society: a Baseline Data Study*, Zagreb: Centre for Peace Studies.
— Šućur, Z. (2000) *Romi kao marginalna skupina*. Društvena istraživanja: časopis za opća društvena pitanja, 9 (2–3): 211–27.
— Rašić, N., Lucić, D., Galić, B., and Karajić, N. (2020) *Roma Inclusion in the Croatian Society: Identity, Social Distance, and the Experience of Discrimination*, Zagreb: the Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.
— Klasnić, K., Kunac, S., Rodik, P. (2020) *Roma Inclusion in the Croatian Society: Women, Youth and Children*, Zagreb: the Government

of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.

— Potočnik, D., Maslić Seršić, D., Karajić, N. (2020) *Roma Inclusion in the Croatian Society: Educationa and Employment*, Zagreb: the Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.

— Lucić, D., Vukić, J., Marčetić, I. (2020) *Roma Inclusion in the Croatian Society: Physical Planning, Housing, and Environmental Protection*, Zagreb: The Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.

— Milas, G., Martinović Klarić, I. (2020) *Roma Inclusion in the Croatian Society: Health Care and Social Welfare*, Zagreb: the Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.

SARA LALIĆ

(Combating) discrimination against the Roma in Croatia

Discrimination against the Roma is a phenomenon present in all fields of social life in Croatia. To resolve problems within the communities, it is important to know and to be able to recognise conflicts and problems that can be resolved through mediation and improved communication. It is also important to recognise which situations consist of violence and human rights violations, so that we can respond to them in an appropriate manner. In addition, for people who work with Roma communities, and for Roma activists, it is important to have enough information about what discrimination is and how we can fight and prevent it. The next section therefore includes useful materials on discrimination and its social context, its causes, and the mechanisms for combating it.

Basic concepts and definitions in the social sciences

ON DISCRIMINATION

— Schaefer, R. T. (2008). Discrimination. In Schaefer, R. T. (ed.) Encyclopedia of Race, Ethnicity, and Society. Thousand Oaks: SAGE Publications Inc.
— Pager, D. and Shepherd, H. (2008) The Sociology of Discrimination: Racial Discrimination in Employment, Housing, Credit, and Consumer Markets. Annual Review of Sociology, 34: 181–209.
— Blank, R. M., Dabady, M. and Citro, C. F (2004) Measuring Racial Discrimination: Panel on Methods for Assessing Discrimination. Washington D.C.: The National Academies Press.
— Pettigrew, T. F. and Taylor, M. C. (2000) Discrimination. In Borgatta, E. F. and Mongomery, R. J.V. (eds.), Encyclopedia of Sociology. New York: McMillan Reference USA.
— Snellman, A. (2007) Social Hierarchies, Prejudice, and Discrimina-

tion. Acta Unversitatis Upsaliensis. Digital Comprehensive Summaries of Uppsala Dissertations from the Faculty of Social Sciences, 32.

ON STEREOTYPES, FORMS OF PREJUDICE, SOCIAL DISTANCE AND ANTI-ROMA RACISM/ANTI-GYPSYISM
— Alliance against Antigypsism (2017) *Antigypsyism – a Reference paper*.
— Al Ramiah, A., Hewstone, M., Dovidio, J. F. and Penner, L. A. (2010) The Sociology of Discrimination: Theory, measurement and consequences. In Bond L., McGinnity F., Russell H. (ed.) Making Equality Count: Irish and International Research Measuring Equality and discrimination. Dublin: Liffey Press.
— Bogardus, Emory S. (1925) Measuring Social Distance. Journal of Applied Sociology, 9: 299–308.
— Park, R. E. (1924) The Concept of Social Distance As Applied to the Study of Racial Attitudes and Racial Relations. Journal of Applied Sociology, 8: 339–44.
— Plous, S. (2003). The Psychology of Prejudice, Stereotyping, and Discrimination: an Overview. U Plous, S. (ed.) Understanding Prejudice and Discrimination. New York: Mc Graw Hill.
— Quillian, L. (2006) New Approaches to Understanding Racial Prejudice and Discrimination. Annual Review of Sociology, 32: 299–328.

