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Strasbourg, 20 October 2022

## RATIONALE

### **Draft Recommendation by the Committee of Ministers to the Member States on the topic of equality for Roma and Traveller women and girls**

#### **I. Registration in the civil registry and identity documents**

While registration in the civil registry and identity documents may appear as issues affecting Roma and Traveller women and men equally, there are interconnected forms of discrimination that particularly influence the lives of Roma and Traveller women and girls who are stateless, at risk of statelessness, or lacking identity documents.

Since women are the ones giving birth to children, their own civil status is the factor that influences the new-borns' one, particularly in the absence of the fathers. In some member States, mothers who don't have identity documents cannot register their children at birth, but only when and if their status is resolved first. Many Roma women are giving birth at home, which determines additional lengthy procedures to be in place, rather than for the birth in hospital settings.

Advancing solutions for registration on the civil registry and for the lack of identity documents of Roma and Traveller women and girls is fully interconnected with many other areas.

As later emphasized, not being registered in the civil registry and with social security and not having ID documents, makes it very difficult for Roma women to access to healthcare. For instance, unregistered Roma and Traveller women face serious administrative and financial hindrances in accessing maternity care (antenatal, natal and postnatal) in healthcare facilities. This may lead to births of home, which adds another layer of barriers to registration in the civil registry and access to identity documents in addition to the safety issues for the mother and their new-borns. The relationship between health rights and civil status indicates that obstacles to accessing healthcare are both a cause and an effect of real or de-facto statelessness or lack of documentation.

Undocumented or unregistered women face a higher risk of exploitation and abuse, including human trafficking. Undocumented or unregistered Roma and Traveller women and girls are facing intersecting forms of discrimination, which makes it more likely that they are victims of various forms of violence, including domestic violence. Perpetrators can use the precariousness given by lack of documentation or registration to control and coerce their victims.

Furthermore, undocumented or unregistered Roma and Traveller women face increased risks of losing their children's custody. This risk can even be one of the reasons which prevents Roma and Traveller mothers from addressing authorities to regulate their legal status.

Lack of documentation excludes Roma and Traveller women from social security services – this by its own, and also combined with other factors, seriously impairs women's agency and choices.

## **II. Protection from extreme poverty and access to social protection and III. Housing and accommodation**

Employment rates indicate gender gaps among Roma and Traveller communities. High rates of unemployment make Roma and Traveller women more vulnerable to extreme poverty. They are particularly vulnerable also because they are mostly the ones involved in informal economy, which prevents them from accessing pensions and social security rights.

Accessing social welfare is predominantly done through the male in the family, for example unemployment benefits. In those cases, Roma women have no direct access to social protection and have, for example in cases of matrimonial disputes or alcohol or drug abuse of their husbands, no direct access to financial help. Women should have their own right to access social welfare, not only as dependants.

The inequalities that Roma and Traveller women and girls face are reinforced by extreme poverty and exclusion.

The part that many Roma and Traveller women are playing in the family-related responsibilities is disproportionate. Roma and Traveller women are often the primary caregivers to children, stay at home and are very intensely affected by poverty and poor housing conditions. In particular single parent Roma women are affected by extreme poverty. Empowering Roma women to increase their access to employment and to increase their economic independence cannot be done without steps taken to fight extreme poverty and to ensure adequate housing.

This is for example confirmed by the following passage of the report of the European Union Agency for Fundamental Rights on its Roma survey: “Although men and women share deprived housing conditions equally, the consequences are particularly severe for women, and perpetuate their exclusion from education and employment. Women are the primary users and maintainers of housing, hence segregation and poor sanitary facilities pose a particular health risk to them. Having no running water or electricity excludes women from using such basic household amenities as a washing machine or a dishwasher. They face the burden of fetching water in buckets and collecting firewood for stoves. Cooking over an open fire creates indoor pollution, which particularly affects women. All this may prevent women and their children from joining the regular labour market or the higher education system, as their capacities may be fully exhausted by the heavy domestic labour that ensues from severely deprived housing conditions. This burdensome life can result in long-term negative effects on the health of women and children”<sup>1</sup>.

