

# EQUALITY OF ROMA AND TRAVELLER WOMEN AND GIRLS



COUNCIL OF EUROPE



CONSEIL DE L'EUROPE

# **EQUALITY OF ROMA AND TRAVELLER WOMEN AND GIRLS**

French edition:  
*L'égalité pour les femmes et les filles roms  
et de la communauté  
des Gens du voyage*

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# Recommendation CM/Rec(2024)1

## of the Committee of Ministers to member States on equality of Roma and Traveller<sup>1</sup> women and girls

*(Adopted by the Committee of Ministers on 5 April 2024  
at the 1494th meeting of the Ministers' Deputies)*

### PREAMBLE

The Committee of Ministers of the Council of Europe, under the terms of Article 15.b of the Statute of the Council of Europe (ETS No. 1),

Considering that the aim of the Council of Europe is to achieve greater unity between its members, that this aim may be pursued, in particular, through common action in the field of human rights and that the member States of the Council of Europe, as Parties to the European Convention for the Protection of Human Rights and Fundamental Freedoms (ETS No. 5, "the Convention") and its protocols, have undertaken to secure the rights and freedoms enshrined therein for everyone within their jurisdiction without discrimination and that human rights and fundamental freedoms are universal, indivisible, interdependent and interrelated;

Emphasising that equality for Roma and Travellers and gender equality are central to the protection of human rights, the functioning of democracy and good governance, respect for the rule of law and the promotion of sustainable development and well-being for all, and recalling that the promotion of gender equality and of Roma and Traveller inclusion has been a priority of the Council of Europe for many years, as evidenced by the rich body of standards and strategies developed in these two areas;

Recalling that there are still structural obstacles preventing the realisation of Roma and Traveller women's full enjoyment of their human rights in society and that reports of the Council of Europe's monitoring bodies and of many other international and national bodies show that Roma and Traveller women and girls suffer from stark inequalities in fields such as education, employment, economic situation, housing, health, life expectancy and participation in public and political life, that they are subject to gender-based violence and that they are often not aware of redress mechanisms that are in place to tackle discrimination;

Being aware that antigypsyism<sup>2</sup> is one of the most significant causes of these inequalities, and recalling that the European Commission against Racism and Intolerance defines antigypsyism in its General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma 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. Antigypsyism takes many forms, such as racism against Travellers, hostility towards their nomadic lifestyle, which is protected under Article 8 of the Convention, and policies and legislation against nomadism;

Recalling that this definition was reiterated in the Declaration of the Committee of Ministers on the Rise of Anti-Gypsyism and Racist Violence against Roma in Europe, adopted on 1 February 2012;

Underlining that Roma and Traveller women are not only affected by antigypsyism, but are also often subject to multiple and intersecting forms of discrimination, in particular on the ground of gender, and that they may face sexism and violence combined with stereotypes, prejudice and discriminatory behaviour or norms which are related to their ethnic origin, nomadic way of life, migration or refugee status, religion, sexual orientation, gender identity and expression, sex characteristics, age, disabilities or other personal characteristics;

1. The term "Roma and Travellers" is used at the Council of Europe to encompass the wide diversity of the groups covered by the work of the Council of Europe in this field: on the one hand a) Roma, Sinti/Manush, Calé, Kaale, Romanichals, Boyash/Rudari; b) Balkan Egyptians (Egyptians and Ashkali); c) Eastern groups (Dom, Lom and Abdal); and, on the other hand, groups such as Travellers, Yenish, and the populations designated under the administrative term "Gens du voyage", as well as persons who identify themselves as Gypsies. The present is an explanatory footnote, not a definition of Roma and/or Travellers.
2. Many Travellers do not consider that the term antigypsyism reflects their particular experiences of racism. For considerations on terminology, see also "Antigypsyism: causes, prevalence, consequences, possible responses", a study commissioned by the Committee of Experts on Roma and Traveller Issues (ADI-ROM).

Acknowledging that this intersectional discrimination aggravates the inequalities from which Roma and Traveller women and girls suffer and that it leads to particular vulnerabilities;

Being aware that the combination of antigypsyism and sexism contributes to shaping the views and expectations of society at large, including boys and men, and the norms imposed on Roma and Traveller women and girls, and that those views, expectations and norms constitute a barrier to their empowerment;

Recognising that antigypsyism and sexism lead to racist and sexist acts, including hate speech, which are perpetrated at the individual, institutional and societal levels, and to hate crime, and acknowledging the importance of designing and implementing measures to address all of them;

Acknowledging the importance of multistakeholder co-operation and the key roles of both public institutions, including equality bodies and national human rights institutions, and non-governmental stakeholders, including non-governmental organisations composed of Roma and Traveller women, in ensuring equality for Roma and Traveller women and girls, which is a fundamental requirement for the full enjoyment of their rights;

Recalling the contributions of Roma and Traveller women and girls to society and acknowledging the importance of Roma and Traveller organisations, including youth-led ones, youth centres and informal youth groups, in the empowerment and capacity building of these women and girls;

Emphasising the importance of integrating a gender equality dimension in the policies targeting Roma and Travellers and of integrating a Roma and Traveller dimension in the policies targeting women and girls and promoting gender equality (double mainstreaming);

Underlining the importance of raising awareness among Roma and Traveller women and girls about their human and democratic rights and about the mechanisms of protection of these rights, and emphasising that empowering Roma and Traveller women and girls to use those mechanisms is a precondition for their emancipation and active participation in public and political life;

Acknowledging that Roma and Traveller women and girls are prevented from fully enjoying their rights by various gender-specific inequalities, resulting from certain vulnerabilities and in particular:

- ▶ noting that statelessness, the risk of statelessness or the lack of identity documents lead to specific forms of discrimination and vulnerabilities that have particularly serious consequences for the lives of Roma and Traveller mothers;
- ▶ taking into account that Roma and Traveller women are often the primary caregivers to children, assume a large part of family-related responsibilities and stay at home, with the result that they are disproportionately affected by poverty, policies and legislation against nomadism and poor housing and accommodation;
- ▶ being aware that the number of adoptions and placements of Roma and Traveller children in alternative care is higher than average and that this disproportionately affects Roma and Traveller mothers as primary caregivers;
- ▶ noting that reports show gender-specific disadvantages regarding the levels of school attendance, literacy and employment of Roma and Traveller girls and women compared to Roma and Traveller boys and men;
- ▶ being aware that certain forms of violence against women and girls, such as child marriages, early marriages and forced marriages, represent specific obstacles that some Roma and Traveller girls are facing in accessing education, healthcare or employment and that those practices affect their right to development, as enshrined in Article 6 of the United Nations Convention on the Rights of the Child;
- ▶ underlining that Roma and Traveller women and girls are among the most vulnerable members of society, which puts them at greater risk of other forms of violence, including human trafficking and domestic, sexual and other forms of violence against women covered under the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (CETS No. 210);
- ▶ noting the specific challenges that Roma and Traveller women and girls are facing in accessing healthcare, including sexual and reproductive health and rights, and being aware of specific forms of violence that constitute the practice of forced sterilisation of Roma women and girls which has been widespread over several decades;

- ▶ noting the existing data and reports that point towards a low participation of Roma and Traveller women in political and public life and acknowledging the need for specific measures to address existing barriers, including positive action measures, awareness-raising measures for decision makers, and capacity building and empowerment of Roma and Traveller women and girls;

Building on other relevant treaties and non-binding standards of the Council of Europe and other intergovernmental organisations and drawing on the relevant case law of the European Court of Human Rights (the Court) and the findings and recommendations of the Council of Europe’s monitoring bodies, the Office of the Commissioner for Human Rights and other institutions;

Recalling that the consultations and dialogue with Roma and Traveller civil society, carried out through the international Roma women conferences and the dialogue meetings have shown the need to address inequalities of Roma and Traveller women and girls in a specific Committee of Ministers’ recommendation;

Aiming to provide guidance to all those who contribute to the complex task of ensuring equality for Roma and Traveller women and girls,

Recommends that the governments of the member States:

1. take legislative and other necessary measures, with the active involvement of Roma and Traveller women and girls, to ensure the effective implementation of the principles and guidelines appended to this recommendation;
2. take appropriate measures to encourage and support civil society organisations, the media, political parties, regional and local authorities and other stakeholders to adopt the measures that are outlined in the principles and guidelines appended to this recommendation;
3. promote the goals of this recommendation at local, regional, national, European and international levels and engage in dialogue and co-operation with all stakeholders to achieve those goals;
4. ensure that this recommendation is translated, as far as possible, into national, regional and minority languages and disseminated as widely as possible among competent authorities and stakeholders, including in an accessible and youth-friendly language;
5. review regularly the status of implementation of this recommendation with a view to enhancing its impact and inform the Committee of Ministers about the measures taken by member States and other stakeholders, the progress achieved and any remaining shortcomings.

