



Gender sensitive analysis in ACFC's jurisprudence 2017-2020

Article 4

Data collection

- 1.1.1. The Advisory Committee notes with satisfaction that the Central Statistical Bureau of Latvia conducts various regular economic surveys which contain data disaggregated by ethnicity, first language and citizenship, age and gender.

Latvia, 3rd, 2018, para 54

- 1.1.2. The Advisory Committee calls on the authorities to implement the relevant actions of the National Traveller and Roma Inclusion Strategy with regard to the collection of disaggregated data, by ethnicity and gender, in line with the international data protection standards, and to monitor such actions by the end of the implementation period of the Strategy.

Ireland, 4th, 2018, para 18

- 1.1.3. Researchers observe however that in certain areas, such as recruitment and in the workplace, where persons belonging to the Traveller communities experience a high level of discrimination (See Article 15), women are twice as likely to report discrimination. Civil society representatives deplore this lack of disaggregated data that makes monitoring the situation of Traveller and Roma women "virtually impossible", and that "when data is available, it is not gender disaggregated."

Ireland, 4th, 2018, para 27

- 1.1.4. The first action plan for the implementation of the Concept Paper included the development of a system of indicators measuring the quality of life of persons belonging to indigenous peoples, to be integrated in the state statistics system and a study was commissioned to this end. However, the task seems incomplete as the development of a system of indicators for the demographic and socio-economic situation of indigenous peoples is also foreseen in the third action plan. The Advisory Committee underlines that it is important to include a gender dimension when developing and implementing such indicators.

Russian Federation, 4th, 2018, para 46

- 1.1.5. The Advisory Committee reiterates its call to the authorities to systematically collect ethnic and gender disaggregated data in line with international standards to ensure that all policy measures aimed at the promotion of equality are based on reliable data.

Cyprus, 5th, 2019, para 74

1.2. Equality bodies

- 1.2.1. The fact that the mandate of the Equality Ombudsman is much stronger than that of the Non-Discrimination Ombudsman, confronts women with a minority background who experience discrimination with a difficult choice. In such cases of intersectional discrimination, this system could have the adverse effect of creating unjustified differential treatment between women from majority or minority communities.

Finland, 5th, 2019, para 68

1.3. Discrimination against Roma women

- 1.3.1. For instance, the Advisory Committee notes efforts undertaken to promote equality in the health sector. These include the appointment of a Commission for Equality in Health, and studies on the health situation of Roma girls and women, on the living conditions of Sami people with disabilities, and on mental health among the Sami, as well as the set-up of a knowledge-based network on Sami health.

Sweden, 4th, 2017, para 27

- 1.3.2. The Advisory Committee urges the authorities to exert more efforts to prevent and combat inequality and discrimination suffered by Roma in close consultation with the relevant community representatives. The authorities must step up their efforts to improve the living conditions of the Roma and to promote effective equality paying particular attention to the gender dimension. Concerted efforts in this regard must be made to ensure adequate access to education, employment, health care and social services.

Latvia, 3rd, 2018, para 59

- 1.3.3. The Advisory Committee observes, together with representatives of the Traveller and Roma organisations, that data on gender is rarely disaggregated by membership of Traveller communities and vice versa (See Article 3). Researchers observe however that in certain areas, such as recruitment and in the workplace, where persons belonging to the Traveller communities experience a high level of discrimination, women are twice as likely to report discrimination. Civil society representatives deplore this lack of disaggregated data that makes monitoring the situation of Traveller and Roma women “virtually impossible”, and that “when data is available, it is not gender disaggregated”.

Ireland, 4th, 2018, para 27

- 1.3.4. Develop and implement a multi-year action plan on full and effective equality of the Roma covering all relevant areas, including housing, employment, health, education, culture and participation. Design the action plan in consultation with a broad spectrum of Roma representatives, including Roma women, and ensure it is based on a thorough assessment of the situation and evaluation of existing pilot projects, includes a gender dimension, and is sufficiently funded.