Legal framework for combating discrimination in the Republic of Croatia

INTERNATIONAL DOCUMENTS
— Universal Declaration on Human Rights
— International Covenant on Economic, Social, and Cultural Rights
— International Covenant on Civic and Political Rights
— International Convention on the Elimination of All Forms of Racial Discrimination
— Convention on the Elimination of All Forms of Discrimination Against Women
— Convention on the Rights of Persons with Disabilities
— Convention of the International Labour Organization (no. 100) concerning Equal Remuneration for Men and Women Workers for Work of Equal Value

— International Labour Organization (no. 111) Discrimination (Employment and Occupation) Convention

COUNCIL OF EUROPE DOCUMENTS
— European Convention for the Protection of Human Rights and Fundamental Freedoms
— Framework Convention for the Protection of National Minorities
— The European Charter for Regional or Minority Languages

EUROPEAN UNION DOCUMENTS
— Council Directive 2000/43/EC implementing the principle of equal treatment between persons irrespective of racial or ethnic origin
— Council Directive 2000/78/EC establishing a general framework for equal treatment in employment and occupation

LEGISLATION IN THE REPUBLIC OF CROATIA
— Constitution of the Republic of Croatia (NN 56/90, 135/97, 08/98, 113/00, 124/00, 28/01, 41/01, 55/01, 76/10, 85/10, 05/14) – article 3. (highest values of the constitutional order) and article 14. (Prohibition of discrimination)
— Constitutional Act on the Rights of National Minorities (NN155/02, 47/10, 80/10, 93/11, 93/11)
— Anti-Discrimination Act (NN 85/08, 112/12)
— Gender Equality Act (NN 82/08, 69/17)
— Civil Servants Act (NN 92/05, 140/05, 142/06, 77/07, 107/07, 27/08, 34/11, 49/11, 150/11, 34/12, 49/12, 37/13, 38/13, 01/15, 138/15, 61/17, 70/19, 98/19)
— Labour Act (NN 93/ 14, 127/17, 98/19)
— Penal Code (NN 125/11, 144/12, 56/15, 61/15, 101/17, 118/18, 126/19)
— Electronic Media Act (NN 153/09, 84/11, 94/13, 136/13)

ANTI-DISCRIMINATION ACT AND ANTI-DISCRIMINATION LAW – USEFUL MATERIALS
— Selanec, G. and Barač-Ručević, G. (2017) J*amstvo zabrane izravne diskriminacije – kroz teoriju i sudsku praksu. Napredni analitički priručnik*. Zagreb: Centre for Peace Studies.
— Šimonović Einwalter, T. (2009) V*odič uz zakon o suzbijanju diskriminacije*. Zagreb: The Government of the Republic of Croatia's Office for Human the Rights of National Minorities.

Discrimination and the social context of Roma discrimination in Croatia – research and other sources

— FRA – European Agency for Fundamental Rights (2016) *Second European Union Minorities and Discrimination Survey (EU-MIDIS II) Roma – Selected findings*.

— Kunac, S., Klasnić, K. and Lalić, S. (2018) *Uključivanje Roma u hrvatsko društvo: istraživanje baznih podataka*, Zagreb: Centre for Peace Studies.

— Rašić, N., Lucić, D., Galić, B., Karajić, N. (2020) *Uključivanje Roma u hrvatsko društvo: identitet, socijalna distanca i iskustvo diskriminacije*, Zagreb: the Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.

— *Report from the Office of the Ombudswoman*

— Baričević, V. and Koska, V. (2017) *Stavovi i percepcije domaće javnosti o nacionalnim manjinama, izbjeglicama i migrantima*. Zagreb: Centre for Peace Studies.

— Klasnić, K. and Rukavina, I. (2013) Mišljenja građana o pripadnicima različitih naroda i vjera. In Cifrić, I., Trako Poljak, T. and Klasnić, K. (ed.) Hrvatski identitet u promjeni? Relacijski identiteti 2. Zagreb: Hrvatsko sociološko društvo: Zavod za sociologiju Filozofskog fakulteta.

— Lalić, S. (ed.) (2017) Istraživački izvještaj – *Zastupljenost i indikatori diskriminacijskih i ksenofobičnih stavova u Republici Hrvatskoj u 2017*. Zagreb: Centre for Peace Studies.

— Šlezak, H., Šakaja, L. (2012) *Prostorni aspekti socijalne distance prema Romim*a. Hrvatski geografski glasnik, 74 (1): 91–109.

— Tomašić Humer, J., Milić, M. (2017) *Socijalna distanca prema vršnjacima različitih etničkih grupa – utjecaj percipiranih razrednih normi i ostvarenog kontakta. Napredak*, 158 (1–2): 69–83.