Additionally, having the male of the family being usually the property owner, dissolving informal unions leaves Roma and Traveller women in very vulnerable positions, with no place to live.

## **III. Adoption and placement of Roma and Traveller children in alternative care**

The issue of removal of Roma and Traveller children from their families was raised during the 7<sup>th</sup> International Roma Women Conference. Studies indicate that there is a disproportionate number of Roma and Traveller children removed from their families and placed into state care. While it does not appear to affect Roma and Traveller girls more than it affects boys, this practice does have a disproportionate effect on Roma and Traveller mothers, as they are in most cases the primary caregivers.

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<sup>1</sup> European Union Agency for Fundamental Rights – “Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus”

Research shows<sup>2</sup> that the most frequent ground for the placement of Roma and Traveller children in alternative care was inadequate housing conditions, caused by extreme poverty. It is indicated that the most vulnerable are single parent families, with Roma mothers in serious economic hardships caused by break ups or by their partners' imprisonment.

UNICEF<sup>3</sup> indicates that the average time spent by children in state care is the longest in the case of children from single-parent families, especially single-mothers<sup>4</sup>.

#### **IV. Early childhood and school education of Roma and Traveller girls**

Harmful practices, such as child marriages, early marriages and forced marriages, can be approached by the Draft Recommendation in two ways: from the perspective of violation of the rights of Roma and Traveller girls, under the chapter "Protection from violence and abuse against Roma and Traveller women and girls", as well as from the perspective of measures that the states can take to ensure that education does not stop for the girls who marry early, under the current chapter.

The Roma survey of the European Union Agency for Fundamental Rights highlights that Roma women report lower literacy levels (average 77 %) than Roma men (average 85 %). There are also gender gaps concerning school attendance: 19 % of Roma women have never attended school, while for Roma men the average is 14 %. 32% of Roma men remained in school after the age of 16, while only 23% of Roma women do so.

Just 13.3% of Irish Traveller females were educated to Leaving Certificate or above compared with 69.1% of the general population<sup>5</sup>. 7 out of 10 Irish Traveller children (67.3%) live in families where the mother has either no formal education or primary education only<sup>6</sup>.

Roma women interviewed within a research study recently conducted have reported ongoing discrimination in schools against Roma children and a lack of inclusiveness, which also represents an obstacle to children's motivation to stay in school.

Being more easily identifiable, Roma and Traveller girls are more vulnerable to bullying.

#### **V. Health care and sexual and reproductive rights**

The European Union Agency for Fundamental Rights indicates that the rate of Roma women saying that they do not have medical insurance is more than double that of non-Roma women (18 % compared to 8 %)<sup>7</sup>.

The lack of medical insurance, the lack of financial resources which can be related to unemployment as emphasized above as reasons and grounds exposing Roma and Traveller women and girls to extreme poverty, are obstacles to access health care, including sexual and

<sup>2</sup> [Blighted Lives: Romani Children in State Care](#)

<sup>3</sup> On average, a child spends 7.5 years in the Romanian protection system. Children with extended families (especially grandparents) have the shortest stays (6.2 years), while children from single-parent families, especially single-mothers, have the longest (8.35 years). Children with disabilities, especially severe disabilities, and children with parents who have disabilities and/or mental health problems spend longer in the system than the average.

<sup>4</sup> UNICEF, Romania: *Children in Public Care 2017*. Bucharest 2017, pp. 38-39. Available at: [https://www.unicef.org/romania/sites/unicef.org.romania/files/2019-04/Romania\\_Children\\_in\\_Public\\_Care\\_2014.pdf](https://www.unicef.org/romania/sites/unicef.org.romania/files/2019-04/Romania_Children_in_Public_Care_2014.pdf).

<sup>5</sup> Central Statistics Office, 2016

<sup>6</sup> Department of Children&Youth Affairs, *State of the Nation's Children: Ireland 2014*, 2014, [www.dcyu.ie](http://www.dcyu.ie).