## **APPENDIX TO RECOMMENDATION CM/REC(2024)1 OF THE COMMITTEE OF MINISTERS TO MEMBER STATES ON EQUALITY OF ROMA AND TRAVELLER WOMEN AND GIRLS**

### **Principles and guidelines regarding equality of Roma and Traveller women and girls**

#### **I. Scope and general principles**

1. The aim of the following principles and guidelines is to assist member States and other relevant stakeholders in promoting and achieving equality for Roma and Traveller women and girls and in protecting them against discrimination, hate and violence, with a specific focus on areas in which they are most exposed to intersectional discrimination.
2. The nature and scope of the measures to be taken to give effect to this recommendation shall be determined in a flexible manner, having regard to the conditions that are characteristic of each member State.

#### **II. Addressing inequalities regarding registration in the civil registry, identity documents and statelessness**

3. Member States should take effective measures to identify, define and regularise the legal status of all Roma and Traveller women and girls who reside on their territory and are undocumented, stateless or at risk of statelessness, on an equal footing with other residents.
4. Member States should ensure that civil registration and documentation procedures are accessible in practice for Roma and Traveller women and girls and eliminate financial and administrative barriers that are difficult for them to surmount.



5. Member States should prevent situations of renewed emergence or perpetuation of a lack of identity documents and statelessness, by ensuring that all Roma and Traveller children are registered in the civil registry immediately after their birth and receive a birth or equivalent certificate, independently of the legal status and available documents of their parents, and should provide the possibility of late birth registration.

### **III. Protecting from extreme poverty and ensuring access to social protection**

6. Member States should protect all Roma and Traveller women and girls on their territory from extreme poverty, which affects many of them disproportionately, and ensure that those who do not have adequate resources receive appropriate social assistance, including social housing or adequate encampment areas. To that end, member States should use a gender-sensitive approach and remove any obstacles that block the access of Roma and Traveller women and girls to social assistance, such as the requirement of a habitual residence.

7. Member States should ensure that the competent authorities provide easily understandable information to Roma and Traveller women and girls about their entitlement to social assistance in a language they understand. To that end, the competent authorities should proactively reach out to them, including through the involvement of community mediators.

8. Member States should ensure that their authorities provide the necessary advice and assistance to Roma and Traveller women and girls when they apply for social assistance and throughout the whole application procedure to make sure that they receive the social assistance to which they are entitled. They should also provide for user-friendly, concise and easily understandable claim forms as well as clear guidelines for filling them in and for successfully completing application procedures.

### **IV. Addressing inequalities regarding adoption and placement of Roma and Traveller children in alternative care**

9. Member States should, in line with international standards, where appropriate and in consultation with civil society organisations, survey and monitor the number of Roma and Traveller children who are placed with relatives, in foster care, in other family-like settings or in childcare institutions (alternative care) and compare these with the numbers referring to other children.

10. Member States should ensure that Roma and Traveller mothers and their children enjoy the protection provided by international and national standards at the same level and as effectively as all persons with regard to placement in State care and adoption, without discrimination on any grounds.

11. To prevent a disproportionate use of adoption and placement of Roma and Traveller children in alternative care, member States should ensure that parents receive the necessary support to be able to provide the care that is necessary for their children by themselves. The removal of Roma and Traveller children from their families and their placement in alternative care or adoption should be a measure of last resort and should only be undertaken when it is in the best interests of the child, in line with international standards.

12. Member States should ensure that Roma and Traveller children who are removed from their families are placed primarily with relatives and only as a last resort in foster families or in childcare institutions, which should be suitable for their upbringing and resemble their family setting as much as possible. In all such cases, family relations should be preserved as far as possible, and steps should be taken towards family reunification.

13. Member States should ensure that alternative care environments and adoption settings enable Roma and Traveller children to learn, and preserve their knowledge of, their mother tongue and the culture of Roma and Travellers and protect them from prejudice, discrimination and violence.

14. Member States should adopt adequate legal frameworks to prohibit any placement of Roma and Traveller children in alternative care on the basis of poverty or economic situation, or on ethnic grounds, and to ensure the possibility of challenging such decisions before courts.

15. Member States should establish an adequate legal framework for regular court review of decisions that place Roma and Traveller children in alternative care.

16. Member States should put in place programmes that encourage Roma and Travellers to become foster carers and implement temporary special measures to encourage the employment of Roma and Travellers in child protection services.

17. Member States should design, finance and implement programmes for the return of Roma and Traveller children from alternative care to their families.

## **V. Addressing inequalities in housing and accommodation**

18. As Roma and Traveller women suffer disproportionately from poor housing conditions, member States should take effective measures to ensure that they and their families are effectively and equally provided with adequate accommodation, without discrimination. With regard to Traveller women and girls, a sufficient number of adequate, safe and culturally appropriately equipped halting sites and encampment areas that are not affected by residential segregation should be available.

19. To that end, member States should ensure that Roma and Traveller women and their families have effective and equal access to social and other forms of housing and eliminate criteria for allocating social housing, which are apparently neutral but have a discriminatory effect on Roma and Traveller women. Furthermore, they should ensure that persons in situations of vulnerability, such as homeless and evicted Roma and Traveller women, are eligible and have priority access to social housing, including mobile accommodation.

20. Member States should take targeted measures to ensure that Roma and Traveller women's access to property and their inheritance rights are, as far as possible, independent from their civil status. They should raise awareness among Roma and Traveller women and girls of their property and inheritance rights and facilitate their access to property.

21. Member States should ensure that legislation and policies respect the freedom of choice of Roma and Traveller women and girls between sedentary and nomadic lifestyles and create the conditions necessary to pursue these lifestyles, in line with Article 8 of the Convention and with Recommendation Rec(2005)4 of the Committee of Ministers to member States on improving the housing conditions of Roma and Travellers in Europe.

22. Member States should take effective measures to ensure that Roma and Traveller women and their families live, on an equal footing with the general population, in healthy living conditions and accommodation with appropriate sanitary equipment. To that end, they should consult with the families concerned, help them to move away from toxic, harmful and polluted areas that are unsuitable for human habitation and provide them with adequate alternative accommodation.

23. Member States should ensure that relocations and evictions of Roma and Traveller women and girls comply with international and European standards and are measures of last resort. They should furthermore ensure that Roma and Traveller women and girls are provided with adequate offers of alternative accommodation, including mobile accommodation or halting sites, before the execution of any eviction, thus avoiding any homelessness.

## **VI. Addressing inequalities faced by Roma and Traveller girls in early childhood and school education**

24. Member States should ensure, including through national or specific education strategies, that early childhood education and care institutions, primary and secondary schools, vocational training centres and higher education institutions take effective special measures to ensure the equal participation of Roma and Traveller girls in quality education. This should include measures to increase their enrolment, attendance and achievements, while avoiding any school segregation on ethnic or other grounds.

25. Member States should ensure, including through an appropriate design of school arrangements and curricula, that the diverse traditions and ways of life of Roma and Traveller girls, including nomadism, are accommodated, accepted and respected and that these girls have adequate educational environments to preserve their culture, on an equal footing with Roma and Traveller boys and other children with a minority background.

26. Member States should support non-formal and extracurricular educational activities for Roma and Traveller girls in order to ensure, to the extent possible, that they achieve equal educational outcomes.

27. Member States should facilitate the recruitment of teachers, psychologists, school counsellors, school mediators and other support staff from Roma and Traveller communities, including women, to facilitate communication between schools and parents, to increase school attendance and attainment of Roma and Traveller girls and to avoid their early school dropout.

28. Member States should ensure sustainability for school support staff that work for the benefit of Roma and Traveller girls, for example by introducing and sustainably funding posts for Roma and Traveller school mediators.

29. Member States should design, fund and implement programmes to prevent and combat bullying from students and teachers against Roma and Traveller girls.

## **VII. Addressing inequalities regarding healthcare and sexual and reproductive rights**

30. Member States should take effective measures in a timely and non-discriminatory manner to ensure for all Roma and Traveller women and girls, including for those who lack the necessary financial resources or documentation, the best possible state of health and respond appropriately to and prevent all avoidable health risks they are exposed to, in particular in the areas of sexual and reproductive health and rights, including contraception, prenatal, natal and postnatal care, and mental health.