— Office of the Ombudswoman (2016) *Istraživanje o stavovima i razini svijesti o diskriminaciji i pojavnim oblicima diskriminacije 2016.*, Zagreb: Ombudswoman and Centre for Peace Studies

Institutions and actors who work on combating discrimination in Croatia

— Courts (ordinary and constitutional court of the Republic of Croatia)
— *The Government of the Republic of Croatia's Office for Human Rights and the Rights of National Minorities.*
— *Ministry of Justice and Public Administration*
— *Office of the Ombudswoman* – central authority for combating discrimination
— *Office of the Ombudsperson for Gender Equality*
— *Office of the Ombudswoman for Persons with Disabilities*
— *Office of the Ombudswoman for Children*
— Associations – Network of Anti-discrimination Contact Points of the Ombudswoman
  • *B.a.B.e*
  • *Centre for Civil Initiatives, Poreč*
  • *Centre for Peace, Non-violence and Human Rights, Osijek*
  • *Centre for Peace Studies*
  • *Festival of Contemporary Jewish Film*
  • *Association for Human Rights and Civic Participation, P aRiter from Rijeka*
  • *Information Legal Centre from Slavonski brod*
  • *Civil Rights Project Sisak*
  • *SOS Rijeka – Centre for Nonviolence and Human Rights*
  • *The Serb National Council and the National Coordination of Councils of Serb National minority*
  • *Status :M*
— *List* of civic associations and legal aid clinics

SINIŠA SENAD MUSIĆ

Strategic and legal framework for the social inclusion of Roma in Croatia

To cite the Republic of Croatia's Constitution:
The Republic of Croatia is established as the national state of the Croatian people and the state of members of the national minorities: Serbs, Czechs, Slovaks, Italian, Jews, Germans, Austrians, Ukranians, Ruthenians, Bosnians, Slovenians, Montenegrins, Macedonians, Russians, Bulgarians, Polish, Roma, Romanians, Turks, Vlachs, and others.[3]

In total, 22 national minorities are recognised in the Constitution, and their rights are guaranteed by the Constitutional Act on the Rights of National Minorities.

The Constitutional Act on the Rights of National Minorities ensures that national minorities have: proportional representation in local and regional government institutions, the right to representation in Croatian parliament, the right to choose a representative and a council of national minorities at the local and regional level, and other rights.[4]

The Republic of Croatia has created a set of core documents for the inclusion of the Roma in Croatia, because the Roma national minority has been recognised as the minority discriminated against the most in Croatia and is is therefore in an especially difficult position.

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[3] Croatia's Consitution; its foundations: https://www.zakon.hr/z/94/Ustav-Republike-Hrvatske

[4] Constitutional Act on the Rights of National Minorities: https://www.zakon.hr/z/94/Ustav-Republike-Hrvatske

Up until 2020, the core document for the inclusion of the Roma in Croatia was the National Strategy for the Inclusion of the Roma for the period from 2013–2020 (hereinafter: National Strategy).

The core document that replaced the National Strategy for the Inclusion of the Roma was the National Plan for the Inclusion of the Roma for the period from 2021–2027 (hereinafter: National Plan).

Besides the National Plan, the Action Plan for Implementing the National Plan for the Inclusion of the Roma for the period from 2021–2027 was passed in parliament for 2021–2022 (hereinafter: Action Plan).

Besides the abovementioned documents, certain plans are also described in the document Operational Programmes for National Minorities for the period from 2021–2024.

The core documents on the inclusion of the Roma national minority define measures that we often refer to as affirmative measures. These guarantee certain rights to the Roma national minority, all with the aim of improving the level of inclusion and the living conditions of members of the Roma national minority, making their position more equal to that of the general population.

Ministries and institutions have special budgets defined for the Roma national minority, which are based on the abovementioned documents. Certain measures or arrangements are financed from these, such as educational measures – grants for Roma secondary school children, arrangements for funding the parents' share in the cost of nursery schools for Roma parents etc.

Besides the National Plan and the Action Plan, the local or regional administration can – but is not obliged to – create equivalent documents at the local or regional level.

The Republic of Croatia's Office for Human Rights and the Rights of National Minorities is a point of contact between the Roma and the European Union, while within the Office, a Commission for Monitoring

the Implementation of the National and Action Plan has been formed. Based on the data gathered, an annual report is made on the implementation of core documents for the inclusion of the Roma national minority.

Equally, civil society organisations in Croatia can create alternative reports (shadow reports) on the implementation of core documents for the inclusion of the Roma, which are often delivered to the European Commission.

In line with the core documents for the inclusion of the Roma, which have been harmonised in line with the European Union strategies for Roma inclusion,[5] tenders are being developed and opened for, among other reasons, civil society organisations to contribute through projects and programmes to achieving the goals set out in the core documents for Roma inclusion.