Russian Federation, 4th, 2018, para 43

- 1.3.5. The Advisory Committee calls on the authorities to decisively continue the implementation of the “Action plan for Roma integration into Lithuanian society 2015-2020”, in consultation with Roma representatives, and support Vilnius municipality in the implementation of the Programme for Social Integration of the Community of the Vilnius (Kirtimai) Roma Settlement where required. Specific attention should be paid to improving the situation of Roma women.

Lithuania, 4th, 2018, para 33

- 1.3.6. As regards social and health policies, the European Committee on Social Rights found in 2018 that the Bulgarian legislation on child welfare has a disproportionate impact on Roma, especially female minors. It held in particular that the termination of family allowances when the minor becomes a parent and the suspension or termination of family allowances if the child stops attending school amount to discrimination against Roma, particularly female minors.

Bulgaria, 4th, 2020, para 50

- 1.3.7. Gender equality would benefit from a more systematic mainstreamed approach in various parts of the National Roma Integration Strategy. New areas of activity should also be explored though additional independent research, such as the impact of early marriages on school dropouts and absenteeism, especially in the transition from primary to secondary education, or the use of illicit drugs among young Roma people.

Spain, 5th, 2020, para 5

- 1.3.8. The Advisory Committee encourages the authorities to mainstream gender equality in all the parts of the next phase of the National Roma Integration Strategy, to pay greater attention to gender equality within the Roma community, addressing double discrimination, early marriages, and the alleged traditional roles of Roma women and girls within Roma families, and to analyse the impact of policies or programmes from a gender equality perspective.

Spain, 5th, 2020, para 98

2. Article 6

2.1. Combating violence against women

- 2.1.1. During the last monitoring cycle, Georgia has equipped itself with a Civic Equality and Integration State Strategy, as well as an Action Plan for 2015-2020. [...] The Advisory Committee praises in particular the translation of these documents into the Armenian and Azerbaijani languages, as well as the inclusion of objectives and activities in the Strategy and its Action Plan related to “small and vulnerable” national minorities, gender-mainstreaming and combating violence against women, as well as to the promotion of a tolerant environment.

Georgia, 3rd, 2019, para 58

- 2.1.2. According to interlocutors of the Advisory Committee, Roma and Egyptian women face high rates of domestic violence, which has not been addressed properly by the authorities. Additionally, as the Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) noted in 2018, Roma and Egyptian women face difficulties in reporting the violence they experience, resulting in inadequate responses from the authorities; additionally, there is a lack of specialised services (counselling, shelters etc.) for victims of forced marriage,

and there is a need to reinforce cooperation with NGOs...The Advisory Committee notes the gender focus of the Strategy for Social Inclusion of Roma and Egyptians 2016-2020, and other steps aimed at raising awareness of violence experienced by Roma and Egyptian women, including conducting campaigns in twelve Roma and

Egyptian settlements to raise awareness of child marriage and violence against women, and expects the authorities, in line with GREVIO's findings and recommendations, to continue to address this issue.

Montenegro, 3rd, 2019, para 82

2.2. Hate speech against women

2.2.1. Sámi also experience negative attitudes from mainstream society... Discriminatory language and cultural appropriation have become more manifest and especially Sámi women who take active part in public discussions are targets of online harassment.

Finland, 5th, 2019, para 89

2.2.2. According to the 2017 Gender Equality Barometer quoted in the state report, women belonging to minorities experience hate speech significantly more frequently than women belonging to the majority. Over one quarter (27%) of the women who defined themselves as members of a minority group had experienced hate speech while among non-minority group women the equivalent figure was 14%.

Finland, 5th, 2019, para 99

2.3. Discrimination against Roma women

2.3.1. Roma women found it particularly difficult to access the justice system as, until recently, no free legal services were provided, in spite of the fact that the National Action Plan clearly lists free legal aid among its objectives. The Advisory Committee is deeply concerned by these shortcomings, which contribute to compounded gender-based discrimination.