31. Member States should remove any financial or administrative impediments that prevent Roma and Traveller women and girls from accessing healthcare. For those lacking financial resources, this can be achieved through free or subsidised healthcare, affiliation with a health insurance scheme free of charge or another system through which the authorities bear the costs for the necessary care.

32. Member States should inform, raise awareness of and advise Roma and Traveller women and girls about health issues, including sexual and reproductive health and rights to enable them to request and access appropriate healthcare and create safe spaces for them to share knowledge on this topic.

33. Member States should prohibit, prevent, eliminate and sanction any form of violence against women, including forced sterilisation, and other human rights violations, as well as discrimination and segregation of Roma and Traveller women and girls in the health sector, especially in maternity and reproductive healthcare settings.

34. Member States should deploy social workers and health or community mediators from Roma and Traveller communities, including women, to facilitate access to healthcare for Roma and Traveller women and girls and ease communication between them and health professionals.

## **VIII. Addressing inequalities in employment and economic situation**

35. Member States should take efficient measures to raise the awareness and ensure the respect of the right of Roma and Traveller women jobseekers to equal and non-discriminatory access to the labour market.

36. Given the disproportionately high unemployment rates among Roma and Traveller women, member States should develop employment strategies that comprise temporary special measures with a view to ensuring their sustainable employment. Those measures could include:

- ▶ providing assistance and support to these women in the transition from the education system to the labour market, including through support for the acquisition of skills, knowledge and competences that improve their employability;
- ▶ developing vocational training programmes for Roma and Traveller women and girls that respond to local or regional needs;
- ▶ introducing incentives, such as study grants, paid internships and mentoring support, to encourage Roma and Traveller women and girls to take up apprenticeships;
- ▶ developing initiatives in the socio-economic sector (for example social enterprises);
- ▶ supporting Roma and Traveller women to start their own business or legalising existing ones; and
- ▶ employing Roma and Traveller women in the civil service and public or publicly owned enterprises.

## **IX. Guaranteeing protection of Roma and Traveller women and girls against violence**

37. Member States should protect Roma and Traveller women and girls who are, or are at risk of being, victims of hate-motivated, sexual, domestic or other forms of gender-based violence or human trafficking by providing them with information on:

- a. complaint and reporting mechanisms regarding the different forms of violence and human trafficking; and

- b. existing protection measures and legal procedures which can be sought in a situation of risk for the safety of the person concerned, including emergency barring orders, protection or restraining orders, safe custody and visitation arrangements for children.

They should furthermore support, assist and protect those women and girls during investigation and judicial proceedings and respect their right to privacy, where necessary and depending on their particular vulnerability, by ensuring free advice and legal aid.

38. Member States should ensure that Roma and Traveller women and girls who are victims of the aforementioned forms of violence or human trafficking find protection through accessible, adequate and coordinated support services such as free telephone helplines and counselling centres, and have nondiscriminatory access to shelters or rape crisis and sexual violence centres. Such services should be provided in a language which is understood by Roma and Traveller women and girls.

39. Member States should take effective measures to improve the reporting of violence against Roma and Traveller women and girls and human trafficking of which they are victims. Member States should furthermore take effective measures to ensure that the police and the judiciary process such complaints in an unbiased, swift and effective manner.

40. Member States should ensure effective investigation and prosecution of violence against Roma and Traveller women and girls and dissuasive sanctions for perpetrators of such violence. The authorities should investigate *ex officio* a possible racist and sexist motivation, in line with their duties under the Court's case law.

41. Member States should take effective measures to prevent forced sterilisation; forced, early and child marriage; and violence committed in the name of "honour", in particular by implementing the general instruments for the protection of women against violence and by co-operating with Roma and Traveller communities, organisations, social workers and mediators. They should also take effective measures to sanction and end these practices.

42. Member States should prevent Roma and Traveller women and girls from becoming victims of the aforementioned forms of violence or human trafficking, in particular by establishing victim protection services and designing, funding and implementing, with the involvement of women and girls, public awareness campaigns and training programmes for Roma and Traveller women and girls regarding their human rights and existing protection measures against such forms of violence.

## **X. Strengthening the capacities of and empowering Roma and Traveller women and girls**

43. Member States should support the personal development and empowerment of Roma and Traveller women and girls through measures that contribute to the strengthening of their capacities in fields such as digital, financial and legal literacy, including through scholarships, mentorship schemes, and youth and leadership programmes.

44. Member States should ensure that Roma and Traveller women and girls have effective access to justice and obtain legal protection in cases of discrimination and racism. To that end, they should take measures for the legal education and empowerment of Roma and Traveller women and girls, ensure that they have effective access to legal aid, which should be as far as possible free of charge and include legal representation. Member States should also train legal professionals to adequately respond to the challenges that Roma and Traveller women and girls face in asserting their rights, including when they are the subject of criminal proceedings.

45. Member States should support measures aiming at establishing links between Roma and Traveller women and girls, for example through the creation of networks of Roma and Traveller women and girls at the national and international levels, and by providing assistance to non-governmental organisations working with Roma and Traveller women and girls. Measures in this area should be developed in cooperation with Roma and Traveller communities and organisations.

46. Member States should encourage initiatives from community leaders, journalists and the media, while respecting their independence, to promote female role models from Roma and Traveller communities.

## **XI. Participating in political and public life (including decision making)**

47. Member States, political parties and civil society organisations should work with Roma and Traveller women and their organisations to identify the obstacles that Roma and Traveller women and girls who might wish to participate in political and public life are facing and provide them with effective support.

48. Member States, political parties and civil society organisations should take measures and actively engage with Roma and Traveller women and girls, including through awareness-raising activities, to ensure that they are adequately informed about the importance of political participation, about the different forms and methods of political participation and about opportunities, activities or projects that may be of interest to them. Those measures should also reach Roma and Traveller women and girls living in rural areas.

49. Member States, and in particular their local authorities, should encourage and support civic and community engagement, political participation, participation in elections and the presence of Roma and Traveller women and girls in public spaces and make sure that public and political spaces are safe from violence, harassment, hate speech and sexism.

50. With a view to using their expertise, member States should regularly involve and consult Roma and Traveller women and girls and their civil society organisations in the different stages of policy making, including needs assessment, planning, implementation, monitoring and evaluation. To that end, they should establish platforms for permanent dialogue and participation such as working groups, committees, public forums and advisory councils.

51. Political parties and civil society organisations should actively promote the participation of Roma and Traveller women in their internal structures, including at leadership levels and when nominating candidates for elections. To that end, they should consider the introduction of minimum proportional quotas.

52. Political parties and civil society organisations should implement training programmes for members and staff to avoid, reject and react to all forms of discrimination, prejudice and antigypsyism against Roma and Traveller women and girls.

53. Political parties and civil society organisations should work with the media and journalists with a view to ensuring that media reporting on Roma and Traveller women and girls is free from stereotypes and sexism and that media promote Roma and Traveller women who are involved in political and public life as role models.

## **XII. Collecting data and conducting research and monitoring**

54. Member States should, where appropriate and in dialogue with those concerned, collect and analyse sex-disaggregated statistical data on Roma and Travellers for an accurate assessment of the life conditions of Roma and Traveller women and girls in core areas covered by this recommendation. Such data should be collected in compliance with applicable data protection regulations and the principles of confidentiality, informed consent and voluntary self-identification.

55. Member States should, where appropriate, initiate and support quantitative and qualitative research on Roma and Traveller women and girls, their life conditions and risks of individual and institutional discrimination. Such research should be adequately funded, carried out periodically and with the participation of Roma and Traveller women and girls, as well as Roma and Traveller civil society organisations.

## **XIII. Developing legislative frameworks, strategies and action plans**

56. Member States should ensure that the international and regional standards related to the rights of Roma and Traveller women and girls are transposed, for example in national legislation, strategies and action plans, and implemented in practice.

57. Member States should review apparently neutral legal provisions, national policies or programmes that have a discriminatory effect on Roma and Traveller women and girls with a view to removing or reforming them and adopting a gender-sensitive approach.

58. Member States should develop strategies, action plans and budget lines for the implementation of this recommendation that contain clear and measurable goals, indicators, baselines and targets, and define responsible institutions and timelines for reaching each goal, in consultation with Roma and Traveller communities and organisations.

59. Member States should use the aforementioned data and research results, when relevant, to regularly assess and improve existing policies, strategies and action plans, to measure progress towards their goals and initiate additional policies and measures.

60. Member States should empower and encourage equality bodies and national human rights institutions to make use of their mandates to ensure equality for Roma and Traveller women and girls, and implement the measures outlined in this recommendation.