The Republic of Croatia has certain specificities that are a consequence of the Constitutional Act on the Rights of National Minorities or the Constitution itself. These are:

- Most measures relate to members of the Roma national minority, and not to the Roma. To be a member of the Roma national minority, a person must possess Croatian citizenship and declare themselves as Roma or have officially approved confirmation of their belonging to the Roma minority issued by a notary public. To make use of certain measures, official confirmations by registered and active Roma associations are also considered.
- In the Republic of Croatia, there are also representatives of the Council of the Roma national minority. These representatives act as an advisory body to the local or regional administration, which in some cases do not provide the resources for their completing basic tasks.

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5   EU Roma strategic framework for equality, inclusion and participation: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A52020D-C0620&qid=1615293880380 and the second document: https://ec.europa.eu/info/policies/justice-and-fundamental-rights/combatting-discrimination/roma-eu/roma-equality-inclusion-and-participation-eu_en#roma-people-in-the-eu

In July 2021, on the basis of the Constitutional Act on the Rights of National Minorities, the Republic of Croatia has a parliamentary representative who is a member of the Roma national minority, two deputy heads of municipality (in the Orehovica & Pribislavec municipality) who are members of the Roma national minority, one councillor in the Slavonski Brod city hall, several councillors in the municipal and city councils, e.g. in the Nedelišće municipality, the town of Mursko Središće, and a reserve representative on the council for Međimurska county.

MONIKA PAŽUR

Pluralism and equality

Modern-day democratic societies guarantee and ensure the freedom of the individual, equality, and universal values, all through a system that promotes and protects human rights. The culture around human rights is based on high-level social values such as freedom, equality, the equality of all nationalities and genders within a state, pacifism, social justice, conservation of nature and the environment, the rule of law, and a democratic multi-party system. The first laws that regulated people's rights and relations featured as part of comprehensive collections of religious, moral, and legal rules that applied to people in a certain religious denomination. It is important to distinguish between the concepts of 'inalienable rights' in earlier texts and contemporary concepts of human rights. In the earlier texts on human rights, the concept of 'inalienable rights' concerns the 'right of a free person or citizen' (male, white), and not the meaning of 'all people'.[6] At the end of the 18th century, two documents emerged that had a great influence on contemporary understandings of human rights: the American Declaration of Independence and the 1789 French Declaration on the Rights of Man and of the Citizen (later through the League of Nations). In the 20th century as a reply to the horrors of the Second World War, the idea of establishing institutional protection for human rights and freedom as part of a global international community organised in line with 'the principles of respecting human dignity, state sovereignty and the authority of international dialogue and agreement' was achieved.[7] Memories of all who died, as well as of the material and physical damage that remained on the world's surface and the territory of Europe after

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6   Spajić-Vrkaš, V., Stričević, I., Maleš, D. i Mijatović, M. (2004). Poučavati prava i slobode. Zagreb: Istraživačko-obrazovni centar za ljudska prava i demokratsko građanstvo.

7   Ibid, str 36

the Second World War, led Europe to pursue a vision of establishing peace. This could only be achieved by ensuring the provision of human rights and basic freedoms for all. This common vision was the first step towards the creation of a society built on peace and on the principle of human dignity for all. The idea was mentioned for the first time in the Charter of the United Nations. Through the act of signing this charter, the United Nations was founded in San Francisco in 1945, and thus began the international institutionalisation of human rights.

In the framework for the institutional protection of human rights, special attention is devoted to minority rights. Minority rights concerns the rights of individuals who also belong to a group fewer in number than the remainder of the population, from which they differ in terms of language, ethnic or racial origin, religious denomination, or some combination of these.[8] The proclamation of the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (1994) at the international level, and the European Charter for Regional or Minority Languages (1992) and the European Framework Convention for the Protection of National Minorities (1994) at the European level, began the intensive process of identifying, implementing, informing people of, and supervising a system for the protection for minority rights. States undertake to promote minority rights and show due regard for minority identities by passing relevant laws, disseminating information, and promoting international collaboration. The promotion of understanding and trust is sought between the majority people and the minority peoples. When speaking of majority and minority peoples, it is precisely social integration – i.e. the linking up of social groups and the achieving of equality alongside the aim of the smooth functioning of the social system – comes to be relevant in the field of human rights. In so doing, it is important to bear in mind that democracy itself and the rule of law in relation to human rights presupposes that the majority act with due care and responsibility towards the minority people, both as individuals and the state. This citizen responsibility, and the state commitment, derive from the concept of equality, the foundational principle of the system and human rights that presupposes equality and equivalence of all citizens in their rights and duties. According to

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8   Ibid.