Albania, 4th, 2018, para 78

3. Article 12

3.1. Access to education for Roma women

3.1.1. According to the figures advanced by the authorities, 69.3% of Roma children attend school as compared with 97.6% enrolment among the population in general. The dropout rate in the course of primary schooling among Roma children remains unacceptably high at 46.2%. In consequence only about 20% of Roma girls complete primary school, and only 4.5% complete high school, compared to 9.2% of Roma boys. Literacy among young Roma women aged between 15 and 24 is less than 70%, compared to the rate of 90% among young Roma men.

Bosnia and Herzegovina, 4th, 2017, para 114

- 3.1.2. Among the reasons for dropout of Roma girls are also early marriages; however, these happen only in traditional Roma communities.⁸⁴ Consequently, the share of Roma who have not completed upper secondary education stands at over 90% in Romania.

Romania, 4th, 2017, para 113

- 3.1.3. Although the number of Roma pupils in the secondary education was much more important than in previous surveys; the retention rate of Roma students in basic education was 44%;¹²⁴ 90% of the Roma pupils were in “regular classes”, while less than 1% were in “domestic learning”.

Portugal, 5th, 2019, para 116

- 3.1.4. The Advisory Committee believes that awarding scholarships to Roma, especially to girls, will create in the short-term positive Roma role models and lead to the creation of a new generation of Roma leaders, including women, able to take part more actively in socio-economic life and in decision-making at local and national levels.

Portugal, 5th, 2019, para 117

- 3.1.5. The Advisory Committee calls on the authorities to ensure that the right to education is guaranteed for all children belonging to national minorities and vulnerable groups such as Gurbeti Roma, including by enforcing compulsory school attendance until the age of 15, in order to further reduce school absenteeism and early dropouts, in particular among Roma children; to this end, it strongly encourages the authorities to commission an independent gender-sensitive study to assess the root causes of absenteeism and early school dropouts, involving members of the Roma communities and the competent authorities.

Cyprus, 5th, 2019, para 18

- 3.1.6. The authorities cannot provide gender disaggregated data. FRA data published in 2014, and taken from a 2011 survey, which the authorities also refer to, shows that girls have a greater rate of dropping out of education before the age of 16 (56% for girls v. 47% for boys). The same rate for non-Roma is 10%. As to reasons for the dropout rate, 15% of Roma in Poland indicated that ‘marriage, pregnancy or childbirth’ were the reason for them dropping out or not attending school, which was the highest of the 11 countries surveyed.

Poland, 4th, 2020, para 130

- 3.1.7. The authorities nevertheless acknowledge that Roma still face special challenges in the education field compared to the general population including a lower number of enrolments in early childhood education and higher education, school failure, a high number of school dropouts, especially at primary and secondary level, a gender gap, school segregation, little coverage of Romani culture and history in curricula, and the negative impact of anti-Roma attitudes in educational practices.

Spain, 5th, 2020, para 174

4. Article 15

4.1. Inclusion of minority women

- 4.1.1. With regard to electoral life, the Central Electoral Commission has achieved important work during the last monitoring cycle, informing voters in minority languages including through information meetings targeting minority groups such as Azerbaijani and Armenian speaking women, developing special online tools for persons belonging to national minorities to check their personal data, and implementing grant schemes aimed at supporting awareness and information projects in the regions populated in large numbers by national minorities.

Georgia, 3rd, 2019, para 139

4.2. Effective access to employment

- 4.2.1. The Advisory Committee calls on the authorities to step up efforts to increase employment for Roma in the labour market, on the basis of reliable data and in consultation with the minority's representatives, as well as to develop empowerment activities for girls and women within the framework of the National Programme of Measures for the Roma in the Period 2017-2021.