61. Member States should ensure double mainstreaming of the interests and concerns of Roma and Travellers on the one hand and of the interests and concerns of women and girls on the other in legislation and policies in all relevant policy areas.

62. Member States should implement intercultural, equality, gender equality and anti-racism training programmes for the staff of the national, regional and local authorities in charge of dealing with Roma and Traveller women and girls with the aim that those staff members avoid, reject and react to all forms of discrimination, prejudice, antigypsyism and sexism towards Roma and Traveller women and girls and are able to deal with those issues, including gender-based violence.



# Explanatory Memorandum

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## SCOPE AND GENERAL PRINCIPLES

1. In many Council of Europe member States, Roma and Traveller women and girls continue to experience high levels of intersectional discrimination and inequalities in many respects. The general situation of Roma and Travellers is documented in the recent annual reports of the European Commission against Racism and Intolerance (ECRI; see e.g. the annual reports for 2022 §§ 19 et seq., and 2020 §§ 8 et seq.) and the specific situation of Roma and Traveller women is documented in ECRI country monitoring reports and in the surveys of the European Union Fundamental Rights Agency (see for example ECRI, Fifth report on Georgia, § 66, Sixth report on Estonia, §§ 101 et seq., Sixth report on the Slovak Republic, § 77; European Union Agency for Fundamental Rights (FRA), Second European Union Minorities and Discrimination Survey – Roma women in nine EU Member States, 2019, pp. 5 et seq.).

2. The European Court of Human Rights (the Court) has acknowledged the disadvantaged and vulnerable position of the Roma and Travellers, which results from their turbulent history, and it has consistently ruled that they have become a specific type of disadvantaged and vulnerable minority. Therefore, Roma and Travellers, including Roma and Traveller women and girls, require special protection. This means that special consideration should be given to their needs and their different lifestyles both in the relevant regulatory framework and in reaching decisions. Furthermore, the Court underlines that States have specific positive obligations with regard to the protection of the human rights and fundamental freedoms of Roma and Travellers, which also cover Roma and Traveller women and girls.

3. As outlined in this explanatory memorandum, those positive obligations apply in particular to the following areas:

- ▶ housing (see, inter alia, *Connors v. The United Kingdom*, no. 66746/01, 27 May 2004, § 84, *Winterstein and Others v France*, no. 27013/17, 17 October 2013, §§ 148, 160);
- ▶ health (see, inter alia, *V.C. v Slovakia*, no.18968/07, 8 November 2011, § 179, *N.B. v. Slovakia*, no. 29518/10, 12 June 2012, § 122);
- ▶ education (see, inter alia, *Elmazova and Others v North Macedonia*, nos. 11811/20, 13550/20, 13 December 2022, § 69, *Lavida and Others v Greece*, no. 7973/10, 30 May 2013, § 61);
- ▶ social protection (see inter alia *Munoz Diaz v Spain*, no. 49151/07, 8 December 2009, § 61 et seq.);
- ▶ physical integrity (see, inter alia, *J.I v Croatia*, no.35898/16, 9 September 2022, §§ 88, 97, 108, *Kiraly and Domotor v Hungary*, no. 10851/13, 17 January 2017, § 76-77, 80, *Burlya and Others v Ukraine*, no.3289/10, 6 November 2018, §§ 124, 134); and
- ▶ personal dignity (see, inter alia *Aksu v Turkey*, nos. 4149/04, 41029/04, 15 March 2012, § 75; *Budinova and Chaprazov v Bulgaria*, no. 12567/13, 16 February 2021, §§ 63, 64).

These obligations also serve to avoid perpetuating past discrimination or discriminatory practices (see, inter alia, *Szolcsán v Hungary*, no. 24408/16, 30 March 2023, §§ 47, 55). As a result, member States are under a duty to ensure that Roma and Traveller women and girls are able to fully enjoy their rights and make their own choices without being subjected to undue pressure from the state, their communities or their family members.



4. As expressed in the Preamble to this Recommendation, Roma and Traveller women are not only affected by antigypsyism, but they are often subject to multiple and intersecting forms of discrimination, in particular on the ground of sex, and may face sexism and violence combined with stereotypes, prejudice and discriminatory behaviour or norms which are related to their ethnic origin, nomadic way of life, migration or refugee status, religion, sexual orientation, gender identity and expression, sex characteristics, age, disabilities, or other personal characteristics. This intersectional discrimination aggravates the inequalities from which Roma and Traveller women and girls suffer and leads to particular vulnerabilities (ECRI, Sixth report on Hungary, § 84 and Fifth report on Romania, § 31). Despite some progress and the development of targeted measures, the UN Sustainable Development Goal No. 5, to “achieve gender equality and empower all women and girls”, remains unachieved for many Roma and Traveller women and girls.

5. Manifestations of systemic and institutional racism can intensify during crises and overlap with intersectional discrimination (e.g. the war in Ukraine, as highlighted by the Commissioner for Human Rights’ related [statement](#); see also the reports of the Special Representative of the Secretary General on Migration and Refugees on her factfinding missions to the [Slovak Republic](#), [the Czech Republic](#), [the Republic of Moldova](#) and [Poland](#), and European Roma Rights Centre (ERRC), Roma Rights under Siege: Monitoring Reports from One Year of War in Ukraine, 2023).

6. Inclusion and full participation in society of Roma and Traveller women and girls are hampered by unequal access to education, high unemployment rates and scarce opportunities for employment and economic development. Low levels of education, high unemployment rates, and limited employment opportunities (FRA, Second European Union Minorities and Discrimination Survey – Roma women in nine EU Member States, 2019, pp. 7 et seq.) deprive Roma women and girls from real opportunities for full and equal participation and inclusion in society.

7. The guidelines in the appendix to the Recommendation aim to assist member States and other relevant stakeholders to promote and achieve equality for Roma and Traveller women and girls, and to help member States to fulfil their positive obligations. They are grouped in 13 sections, comprising a general section, followed by nine sections covering thematic areas in which Roma and Travellers women and girls face particular challenges resulting from intersectional discrimination and three sections with solutions that the member States and other stakeholders should put into practice. The gender specificities and the particular vulnerabilities faced by Roma and Traveller women and girls are detailed under each section in this explanatory memorandum.

## **ADDRESSING INEQUALITIES REGARDING REGISTRATION IN THE CIVIL REGISTRY, IDENTITY DOCUMENTS AND STATELESSNESS**

8. ECRI has pointed out in several country monitoring reports that many Roma and Travellers do not have identity documents and are severely affected by this. The lack of identity documents precludes Roma from “participating in elections, receiving social benefits, accessing health insurance, as well as primary and secondary healthcare, securing property documents, and participating in the labour market” (ECRI, Fourth report on Romania, § 138; Fifth report on Croatia, § 71). Up to 15 000 Roma children born in Italy did not have identity documents; as de facto stateless persons they were legally “invisible”, even though their families had been living in Italy for decades (ECRI, Fifth report on Italy, § 87; regarding the concept of de facto statelessness see below at § 15).

9. The lack of civil registration and identity documents affect Roma and Traveller women in a particularly severe way. The first such impact relates to the registration of newborn children. Since women give birth, their own civil status can be decisive for the newborn’s civil status, particularly in cases where the father is absent. If a mother has no identity documents and the father is not present to declare his paternity, in some member States the child will be *de jure* placed in state care.

10. The consequences of lacking identity documents and resulting de facto statelessness are also highlighted in a decision of the European Committee on Social Rights (ECSR), which concluded in a non-conformity decision with respect to Romania that in practice, Roma families were often discriminated against with respect to access to social services and benefits because they lacked identity documents, in violation of Article 16 of the Revised Social Charter on the right of the family to social, legal, and economic protection (ECSR, Conclusions on Romania, 2004). Lack of documentation furthermore excludes Roma and Traveller women from social security services.

11. Unregistered Roma and Traveller women also face serious administrative and financial hindrances in accessing antenatal, natal and postnatal maternity care in healthcare facilities. Many Roma women refuse to give birth in hospital because they fear legal and financial consequences of not being registered and not having health insurance. This may lead them to give birth at home, which not only adds health and safety risks for the mother and the newborn but presents an additional barrier to registration in the civil registry and access to identity documents. The relationship between health rights and civil status indicates that obstacles to accessing healthcare are both a cause and an effect of lack of documentation and resulting *de facto* statelessness.

12. Statelessness and a lack of identity documents also exacerbate gender gaps in the area of employment. In 2019, 56% of Roma men aged 20 to 64 in 9 European countries were in paid employment compared to only 29% of Roma women aged 20 to 64 (EU FRA, Agency for Fundamental Rights, 2019).

