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7th International Roma Women's Conference

Roma and Traveller Women's Access to Justice and Rights

organised under the aegis of the Finnish Presidency
of the Committee of Ministers of the Council of Europe

Espoo, Finland, 25-27 March 2019

CONCEPT NOTE

Introduction

In their daily life, many Roma and Travellers find themselves under pressure caused by the respect of traditions on the one hand, and new expectations regarding gender role attributions coming from modern society and legitimate aspirations of Roma and Traveller women themselves, on the other hand. Thus, they have to try reconciling the two amid their family, relatives and the wider community.

Finland is actively involved in the promotion of human rights matters in the Council of Europe and is known for its strong contribution to the development of human rights. Finland has been among the ones in the front line in nearly all topical human rights issues that have been raised in the Council of Europe, especially in the promotion of the human rights of the most disadvantaged groups, including women and the Roma.

The Council of Europe contributes to the mainstreaming of Roma and Traveller gender equality issues within the Council of Europe Strategy for Gender Equality 2018-2023, promotes the empowerment of Roma and Traveller women in all spheres, addresses reproductive rights,

domestic violence and early marriages or human trafficking within Roma and Traveller communities and organises every two years an International Roma Women's Conference on thematic priorities established in co-operation with Roma and Traveller women's organisations and, where relevant, with the competent authorities of the host country.

1. Aim of the conference

The overall objective of this conference is to recognise the rights of Roma and Traveller women to live their lives freely and to be able to make their own choices without undue pressure from their community, family or the State.

The conference aims to raise awareness about the serious obstacles that Roma and Traveller women face in accessing justice and rights.

It will focus on family life, early/forced marriages, reproductive health and digitalisation. It will also review the achievements of the European Commission/Council of Europe Joint Programme JUSTROM, look at national and international legislation to secure access to justice of vulnerable groups, and identify barriers preventing this legislation to be fully and effectively implemented as well as ways and means of overcoming these obstacles.

The conference will comprise plenary sessions to set the scene and working groups as well as workshops to facilitate more interactive and in-depth discussions on core topics.

Participants will also assess the implementation of the Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019) from a gender perspective. The recommendations and conclusions from the conference will help define the post-2019 work on Roma and Traveller inclusion, with a gender perspective.

The conference report will also include concrete recommendations for follow-up.

2. Issues to be discussed

2.1. Access to justice and rights as a precondition for empowerment and dignity

Equal access to justice and rights for Roma and Traveller women is the foundation for their full emancipation and empowerment.

The Council of Europe's Thematic Action Plan on the Inclusion of Roma and Travellers (2016-2019) has ensured a coherent approach to the Council's work in this field, helping to demonstrate both the Organisation's capacity to apply its instruments and tools towards the achievement of this goal, as well as the commitment of member states to furthering the inclusion of Roma and Travellers.

Among these achievements is Recommendation [CM/Rec\(2017\)10](#) of the Committee of Ministers to member states on improving access to justice for Roma and Travellers in Europe,

2.2. Racism on the rise

Hate speech and hate crimes against Roma in general and Roma women and children in particular are on the rise in Europe, correlating with the rise in nationalism and populism throughout the continent.

The European Commission against Racism and Intolerance (ECRI) defines “racism” as the belief that a ground such as race, colour, language, religion, nationality or national or ethnic origin justifies contempt for a person or a group of persons, or the notion of superiority of a person or a group of persons.¹ Furthermore it defines “anti-Gypsyism” as a specific form of racism, an ideology founded on racial superiority, a form of dehumanisation and institutional racism nurtured by historical discrimination, which is expressed, among others, by violence, hate speech, exploitation, stigmatisation and the most blatant kind of discrimination.²

Throughout Europe, Roma and Traveller women are often the target of verbal abuse and sometimes outright physical attacks but these cases are rarely covered by the media.

2.3. Family life

Roma and Traveller women are often subjected to intersectional forms of discrimination and are more vulnerable to violence, discrimination and exclusion. Respect for their physical integrity and their right to choose and decide about their family life is often baffled within and outside their communities. Discrimination and other human rights violations in the field of family life, including early/forced marriages and reproductive rights need to be adequately addressed, and the issues raised with influential stakeholders such as equality bodies and ombudspersons, national gender equality bodies, UN Women and others.