Spajić-Vrkaš, Kukoč and Bašić,[9] social integration occurs in line with one of the following three principles: assimilation, when different groups lose their independence by growing 'towards' the dominant group; amalgamation, when different groups fuse to create a new whole; and pluralism, when the different social groups join forces around common social goals, while at the same time protecting their specific interests, which are not opposed to the public interest. In contrast to assimilation and amalgamation, pluralism assumes the respecting of difference, dialogue, agreement and/or consensus between the various groups and interests, and their legal and social equality as regards the assurance of rights. Through cultural pluralism, democratic political orders and policies enable various groups to preserve and develop their own identities, as well as respecting those cultural features that belong to society.

The Roma national minority is one of the minorities experiencing multiple forms of discrimination in Croatian society. Long-standing, trans-generational poverty hinders access to social infrastructure and public services: access to language, education, healthcare, employment, and housing. There are also several further factors that may underpin such a relationship:[10] reduced contact between the Roma and non-Roma population, the existence of prejudices towards the Roma, the majority population having a poor understanding of Roma culture. Increasing the majority population's level of understanding and promoting social inclusion is further hindered by the fact that when defining policies, programmes, and projects, the Roma are viewed as a homogeneous group. Roma the world over, including in Croatia, are a heterogeneous group: they speak different languages, belong to different religious denominations, and have different interests and needs. Precisely because of this long-standing discrimination endured by the Roma minority the world over, these multiple forms of discrimination have been understood in terms of anti-Gypsyism, a phrase that highlights prejudices and stereotypes that emerge on the basis of the everyday behaviour of a many members of the majority group towards members of the Roma commu-

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9   Spajić-Vrkaš, V., Kukoč, M. i Bašić, S. (2001). *Obrazovanje za ljudska prava i demokraciju: Interdisciplinarni rječnik*. Zagreb: Hrvatsko povjerenstvo za unesco i Projekt 'Obrazovanje za mir i ljudska prava za hrvatske osnovne škole'.

10   Hrvatić, N. (2004). Romi u Hrvatskoj: od migracija do interkulturalnih odnosa. *Migracijske i etničke teme, 20*(4), 367-385

nity – racism directed at members of the Roma community. Elements of anti-Gypsyism exist on various levels: in the attitudes of individuals, in the separate behaviours of individuals, as well as in society as a whole, and specifically in social structures and policies.[11] Attitudes and behaviours, as well as structures and policy, continually influence each other and lead to self-fulfilling prophecies. More specifically, attitudes regarding the Roma influence people's behaviour, while continual discriminatory behaviours lead to those attitudes becoming 'acceptable'. At the same time, negative attitudes directed at the Roma have an influence on members of society, as they do not see the structural obstacles that this group faces, or they do not consider these obstacles to be unjust. These same structural obstacles and policies offer the Roma fewer options in areas of crucial life importance, and they make changing other people's attitudes an even bigger challenge. Finally, while negative behaviours and comments make it more difficult to change policies and structures, structural obstacles increase Roma exclusion and make violent behaviours directed at them appear 'reasonable'.
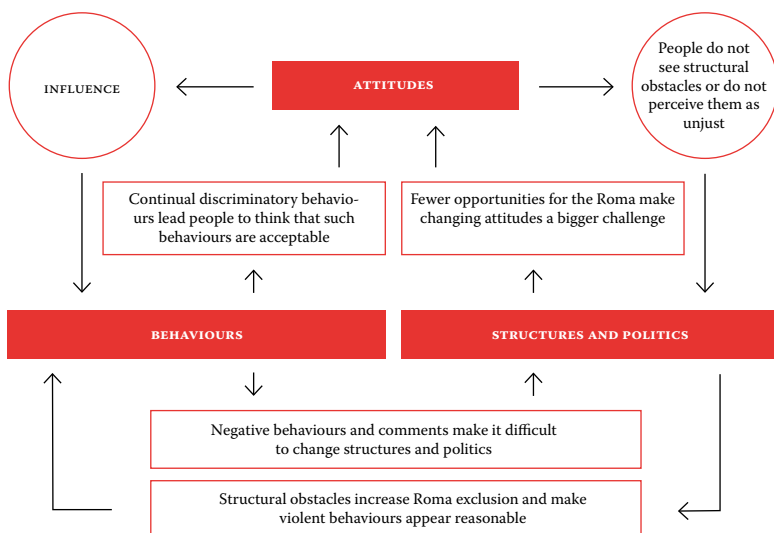
11   Keen, E. (2015). Mirrors – Manual on combating antigympsism through human rights education. Strasbourg: Council of Europe.