13. Furthermore, undocumented or unregistered Roma and Traveller women and girls are more likely to become victims of various forms of violence, including domestic violence. Perpetrators can exploit the precarity resulting from the lack of documentation or registration to control and coerce their victims. Roma and Traveller women frequently depend economically on men; if, in addition, they lack identity documents, their risk of exploitation and abuse is increased. The same is true with regard to human trafficking for prostitution purposes (see regarding the increased risk of trafficking of unregistered children the Group of Experts on Action against Trafficking in Human Beings (GRETA) Thematic Chapter of the 6<sup>th</sup> General Report on GRETA's Activities – Trafficking in children, 2018). Furthermore, in some cases women's shelters cannot be accessed by victims without identity papers (Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO), Baseline evaluation report on Romania, 2022).

14. Unregistered and undocumented Roma and Traveller women, who are frequently the primary caregivers of their children, are also at risk of losing their children's custody. This risk can even prevent Roma and Traveller mothers from addressing authorities to regulate their legal status.

15. The lack of identity documents can result in a situation of statelessness. A stateless person is defined as someone who is "not considered as a national by any State under the operation of its law," and is thus someone without any nationality or citizenship anywhere (Article 1.1 of the 1954 United Nations Convention relating to the Status of Stateless Persons). Persons who have a claim to citizenship under the laws of one or more states, but are not recognised as citizens by any state, can also fall under this definition (for details see United Nations High Commissioner for Refugees (UNHCR), Handbook on Protection of Stateless Persons, §§ 7 and 13 et seq., 2014). Those persons are often referred to as *de facto* stateless persons. In the present explanatory memorandum, this term is used in the broad sense and linked to the notion of effective nationality; it designates a situation where a person's nationality is ineffective inside as well as outside of his or her country of nationality (see UNHCR Handbook, cited above, § 7 and footnote 4).

16. The fact that many Roma do not have identity papers is often a result of their births or marriages never being registered with the state authorities, or, in the case of many Roma displaced during conflicts in South Eastern Europe, their documents not being recognised by the state in which they now live. The children of undocumented Roma parents are at the risk of being born as (*de facto*) stateless (Committee of Experts on Roma and Traveller Issues - CAHROM, Thematic Report on solving the lack of identity documents and statelessness of Roma, 2019).

### On paragraph 3:

17. Given this situation, it is necessary that member States take effective measures to prevent, identify, define and regularise the legal status of all Roma and Traveller women and girls who reside on their territory. This also follows from Article 4b and c of the European Convention on Nationality of the Council of Europe (ETS No. 166), according to which statelessness shall be avoided, and no one shall be arbitrarily deprived of his or her nationality.

18. Member States should ensure birth registration and access to identity documents in order to increase individual and community resilience to trafficking for the purpose of labour exploitation, (GRETA, Guidance Note on preventing and combatting trafficking in human beings for the purpose of labour exploitation, 2020) and combat statelessness among Roma children, particularly children of single parents (GRETA, Report on Italy, 2<sup>nd</sup> Evaluation Round, 2018).

19. In this context, it is important that member States raise awareness of the issue of statelessness, actively assess cases of statelessness and undertake targeted nationality campaigns or nationality verification efforts

with the objective of resolving the lack of documents and statelessness situations through the grant of nationality (UNHCR, Handbook on Protection of Stateless Persons, 2014, §§ 57 et seq.). Resolving the statelessness issue should be acknowledged as an investment for the state and not as an expense (CAHROM, Thematic Report on solving the lack of identity documents, 2019).

20. Nationality verification procedures assist individuals in a territory where they have difficulties obtaining proof of their nationality status. Such procedures often involve an accessible, swift and straightforward process for documenting existing nationality, including the nationality of another State. The procedural requirements of both nationality campaigns and nationality verification procedures are similar to those used in statelessness determination procedures in practice, as they need to reflect the forms of evidence available in a country and the difficulties faced by applicants in proving their nationality status. The need for documentary evidence may sometimes be replaced by sworn testimony of community members that an individual meets the relevant criteria under the nationality laws, such as birth in the territory or descent from a parent who was a national (UNHCR, Handbook on Protection of Stateless Persons (2014), §§57 et seq.).

21. Regarding migrant Roma and Traveller women and girls, it is important that member States provide pathways to naturalisation and ensure that they are not faced with gender-related obstacles in this regard (Recommendation CM/Rec(2022)17 of the Committee of Ministers to member States on protecting the rights of migrant, refugee and asylum-seeking women and girls, § 94).

22. Research indicates that Roma women have low levels of trust towards national and local authorities, especially the police and municipal authorities (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022). To overcome this mistrust, it is suggested that member States involve civil society organisations in the process of data collection and regularisation of undocumented Roma women and girls.

23. A good practice in carrying out a nationality verification campaign is the co-operation established in Albania between state agencies, the UNHCR and the NGO Tirana Legal Aid society. One thousand individuals without identification documents were identified in a few months and provided with documents. The process led to amendments to the law on civil registration (CAHROM, Thematic Report on solving the lack of identity documents, 2019). Similarly, the government of North Macedonia formed an inter-ministerial working group in charge of the registration and issuing of identity documents to unregistered Roma, which included international organisations, civil society groups and Roma NGOs. In 2023, amendments to the Civil Registry Law were adopted, which allow every child to receive an ID number and a birth certificate regardless of the status of their parents, whether they are citizens or not, and regardless of whether they have identity documents or not.

24. Other promising practices from Serbia, Georgia and Croatia include: awareness raising campaigns on the topic of registration and identity documents through radio, media and schools and engaging well-known Roma; door-to-door campaigns; and the introduction of online birth registration.

#### **On paragraph 4:**

25. Often, registration of Roma is a challenge due to the use of outdated principles and procedures which do not correspond to contemporary realities (CAHROM, Thematic Report on solving the lack of identity documents, 2019). In this context, it is important to simplify the process for obtaining identity documents as much as possible, to avoid unnecessary, costly and long procedures. To that end, an online registration system could be introduced, while ensuring that Roma and Traveller women with limited digital skills and access obtain the necessary assistance, for example through mediators, facilitators or social workers, to successfully use such procedures for them and their children. When necessary, free legal assistance and aid should be provided for such procedures.

26. In order to eliminate the financial and administrative barriers mentioned in § 4 of the Recommendation, member States could for example provide accessible and free legal assistance through municipalities and other institutions. To overcome language and information barriers, information and procedures need to be accessible in a language that Roma and Travellers women and girls understand. Where this is not the case, interpretation for the proceedings of registration in the civil registry and regularisation of legal status should be provided.

27. In this context, it is also important that the authorities actively reach out to segregated, isolated and mobile communities with information campaigns and documentation services and ensure, including through co-operation with mediators and civil society organisations, that they are in constant contact also with those communities. A good practice is the establishment of "mobile teams" visiting Roma settlements, collecting

data required and working on the process of delivering identity documents to the people who are not able to visit the state agencies (CAHROM, Thematic Report on solving the lack of identity documents, 2019). Such mobile teams operate in Bosnia and Herzegovina, Montenegro, Serbia and North Macedonia. Within such campaigns, it is advisable to put a specific focus on the registration and regularisation of the legal status and the issuing of identity documents for Roma and Traveller women.

28. Roma mediators should also have the competence and be empowered to facilitate the process of solving the lack of identity documents of Roma and excluding the risk that they become stateless. Equality bodies and national human rights institutions should have a mandate to monitor and report on statelessness issues and the lack of identity documents and make use of their related competences and powers.

29. In some member States, persons registered late in the birth registry receive a different type of registration number or document. This can lead to a different treatment by state institutions and in some cases prevent access to certain services, such as unemployment benefits or healthcare, where a “normal” registration number is required to become affiliated with the system. To avoid any unjustified differential treatment in this respect, member States should, when putting in place anti-statelessness measures, ensure that the same types of documents and numbers are issued within late registration procedures. If the use of different types of documents or numbers cannot be avoided, member States should ensure that this does not lead to discriminatory practices when accessing services.

#### On paragraph 5:

30. There is an urgent need to reinforce the immediate registration of newborns to ensure future access to rights and services and to comply with international obligations under the UN Convention on the Rights of the Child, in particular the principle to act in the best interests of the child.

31. Article 1 of the 1961 Convention on the Reduction of Statelessness and Article 6 of the European Convention on Nationality require states to grant citizenship to children born on their territory, or born to their nationals abroad, who would otherwise be stateless. In some countries of South-Eastern Europe, parents need to prove their own stateless status for this protection to take effect (CAHROM, Thematic report on solving the lack of identity documents and statelessness of Roma, 2019).