<sup>7</sup> European Union Agency for Fundamental Rights – "Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus"

reproductive healthcare. Roma and Traveller women living in remote rural areas might face additional hardship. Lack of awareness of available health services related to screenings, services related to maternity, vaccination programmes is also an obstacle for accessing adequate health care in a timely manner.

Qualitative research recently conducted<sup>8</sup> indicates that in some countries Roma women have faced refusals of medical examinations from doctors, in particular gynaecologists. The perception of the interviewed Roma women is that their access to health care is often hindered by negative and discriminatory attitudes of medical professionals, as well as by unequal treatment that they receive in hospitals and emergency health care units. Some respondents mentioned the phenomenon of segregation in maternity wards. These perceptions are confirmed by reports of the Roma and Traveller civil society organisations, which have echoed similar problems related to access to health care during International Roma Women Conferences.

In some states, the practice of forced sterilization of Roma women has been widespread for several decades.

## **VI. Employment and economic situation**

Unemployment rates for Roma are three times higher than for the majority population. In addition to the ethnic gap, there is also a significant gender gap<sup>9</sup>.

Qualitative research recently conducted<sup>10</sup> points towards several reasons for unemployment indicated by Roma women respondents: insufficient education, qualification and skills, also due to early school dropout and lack of adequate assistance from the employment offices and social workers. Discriminatory attitudes from employers, civil servants and social workers were also reported as a significant factor for unemployment of Roma women. Lacking childcare opportunities could be an additional reason for this gender-gap.

## **VII. Protection from violence and abuse against Roma and Traveller women and girls**

As one of the most vulnerable members of society, Roma and Traveller women are at greater risk of violence, including human trafficking, domestic and sexual violence. On top of gender discrimination and racism that they might face, Roma and Traveller women are often also facing patriarchal norms in families and larger communities. Their trust in the justice system is often diminished by antigypsyism. The low employment rates among Roma and Traveller women are suggesting that they are often lacking financial independence, which severely limits their agency and choices and makes them even more vulnerable to violence. Qualitative research recently conducted shows Roma women respondents mistrusting the court procedures' effectiveness and fearing negative attitudes from police and other authorities? when it comes to reporting domestic violence.

## **VIII. Capacity building and empowerment of Roma and Traveller women and girls**

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<sup>8</sup> Research on the Barriers of Roma Women's Access to Justice in four countries – Bulgaria, Greece, Italy and Romania – Council of Europe, 2022

<sup>9</sup> European Union Agency for Fundamental Rights – "Discrimination against and living conditions of Roma women in 11 EU Member States. Roma survey – Data in focus"

<sup>10</sup> Research on the Barriers of Roma Women's Access to Justice in four countries – Bulgaria, Greece, Italy and Romania – Council of Europe, 2022

## **IX. Participation in political and public life (including decision making)**

Roma and Traveller women are underrepresented, sometimes not at all represented in public life.

Capacity building and empowerment, as well as participation in political and public life of Roma and Travellers, including Roma and Traveller women, has been targeted by various co-operation activities of the Council of Europe: ROMACT, ROMACTED and JUSTROM EU/CoE joint programmes, Roma Political Schools, study visits and national training sessions as follow-up activities to International Roma Women's Conferences (the 6<sup>th</sup> one). This topic was often on the agendas of the International Roma Women Conferences of the Council of Europe. There is significant data which points out to the gaps in this field and also significant expertise, good practices and field experience which can be used as a basis for drafting guidelines to member States.

## **XII Data, research and monitoring and XIII Legislation, strategies and action plans**

Gender disaggregated data and gender-specific research are needed to better understand and counter the gender specific problems that Roma and Traveller women and girls face.

To promote and achieve equality for Roma and Traveller women and close gender gaps, there is a need for targeted measures in the field of legislation and targeted objectives and measures would need to be included in strategies and action plans for Roma and Traveller inclusion, that are aimed at improving specifically the situation of Roma and Traveller women and girls.