Cultural pluralism gives everyone in a multicultural society the chance to develop – preserving one's own individual and group identity. An important dimension to this process is the promotion of and access to rights. The development of pluralism is the basis for the preservation and development of human rights, and it ensures basic freedoms for all people. In its essence, cultural pluralism cannot flourish without quality education that treats all children equally, while providing affirmative action to those who need it. In addition, high-quality education in human rights and democratic citizenship can prepare the majority – and the general population – for active and responsible participation in democratic society. Besides the steady, state-wide introduction of education in human rights and democratic citizenship, a focus on empowerment and the social inclusion of historically marginalised, discriminated, and disempowered groups is also necessary, based on the principles of equality. Furthermore, specialised, affirmative formal and informal programmes in the field of education, employment and social services should be implemented.

LANA JURMAN

Community-based mediation

Mediation is the process of establishing or facilitating communication with the help of a third party. Communications skills are used as mediation tools, which are at the same time skills for conflict understanding and transformation. This approach is considered preventative; the communications tools can be used as independent forms of communication by the conflicting parties or as an intervention – work on the conflict with the help of a third party. Communications skills and mediation can be instructively used in situations marked by a lack of understanding between individuals or groups, in situations marked by suspended communication in which there is (still) neither direct violence nor heavier forms of discrimination. Here, the power relations can reach an equilibrium and develop in such a way that all included parties can work constructively on a solution. This programme does not train the participants in leading an institutionalised mediation process. Instead, it empowers the participants, and gives them the capacity to engage in informal mediation and community-based mediation, so that they can communicate in a manner oriented towards collaboration, interpersonal understanding, or conflict transformation.[12]

In community-based mediation work in this context, the personal or individual level is the starting point, with a focus on increasing an awareness of behaviours and dynamics in conflict. The analysis and deconstruction of social conflicts are then considered, and work on specific cases in which informal mediation can be applied.

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[12] Medijacija. Posredovanje u sukobima za uporne (2004.) Osijek: Center for Peace, Non-violence and Human Rights – Osijek

To move closer to a notion that underlines a collective solution to a problem in the mediation process, let us start with a mathematical task:

> A farmer died and left his sons 17 cows and the following wish: *I want to leave 1/2 of the herd to my oldest son, 1/3 to my middle son, and 1/9 to my youngest son.*

> None of the sons knew how to divide the herd up in this way.

> They contacted a family friend who offered them a solution with which they were all satisfied. She added one to the total number of cows (making 18), and so the oldest son received nine cows, the middle son six, and the youngest two, which gave them a total of 17 once again.

The family friend took a wise approach here, acting as a mediator in a potential conflict by offering all the persons involved in the situation another perspective, while respecting the needs of all involved (both the sons and the deceased father). There is one further parallel with mediation – **during informal mediation, i.e. community-based mediation, the mediator is a person who the community has confidence in, who has proved to the community through their experience, earlier work, or interventions, that their mediation does not depend on their educational, work, or other status.**

Community-based mediation work consists of three layers in this programme:
1. Understandings of the basic idea and skills of non-violent communication and raising awareness of one's own communicative styles and behaviours during conflict,
2. Understandings of a conflict and tools for conflict transformation,
3. Third-party interventions in the conflict and the mediation process itself.

Mediation as an idea, communications skills, and becoming aware of one's own communicative styles and behaviours in conflict

We start from the assumption that the precondition for good mediating in conflict situations is an awareness of one's own prejudices and social stereotypes, a readiness to work on becoming more aware of them, a 'polishing' of one's own communications skills and asserting oneself. **In other words, in order to mediate conflicts well, we need to understand stereotypes, prejudices and discrimination, and to know to use skills that contribute to quality communication.**

The mediation training begins with communications skills. We draw heavily on the model of non-violent communication in our work, which was conceived and popularised in the 1960s by Dr Marshall B. Rosenberg.[13] Simply put, this model of non-violent communication's key premise is that all people inherently possess the capacity for empathy, and they gravitate towards violence only when they cannot find or use better strategies to satisfy their needs. Rosenberg says that all needs are legitimate and should not be questioned, but we must understand how the means of satisfying certain needs has an impact either on our wellbeing, or on the wellbeing of others. Within this conceptual understanding, conflicts arise because of different ideas and approaches concerning how needs are satisfied. Basic skills should be covered with the participants by using various experiential exercises that help us communicate non-violently: **active listening and paraphrasing, differentiating between observing and evaluating, asking open questions, and as a key final activity, practicing positive-action language using a combination of the techniques mentioned above.**

Active listening's key feature is that it is a voluntary and conscious action in a moment when we are available to listen to another person.