32. To ensure that all Roma and Traveller children are registered at birth, it is therefore important to prioritise the regularisation of the status of the parents, with a special emphasis on the mother, during pregnancy.

33. Member States should make use of all possibilities provided for in their legislation to ensure birth registration and acquisition of citizenship by newborn Roma and Traveller children. To avoid statelessness, member States should also ensure that newborn Roma and Traveller children are granted all other citizenships to which they are entitled in another state and that they obtain the related registration and identity documents.

34. Special attention should be paid to the vulnerabilities resulting from home births, births abroad, births taking place outside health institutions and in cases where there is no medical documentation of the birth. In this context, late birth registration should be possible to ensure that Roma and Traveller children have a legal status regardless of the status of the parents.

35. A good practice example in this context would be Article 62 of the Greek Law No. 4554/2018, which regulates the procedure for identifying a woman without identity documents when she gives birth in a hospital and registering the newborn child in the appropriate registry office. The procedure involves the co-operation of medical and nursing staff, hospital administration and social services, the municipal social services and registry office, and the police. It is mandatory, must be completed quickly, and the mother is informed at each stage. The mother’s details are recorded on an identification bracelet, and a special form with the mother’s information and fingerprints of both mother and child is filled out and kept in the mother’s medical file. An original copy of the document is given to the mother as proof of her biological and legal link to the child, and the hospital informs the police department to issue an identity document for the mother and child.

### **PROTECTION FROM EXTREME POVERTY AND ACCESS TO SOCIAL PROTECTION**

36. Many Roma and Traveller women are intensely affected by poverty, poor housing conditions and marginalisation. They are often the primary caregivers to children, stay at home and bear the biggest part of the family-related responsibilities (FRA, EU-MIDIS II, Roma women in nine EU member states, 2019, p. 28). This is even more true for single parent Roma and Traveller women, especially if they live in remote rural areas (FRA, EU-MIDIS II, Roma women in nine EU member states, 2019).

37. The exposure of Roma women and girls to poverty appears to be linked to low employment rates of Roma women. Employment and poverty statistics show a gender gap for Roma women and girls with significantly higher unemployment and poverty rates and, as already mentioned, more than twice as many Roma men are in employment than Roma women (FRA, EU-MIDIS II, Roma women in nine EU member states, p. 27). The same is applicable to the context of Traveller women. Roma and Traveller women are also more often involved in the informal economy, which prevents them from accessing pensions and social security rights.

38. In this situation, Roma and Traveller women often only have indirect access to social assistance through their husbands. This puts them in a helpless situation, in particular in case of matrimonial disputes or alcohol or drug abuse of their husbands. Extreme poverty faced by Roma and Traveller women and girls is also a significant factor for vulnerability to violence (BIBIJA Roma Women Center, Regional Report on compliance with CEDAW and Istanbul Convention relating to discrimination of Roma women in the area of healthcare, child marriages and domestic violence, 2019).

39. Poverty and stereotypes about the role of women can also influence decisions about continuing education, especially after completing compulsory education (FRA, Second European Union Minorities and Discrimination Survey – Roma women in nine EU Member States, 2019, pp. 8 et seq.). The educational disadvantage faced by Roma and Traveller women and girls reinforces in turn extreme poverty.

40. Evictions, which are frequently faced by Roma and Travellers, are an additional factor of impoverishment, which makes Roma and Traveller women even more exposed to extreme poverty. More than 90% of Travellers in Ireland, Belgium and the Netherlands feel that there are not enough places – especially appropriate halting sites – for them to live. Around 4% of surveyed Roma and Traveller households have either experienced an eviction or been forced to leave by authorities. 29% of caravan dwellers in Belgium and 20% of Travellers in France expect to be evicted or forced to leave in the next six months (EU FRA, Roma and Travellers in six countries, 2020).

#### On paragraph 6:

41. The Revised European Social Charter (ESC (rev.)) provides for the right to social assistance (Article 13), the right to benefit from social welfare services (Article 14), and the right to protection against poverty and social exclusion (Article 30). The right to social assistance “takes the form of an individual right of access to social assistance in circumstances where a basic condition of eligibility is satisfied, which occurs when no other means of reaching a minimum income level consistent with human dignity are available to that person” (ECSR, European Roma Rights Centre (ERRC) v. Bulgaria, no. 48/2008, §§ 37, 38).

42. According to Article 17 ESC (rev.), State Parties have the obligation to take all appropriate and necessary measures to ensure the effective exercise of the right of mothers and children to social and economic protection. Member States should therefore ensure that Roma and Traveller women, who do not have adequate resources, receive appropriate social assistance.

43. To that end, Roma and Traveller women should be entitled and enabled to exercise their right to social assistance directly, and not only as dependants of their husbands. Where having a bank account is a precondition for accessing social assistance, member States should ensure that Roma and Traveller women have such bank accounts.

44. In any decisions relating to the assistance and safety of Roma and Traveller women and girls, including decisions taken by social services in respect of social security, their needs should be a primary consideration. In addition, such decisions should consider the specific needs of Roma and Traveller women, such as adequate conditions for breastfeeding, or access to water, as they are disproportionately affected by the lack of such amenities as primary caregivers and housewives.

45. In some member States, benefiting from social assistance is a pre-condition to access other benefits and rights such as the right to medical insurance, the right to legal aid, the right to obtain agricultural land for cultivation with priority, and the right to be exempted from kindergarten taxes (ECSR, ERRC v. Bulgaria, no. 48/2008, § 20). Eliminating barriers to accessing social assistance is therefore also crucial for improving the access of Roma and Traveller women and girls to other rights.

46. Fighting extreme poverty and ensuring adequate housing and accommodation conditions for Roma and Traveller women is also a pre-condition for empowering them to find employment and increase their economic independence.

47. Member states should also remove other obstacles that impede access of Roma and Traveller women to their right to social assistance, such as the requirement of habitual residence as a condition for accessing

social benefits, without sufficiently taking into consideration the situation of Roma and Traveller women and girls who live a nomadic way of life. Member States should also ensure that other eligibility criteria do not hamper the exercise of the right to social assistance by Roma and Traveller women and girls, such as the need to present identity documents, be a citizen, have a permanent address, or not being a migrant or having refugee or asylum seeker status. Member States should also work towards ensuring that Roma and Traveller women who have married early or whose marriage was not registered, are entitled for survivor's pensions and/or other related benefits after the death of their husband (see in this context GREVIO, [Baseline evaluation report on Romania, 2022](#)).

48. In this context, member States could replicate a good practice from Serbia, where at local level "mobile teams", composed of a local Roma coordinator, health mediators, school mediators, and/or social workers and legal assistants help Roma women to receive social assistance. In North Macedonia, centres for social work are helping Roma to access their rights to social assistance. In Greece, community centres in municipalities that comprise a mediator, support vulnerable groups including Roma. In France and Belgium, a type of subsidy, referred to as a solidarity mechanism, pays water bills for the most financially deprived people (UN Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment, report "Right to a healthy environment: good practices", 2019).

#### **On paragraph 7:**

49. As many Roma and Traveller women and girls are not aware of their entitlement to social assistance, information on this right and how to exercise it is an essential pre-condition for its enjoyment. This is particularly true for those living in rural or isolated areas, and for those who have limited literacy skills or struggle with the official language. Therefore, and in line with Articles 13.3 and 14 ESC (rev), member States should ensure free of charge services offering advice and personal assistance, which are specifically addressed at persons without adequate resources or at risk of becoming so.

50. Such information should be proactively disseminated to Roma and Traveller women and girls and be tailored to their needs, concise, presented in simple and plain language, and available in accessible formats (written and oral) and in the languages spoken by Roma and Traveller women.

51. Public administrations, social services and other institutions responsible for processing claims for social benefits should have a proactive role in making this information available to Roma and Traveller women and girls and help them to access social assistance. In this context, they should support and involve Roma and Traveller community mediators as well as Roma and Traveller civil society organisations in disseminating information in Roma and Traveller communities.

52. Member States could envisage establishing "one-stop shop" mechanisms at local level, ideally in the proximity of Roma/Traveller communities, through which Roma and Traveller women receive information and can apply for different types of social assistance.

#### **On paragraph 8:**

53. Once Roma and Traveller women and girls have received information about their entitlement to social assistance, it is important to assist them when they apply for it in order to make sure that they receive the assistance to which they are entitled. This is because it can be challenging to identify the authority to which an application for social assistance must be submitted, to understand the application procedures and to complete the application forms on paper or online, especially for those Roma and Traveller women who cannot read or write, have had limited schooling or do not speak an official language.