Slovenia, 5th, 2017, para 97

- 4.2.2. According to the state report, 54.6% of Roma men were employed in 2017, as were 35.9% of Roma women. While both rates have improved (the latter percentage is 10% points higher than in 2014), the unemployment gap between men and women remains unchanged (...) With regard to the lower employment rate of women, one explanation is that they are hampered by traditions as well as the fact that Roma families tend to have more children than the rest of the population.

Hungary, 5th, 2020, para 163

- 4.2.3. The Advisory Committee welcomes the authorities' attempts to stimulate the recruitment of Roma women in the police force, but notes with concern that the employment ratio of Roma women is still reportedly 2.6 times lower than the ratio among women in the general population, and Roma women are at a disadvantage within their own population, since their chances of employment are half those of Roma men (...) It further underlines the undeniable correlation between the low employment rate of Roma women and the difficulties of access to pre-school education in disadvantaged areas.

Hungary, 5th, 2020, para 172

4.3. Roma women participation

- 4.3.1. The Advisory Committee welcomes in particular the development of monitoring procedures and indicators on the implementation of the action plans for Roma. It notes, however, with regret that reportedly the Roma Board pays little attention to gender equality issues.

Bosnia and Herzegovina, 4th, 2017, para 134

- 4.3.2. The Advisory Committee strongly recommends that the authorities, in close consultation with Roma representatives and community members, intensify their efforts to address problems confronting them in fields relevant to their participation in economic and social life. Programmes should include a gender dimension.

Latvia, 3rd, 2018, para 183

- 4.3.3. Take measures, including through legal incentives where appropriate, to improve minority representation in public services; review the legal provisions relating to Minority Councils, including the threshold requirement for their establishment, and their legal status; concrete measures to ensure gender balance within the councils should be taken, and they should be involved in decision-making processes affecting them; consult on the establishment of a coordinating body comprising representatives of all national minorities.

Montenegro, 3rd, 2019, paras 161 & 162

- 4.3.4. The Advisory Committee acknowledges that the authorities have made considerable efforts over recent years to increase the participation of persons belonging to the Roma communities in advisory bodies and state structures, although more needs to be achieved in terms of participation of persons belonging to the Roma communities in political life, and participation of Roma women in general, as mediators and members of advisory and consultative structures.

Portugal, 5th, 2019, para 119

- 4.3.5. In order to increase the participation in the civic and associative fields public life of Roma women and youth, the High Commission for Migration promoted under the Roma Integration Strategy “The More Leaders Programme-Roma Youth” as a means to empowering and promoting the active participation of 24 Roma young people (seven of whom were women) between the ages of 18 and 35 years old, promoted by the High Commission for Migration.

Portugal, 5th, 2019, para 123

- 4.3.6. The Advisory Committee encourages the authorities to extend the Intercultural Municipal Mediators Programme to more municipalities, whilst ensuring Roma mediators’ independence from undue interference, as well as regulating the professional status of the socio-cultural mediators, promoting and securing certified training and employability of Roma mediators, in particular women, and ensuring the programme’s sustainability through adequate state support.

Portugal, 5th, 2019, para 135

- 4.3.7. Specific measures, targets and indicators concerning Roma women and girls are being considered by the Commission for Citizenship and Gender Equality under the Action Plan “Equality between women and men 2018-2021” which it promotes and monitors under the National Strategy for Equality and Non-discrimination 2018-2030.

Portugal, 4th, 2019, para 143

- 4.3.8. A key problem also reported to the Advisory Committee during its visit is the fact that many Roma lack health insurance. According to the 2019 Civil Society Monitoring Report, this also affects many non-Roma but Roma, particularly Roma women, are affected disproportionately. [...] The Advisory Committee encourages the authorities to continue and further strengthen the

system of health mediators and to step up their efforts to increase the health insurance coverage of Roma, in particular Roma women.

Bulgaria, 4th, 2020, paras 206 & 208