2.4. Forced removal of children from their parents

The right to family life also means the right to have children and not to have them forcibly removed. The European Roma Rights Centre says in its article [on forced removal of Romani children from the care of their families](#)³: “In recent decades, reports on the forcible removal of children in Italy, Sweden, the Czech Republic, and Romania have revealed that assimilation cannot simply be reduced to a historical footnote, but in fact exists in a complex contextual reality.”

¹ ECRI General Policy Recommendation No 7

² ECRI General Policy Recommendation No 13

³ Forced removal of Romani children from the care of their families, report by Jolie Chai for the ERRC

In the Nordic countries, particularly in the social engineering years of 1920-1970, Roma and Traveller children were specifically targeted for child welfare 'interventions'. During this period, many Romany and Traveller children were placed at institutions, and fostered and adopted out to majority families. Also, women of these minority groups were sometimes sterilized as they were viewed to be 'inferior' and without reproductive rights. In Norway and Sweden, truth and reconciliation processes have been initiated lately regarding this history of systematic discrimination of Romany and Traveller persons including the forced removal of their children.

2.5. Forced marriages

Among Roma families/communities concerned, it is perceived neither as child nor as forced marriage: it is understood as an important part of the Romani tradition and contributes to the preservation of family values (e.g. the girl's virginity) and Romani identity (by avoiding mixed marriages). It is related to the clan/family relations more than to the individuals' will. It often (but not always) involves a dowry.

The biggest challenge in this regard is to find the limit between the cultural tradition on the one hand and a violation of human rights and the need to protect the rights of the child on the other. The issue of child and/or forced marriage within Roma communities is still not properly recognized at national levels.

2.6. Reproductive rights and health care

The [UN Convention on the Elimination of all Forms of Discrimination against Women](#)⁴ (CEDAW) states that States have obligations to respect, protect and fulfill rights related to women's sexual and reproductive health. Yet, despite these obligations, violations of women's sexual and reproductive health rights are frequent. These take many forms including denial of access to services that only women require, or poor quality services, subjecting women's access to services to third party authorization, and performance of procedures related to women's reproductive and sexual health without the woman's consent, including forced sterilization, forced virginity examinations, and forced abortion. Women's sexual and reproductive health rights are also at risk when they are subjected to female genital mutilation (FGM) and early marriage.

Article 11 of the [European Social Charter \(revised\)](#)⁵ states that "Everyone has the right to benefit from any measures enabling him to enjoy the highest possible standard of health attainable". Point 2 specifies "to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health".

⁴ UN Convention on the Elimination of All Forms of Discrimination against Women New York, 18 December 1979

⁵ European Social Charter (revised) <https://rm.coe.int/168007cf93>

Recommendation [Rec\(2006\)10](#)⁶ of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe (*Adopted by the Committee of Ministers on 12 July 2006*) states that Governments of member states should pay particular attention to the health situation of Roma and Traveller women, by ensuring comprehensive sexual and reproductive health services and information, particularly family planning. Such services should also be made accessible for Roma and Travellers adolescent and adult men.

2.7. Digitalisation as a potential equalizer

In the case of Roma and Traveller women facing difficulties in accessing justice, digitalisation and information technologies allow them to communicate with relevant interlocutors quickly within a safe environment. There is potential for delivering assistance much better and faster to people in need. People often turn to information and communication technology (ICT) for aid. However, they need to be provided with connectivity – a mobile phone may be as important as shelter and food.

Digitalisation can act as an equalizer because it empowers women and girls to denounce injustices, discrimination, domestic violence and abuse among many other issues. They can do so independently and quickly and this fact can be a deterrent for potential predators and abusers. It can also be construed as a system of checks and balances *vis à vis* the national justice systems and help to identify the obstacles and barriers.

⁶ Committee of Ministers - Recommendation Rec(2006)10 of the Committee of Ministers to member states on better access to health care for Roma and Travellers in Europe (Adopted by the Committee of Ministers on 12 July 2006)