54. Therefore, it is important that the authorities ensure that social workers, Roma and Traveller mediators and other staff involved in processing benefit claims are sensitive and attentive to the needs of Roma and Traveller women and girls for assistance in completing application forms and in preparing necessary documentation, and that they deliver such assistance in an effective manner. Civil society organisations could also be involved.

55. In cases where access to social assistance is dependent on the use of electronic platforms, it is necessary that competent authorities ensure that Roma and Traveller women and girls have effective access to computers and the Internet and that they receive the necessary personal assistance to use the relevant electronic platforms. In this connection, member States should consider organising digital empowerment and education programmes for Roma and Traveller women and girls.

56. Member States should ensure that explanations on how to apply for social assistance are presented in simple and plain language, with clear explanations of the eligibility criteria, necessary documents and procedural steps. To improve the access of Roma and Traveller women to social assistance, the authorities should develop user-friendly, easy-to-understand and concise application forms. In this context, civil society organisations could also be involved.

## **ADDRESSING INEQUALITIES REGARDING ADOPTION AND PLACEMENT OF ROMA AND TRAVELLER CHILDREN IN ALTERNATIVE CARE**

### **On paragraph 9:**

57. The issue of removal of Roma and Traveller children from their families was raised during the 7<sup>th</sup> International Roma Women's Conference of the Council of Europe. Decisions, monitoring reports and studies indicate that there is a large and disproportionate number of Roma and Traveller children removed from their families and placed into state care, and that this results in discrimination (ECSR, ERRC and Mental Disability Centre v. Czech Republic, no. 157/2017, 23 November 2020, § 166; ECRI's Sixth report on Norway, §§ 84 et seq.; ERRC 2021, *Blighted Lives: Romani Children in State Care*, pp. 6 et seq.). The removal of children has a disproportionate effect on Roma and Traveller mothers, as they are in most cases the primary caregivers.

58. Research carried out in Bulgaria, the Czech Republic, Hungary, Italy, Romania and the Slovak Republic concluded that Roma children were overrepresented in institutional care. According to the same research, discrimination, inadequate housing conditions caused by extreme poverty, school absenteeism, single parenthood, unwanted pregnancies and migration are among the factors that lead to this overrepresentation of Roma children in institutional care. Specific data from Romania shows that the number of Roma mothers with children in public care are almost four times higher than in the general female population, and that Roma children in public care are more likely to be fatherless and belong to a single-mother family. The same study shows that certain decisions to place a Roma child in public care are based on prejudice on the side of the hospital and maternity ward staff or even child protection specialists (Council of Europe Secretariat, *Contribution to the UN Committee on the Rights of the Child's Day of General Discussion on Children's Rights and Alternative Care*, 2021; UNICEF, *Romania: Children in Public Care*, Bucharest 2014; ERRC, *Life Sentence – Romani Children in Institutional Care*, 2011; ERRC, cited above, 2021, pp. 6 et seq.).

59. The ECSR furthermore emphasises that States have an obligation to collect data on the placement of children of a specific ethnic group in state care, when it is generally acknowledged that such a particular group of children is or could be faced with disproportionate care risks in comparison with the majority population, as is the case for Roma children. The collection and analysis of such data (with due safeguards for privacy and against other abuses) is indispensable to the formulation of an adequate policy and the adoption of appropriate measures to ensure the social and economic protection the children in question respectively need (ERRC et al. v. Czech Republic, cited above, § 172; ERRC v. Italy, no. 27/2004, 7 December 2005, § 23). Research based on such statistics would constitute solid ground to explore the reasons for a disproportionate placement of Roma and Traveller children in alternative care and to develop effective measures to prevent this violation.

### **On paragraph 10:**

60. Based on research on the placement of Roma and Traveller children in alternative care, member States should take effective measures to ensure that these children and their mothers receive the protection provided by international and national standards at the same level and as effectively as other persons, and that the placement of Roma and Traveller children in alternative care is prevented as much as possible.

61. According to Article 9 § 1 of the United Nations Convention on the Rights of the Child, to which the Court refers in its judgments on the placement of children in alternative care, a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child (*Strand Lobben and Others v. Norway* [GC], no. 37283/13, 10 September 2019, §§ 204 and seq.).

62. The Court highlights that generally the best interests of the child dictate that the child's ties with its family must be maintained and that family ties may only be severed in very exceptional circumstances. Everything must be done to preserve personal relations and, if and when appropriate, to "rebuild" the family. In the case of imposition of public care restricting family life, a positive duty lies on the authorities to take measures to facilitate family reunification as soon as reasonably feasible.

63. A care order should be regarded as a temporary measure, to be discontinued as soon as circumstances permit, and any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parents and the child.

64. The authorities' decision-making process must be conducted in such a way as to secure that the views and interests of the natural parents are made known to and duly taken into account by the authorities (*Strand Lobben*, cited above, §§ 204 et seq.; ECHR, Guide on Article 8 of the European Convention on Human Rights, 2022, §§ 368 et seq.).

65. Thus, the withdrawal of parental authority should only be applied as a measure of last resort (*Neulinger and Shuruk v. Switzerland* [GC], no. 41615/07, § 136; *Wetjen and Others v. Germany*, nos. 68125/14 and 72204/14, 22 March 2018, § 84).

66. According to the Court, the replacement of the foster home arrangement with a more far-reaching type of measure, namely deprivation of parental responsibilities and authorisation of adoption, should only be applied in exceptional circumstances and could only be justified if they were motivated by an overriding requirement pertaining to the child's best interests (*Strand Lobben*, cited above, § 209).

67. The Court has further decided that a mother's financial situation alone cannot justify the removal of a child from her mother's care (*R.M.S. v. Spain*, no. 28775/12, 18 June 2013, § 92). Likewise, a breach was found where domestic authorities had merely based their decision on the applicant's financial and social difficulties, without providing him with appropriate social assistance (*Akinnibosun v. Italy*, 16 July 2015, §§ 83-84). In *Soares De Melo v. Portugal*, the Court found a violation of Article 8 where the children of a woman living in precarious conditions were placed in care with a view to adoption, resulting in the severance of the family ties (§§ 118-123). Further, the absence of skills and experience in rearing children could hardly in itself be regarded as a legitimate ground for restricting parental authority or keeping a child in public care (*Kocherov and Sergeeva v. Russia*, § 106, concerning a father with a mild intellectual disability; for details see ECHR, Guide on Article 8 of the European Convention on Human Rights, 2022, §§ 368).

68. If the authorities do not comply with those principles, the Court usually finds a violation of the mother's right to private life (Article 8 of the European Convention on Human Rights (ECHR)).

69. Similarly, the ECSR decided that States Parties of the ESC (rev.) have a positive obligation to adopt the necessary measures to ensure that children can effectively exercise their right to grow up in an environment favourable to the development of their personality and their physical and mental abilities. States Parties must take all appropriate and necessary measures to ensure that children and young persons have the care, assistance, education and training that they need.

70. According to the ECSR, the family is the natural environment for the growth and well-being of the child. Any restrictions or limitations of custodial rights of parents need to serve the best interests of the child and the rehabilitation of the family. As any placement of children in an institution may easily have detrimental effects on their health and development, the long-term care of children outside their home should take place primarily in foster families and placement in institutions must be an exceptional measure (ECSR, *ERRC and Mental Disability Advocacy Centre v. Czech Republic*, cited above, §§ 131 et seq.).

#### On paragraph 11:

71. Under both the ECHR and the ESC (rev.), member States have positive obligations regarding the avoidance of alternative care.

72. Under the ESC (rev.), States Parties have, as mentioned above, a positive obligation to adopt the necessary measures to ensure that children can effectively exercise their right to grow up in an environment favourable to the development of their personality and their physical and mental abilities. States Parties must take all appropriate and necessary measures to ensure that children and young persons have the care, assistance, education and training that they need. Under Article 17 ESC (rev.), States Parties are under an additional obligation to initiate and carry forward a systematic and country-wide deinstitutionalisation process (ECSR, *ERRC and Mental Disability Advocacy Centre v. Czech Republic*, cited above, §§ 131 et seq.; see also Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC), Fourth Opinion on Norway, 13 October 2016, § 47).

73. According to the Court, member States have a positive duty to take measures to facilitate family reunification as soon as reasonably feasible. This obligation will begin to weigh on the competent authorities with increasing force as from the commencement of the period of care, subject always to its being balanced



against the duty to consider the best interests of the child (*K. and T. v. Finland* [GC], no. 25702/94, 12 July 2001, § 178 and *Haddad v. Spain*, no. 16572/17, 18 June 2019, § 54).