In fact, **active listening** is a process of decoding our interlocutor's message and giving them the message back to check. In this process we can use 'auxiliary' techniques such as paraphrasing and reworking that help us check the clarity of a message and understand the interlocutor's

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13 Nenasilna komunikacija: jezik života / Marshall B. Rosenberg (2006.) Osijek: Center for Peace, Non-violence and Human Rights – Osijek

needs. The process of active listening supports, understands, and uses open rather than closed questions. Open questions are questions that facilitate a broad, descriptive reply. They do not only offer the possibility of a 'yes' or 'no' answer and do not hint at a desired reply.

Examples of open questions include:
- How are you?
- How satisfied are you (with something)?
- How good do you feel (about something)?
- How does this seem to you?

Examples of closed questions include:
- Are you OK?
- You're not satisfied with this?
- You don't like this?
- Does this seem bad to you?

By using all the techniques described here, when practising active listening we reduce the chances of attributing our own meanings and consequently reaching the wrong conclusions when mediating a conflict without checking in with all parties involved.

This brings us to the importance of differentiating between observing and evaluating in everyday life, and especially in situations marked by conflict, disagreement, or both.

Observing and evaluating differ in that observing entails objectivity, i.e. really observing something means registering the information available to our senses. It relates to something that everyone with us would note and describe in an equivalent manner. Evaluating, however, has a subjective component. Making frequent evaluations based on experience, background knowledge, professional expertise, values, features of the dominant culture etc. is an act that inserts ourselves and our interpretations into the description of an event. What non-violent communication teaches us is that subjective 'reality' in fact is not always the 'reality' of another person, especially in conflict mediation situations in which we must attempt to be as neutral and objective as possible in order to help all involved parties reach collective decisions.

By completing a series of experiential exercises and working on our own awareness-raising, we reach positive-action language.

Non-violent communication messages are multi-layered. In them, we stick expressly to our description of our perspective and attitude. We do not generalise individual events and we do not interpret feelings that relate to the needs and attitudes of other parties – I say what I see and feel, what my needs are, and what my requests are.

Non-violent communication messages include several levels:
1. factual events that have occurred (observation without evaluation)
2. verbalisations of our feelings
3. expressions of needs that haven't been satisfied
4. requests on how to transform the conflict and continue the relationship

Practicing positive-action language technique leads us to a discussion on which communication styles we most frequently use: are we predominantly aggressive in our communication, passive, or perhaps passive-aggressive? Do we only care about our own needs and not see others' needs, competing with those others to attain our own needs? Do we only think about others' needs and passively disregard our own, with a tendency towards compromising and 'meeting other people halfway'? Or are we focused on collaboration while paying attention as much as possible to both our needs and those of the other party.

In satisfying our needs while respecting those of others, **we behave assertively**. We describe assertive behaviour as 'a form of behaviour characteristic of social interactions in which we fight for our own rights, in which we express our desires and feelings, and we reject unreasonable demands in such a way that we do not inflict psychological or physical harm on other people'[14]. We dealt with this in the training in a short discussion rounding off the section focused on communication.

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14 Nenasilna komunikacija: jezik života / Marshall B. Rosenberg (2006.) Osijek: Centar za mir, nenasilje i ljudska prava.

The key to this part of the training is to make use of experiential learning as much as possible. The participants mention this in particular as being very important – be creative when designing the activities!

The handbook and the written text can help us, to some extent, in presenting communications skills, but it is highly advisable that they are practised with expert support, and later through one's own work.

Understanding conflict and tools for transformation

From our perspective as an organisation concerned with peacebuilding, we view conflict as a present and commonplace social phenomenon: it happens wherever there are living beings. How we approach conflict can also result in violence, while on the other hand, a transformation can lead us towards positive changes, bringing a new quality to the relationship while advancing it. This is an important message for programme participants, as is the fact that as persons who will work on mediation in their communities, they will have the responsibility to guide the conflicts in a positive direction, towards collaboration.

Before beginning to analyse selected social conflicts with the participants, we discuss the characteristics and important components to a conflict: in the background to a given conflict, there are often different interests based on needs (and feelings, particularly in interpersonal conflicts), but also clear facts. Power relations are key in conflict situations, particularly for the position of persons who want to work on mediating the conflict – mediation cannot take place if the power relations are highly unbalanced! Other techniques and means must be used in that situation so that those who are oppressed or disempowered become empowered, protected, and brought into an equal position.

To understand the conflict, we begin with an analysis of real social conflicts and conflicts in communities. In groups, participants analyse examples of social conflicts, using the following matrix: *Who are the actors in the conflict? What are their positions? What are their interests? What is the common path towards a solution?*

ACTORS	POSITIONS	INTERESTS
_____	_____	_____
_____	_____	_____

Common path towards a solution: _____

Examples of social conflicts that we have used relate to, for example, the majority (Catholic) population's disapproval regarding building an Islamic centre in their community, or a conflict over the relocation of a reception centre for migrants from one settlement to another – situations that are a reality in Croatia. Besides analysing the conflict, participants have to offer a path to a solution that will satisfy at least the minimum interests and needs of both sides in the conflict, with the aim of building trust and future collaboration between the various actors.

Mediation and third-party interventions in a conflict

The final part of the programme The programme Mediators in Roma Communities is dedicated to clarifying different possible interventions by third parties in the conflict, with a specific focus on mediation. It is important to clearly demarcate the concepts of formal and informal mediation, and the situations in which one or the other is used. This programme does not train participants in how to lead a formal mediation process. Instead, it empowers and supports people so that they can work on building trust in their communities and collaborations, to mediate in situations marked by a lack of understanding, conflict, or both.

The mediator's role in the community

A mediator in the community undertakes several main tasks:
— they create a safe environment in which the parties in the conflict will have as equal a treatment as possible and the opportunity to highlight their position,
— they help in researching the facts linked to the conflict

— they design a plan for what to do next based on the existing facts and the needs and positions of those involved
— they assume an orientation towards the future, towards future collaboration
— they research suggested solutions until the common ground upon which all parties can agree is found

Although they have fewer tasks to complete than a formal mediator, the mediator in such informal situations often assumes various roles, and they are frequently also included in the process, which makes it more difficult to maintain neutrality and objectivity. They continue working with the community, which is a less comfortable position than that of a formal mediator who steps back after the process relating to the case in question ends. This is precisely why the final part of this programme is dedicated to practising mediation through real examples provided by the participants.

After a session on understanding conflict in situations in which they are not involved directly, by choosing to work on topics that are close to them, and which 'rub against' them in their everyday life, we have acknowledged their experience and background knowledge. As such, we gained great results, both in terms of empowerment and the solutions the participants came up with. We used a role-playing game to work on mediation. In this game, the participants had the opportunity to try out various positions – from being an actor in a conflict to a mediator – in a safe space and among a well-bonded group, after having first completed an analysis of the situation.

After the training – what the participants said about it

- *It was very useful. Although I've often met with Roma communities over the years, what was new for me was working with representatives from the Roma minority – this has encouraged me to do further work on communication*
- *The lectures were excellent, and because of some mishaps that we have experienced in our work, this has motivated me to try and solve some issues once again. Good mix of theory and examples – it all made sense to me as it is linked to real life.*
- *Invite more people from more various fields of expertise to participate – workers in healthcare, workers from the employment service, and also participants from civil society.*
- *I believe the training was excellently organised; all lecturers had expert knowledge and were well-acquainted with the topics. A lot of space was devoted to interactive work and sharing experiences.*
- *I went over the materials again, I learnt and acquired knowledge that have now settled in my mind, I will integrate the materials into my work in its present form, and I believe that because I feel so refreshed and empowered, I have a new direction.*
- *I have attended many training sessions; I'm glad that once again I have become aware of the need for these topics – my enthusiasm and energy from around ten years ago has returned a little. This has once again opened up a new direction for me – a good basis on which I can further work on mediation.*
- *I found this seminar easy to complete, I learnt lots of new things, the biggest plus was seeing these promising young people – they have a breath-taking power within themselves. I see this as the first part of training, I recommend a second part with more of our examples.*
- *Every day was different: we gained new skills that we can use in our work. It is good to see various people from various positions, in order to see their opinions. Mediation is the most important thing to me because it is our everyday work. Being together is really important.*

- *The seminar time flew by: I learnt a great deal. I identified something; I realised that I also need to work on my communication. The group is commendable; it was really pleasant – this was the first of these kinds of seminar where I completely felt as if everyone respected me.*