74. To fulfil those positive obligations, it is important that child welfare services further develop their intercultural competence and sensitivity, reach out more intensively to Roma and Traveller communities, build up a regular and sustainable exchange with them and promote mutual understanding and trust with them. To avoid alternative care placements, it is important that child welfare services further strengthen their focus on assisting Roma and Traveller families and mothers with a view to enabling them to raise their children in the family. It is equally important that they intervene early, and that they maintain contact between parents and children in order to avoid severe measures such as placing children in foster care, limiting or even cutting contact between children and their biological parents, and adoption without the consent of the biological parents.

75. As the ECSR requests, member States should furthermore initiate and carry out a strategic and long-term process of deinstitutionalisation and promotion of community-based family-type services, which would require that funds currently spent on running childcare institutions be transferred at least in part to cost-effective family-based and community-based alternatives (ECSR, ERRC and Mental Disability Advocacy Centre v. Czech Republic, cited above, §§ 157 et seq.)

### On paragraphs 12 and 13:

76. As already mentioned, member States are under a positive duty to take measures to facilitate family reunification as soon as reasonably feasible. If alternative care is, in exceptional cases, unavoidable, in accordance with Article 8 of the European Convention on Human Rights the regime of contact ought to guard, strengthen and develop family ties. A care order should be regarded as a temporary measure, to be discontinued as soon as circumstances permit, and any measures implementing temporary care should be consistent with the ultimate aim of reuniting the natural parents and the child (*Abdi Ibrahim v. Norway*, no. 15379/16, 17 December 2019, §§ 61 et seq.). It is therefore essential to provide, on the basis of a transparent procedure and having regard to the circumstances of the individual case, for frequent contact with the biological family in order to avoid any alienation of the child from their family and to ensure that contact sessions take place in the mother tongue of the child (*Hernhult v. Norway*, no. 14652/16, 10 March 2020, § 73; ECRI, Sixth report on Norway, cited above, § 91).

77. To facilitate family reunification, children should also be placed in foster families with a similar cultural and linguistic background. In this context, the Advisory Committee on the Framework Convention for the Protection of National Minorities (ACFC) recommended intensifying efforts to preserve family ties and the cultural identities of the children when placement in families occurs, including through the recruitment of foster families belonging to the respective minority and the promotion of a broad understanding of Roma culture among child welfare services (ACFC, Fourth Opinion on Norway, cited above, § 98).

### On paragraph 14:

78. As already outlined, mother's rights will be violated if an alternative care decision is solely based on her financial situation. In cases where poverty is invoked as a reason for a possible alternative care decision, the competent authorities are therefore under a positive obligation to avoid this measure by mobilising in a timely and proactive manner the support and the assistance needed, for example, by helping the mother to successfully apply for the social assistance to which she is entitled.

79. As already mentioned, Article 9 § 1 of the United Nations Convention on the Rights of the Child stipulates that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Member States should therefore foresee legal remedies in respect of any decision on alternative care. In order to make those legal remedies effective, Roma and Traveller women affected by such decisions should be entitled to free legal advice and assistance. Member States should run awareness-raising campaigns to ensure that Roma and Traveller women and families are aware of the mechanisms for the review of decisions that place Roma and Traveller children in long-term care, of decisions concerning visiting rights and of their procedural rights.

80. Member States should ensure that the staff of child-protection services who decide on or make proposals for placement into alternative care are regularly trained on and comply with the relevant legal standards and the above-mentioned case-law.

### On paragraph 16:

81. State agencies responsible for long-term alternative care should run programmes encouraging Roma and Travellers to become foster carers.

## ADDRESSING INEQUALITIES FACED IN HOUSING AND ACCOMMODATION

82. Many Roma and Travellers continue to live in conditions which fall far below the minimum standards for adequate housing and face discrimination when looking for housing. One in two Roma (52%) lives in a state of housing deprivation, either in damp, dark dwellings or in accommodation without proper sanitation facilities. Many still live in overcrowded households, with one in five not having access to tap water inside their house (EU, FRA, Roma and Travellers in six countries, 2020, pp. 79 et seq.; Roma in 10 European Countries, 2021, pp. 55 et seq.).

83. A large number of Travellers in Europe have no sites for temporary or long-term residence. Even where there is a legal obligation to provide such sites, only few municipalities comply. What's more, even newly constructed sites are situated in isolated or environmentally hazardous areas or offer inadequate housing conditions. Furthermore, many Travellers who own their land are prohibited from residing on it due to denial of planning permission. Consequently, many Travellers are compelled to camp on unauthorised sites or reside "by the roadside" without access to sewage facilities (Council of Europe Commissioner for Human Rights, Travellers - Time to counter deep-rooted hostility, 2016).

84. Although Roma and Traveller men and women share deprived housing and accommodation conditions equally, the consequences are particularly severe for Roma and Traveller women and perpetuate their exclusion from education and employment. Women are the primary users and maintainers of housing and accommodation, hence segregation and poor sanitary facilities pose a particular health risk to them. Having no running water or electricity leads to hygiene risks and excludes women from using such basic household amenities as a washing machine or a dishwasher. They face the burden of fetching water in buckets, sometimes over long distances and under harsh weather conditions, and collecting firewood for stoves. Cooking over an open fire and heating through the burning of wood or empty PVC bottles 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, in particular for pregnant Roma and Traveller women and those with long-term illnesses (FRA, Discrimination against and living conditions of Roma women in 11 EU Member States; Roma survey - Data in focus, 2014).

85. The poor housing and accommodation conditions of many Roma and Traveller women are exacerbated by spatial segregation. The majority of Roma communities in Central and Eastern Europe live in segregated settlements on the outskirts of smaller towns, isolated villages, or urban or semi-urban ghettos that are regularly deprived of basic environmental necessities and are more prone to environmental hazards. Living in segregated settings with poor infrastructure and little public services such as drinking water, adequate sanitation, waste management or public transportation has implications for access to schooling, opportunities for employment and access to medical facilities. Likewise, inadequate standards of housing lead to poor hygiene, poor health and higher incidences of diseases (ECSR, ERRC v. Portugal, no. 61/2010, 30 June 2011, § 66).

86. Those health risks are further compounded by the fact that many such segregated settlements, halting sites or group housing schemes are placed in environmentally hazardous locations, which are disproportionately affected by environmental burdens, such as pollution and environmental degradation stemming from waste dumps and landfills, contaminated sites or dirty industries. The consequences are devastating for health from infectious diseases to mental health issues (Heidegger, P.; and Wiese, K. Pushed to the wastelands: Environmental racism against Roma communities in Central and Eastern Europe, 2020; regarding a case in Portugal (Braganca), see ECSR, ERRC v. Portugal, cited above, § 45).

87. Substandard living conditions in segregated camps frequently also result in residents being unable to obtain a residence permit or identity documents that prove their citizenship, which leads, as mentioned above, to exclusion and prevents Roma women to exercise civic and political participation rights (ECSR, Centre on Housing Rights and Evictions (COHRE) v. Italy, no. 58/2009, 25 June 2010, § 103).

88. Roma and Traveller women often face significant disadvantages in terms of property ownership. This is because they often live in informal unions, where the male members of their families are the owners of

land and houses and women are *de facto* excluded from inheritance rights. This results in strong economic and financial dependence of Roma and Traveller women and puts them in a particularly vulnerable position, especially in cases where these informal unions dissolve. The lack of ownership and legal residence in turn triggers, as mentioned above, problems for Roma women from obtaining identity documents; and the lack of identity documents may make it impossible for them to acquire property (Council of Europe, Research on the Barriers of Roma Women's Access to Justice in four countries – Bulgaria, Greece, Italy and Romania, 2022, pp. 14 et seq.).

89. Roma and Traveller women and girls are also disproportionately affected by forced evictions and resettlements because they are, as described above, often the primary caregivers and bear the main responsibility for sustaining and maintaining households. Practices of dividing families in case of evictions and offering separate alternative housing based on sex or age criteria lead to situations where Roma and Traveller women are separated from their male or their older children. This often results in situations where Roma women refuse to be separated from family members and become homeless, since there is no alternative to keep families together (Amnesty International, Statement for Working Session 6: Roma and Sinti, with a focus on empowerment of Romani women to access their human rights, 2012). In such situations, Roma and Traveller women are confronted with the additional responsibility of dealing with the frustrations of their families, the fear for their children and trauma from eviction and displacement. The resulting strain can have long-lasting consequences for their physical and mental well-being.

#### On paragraph 18:

90. According to Article 16 ESC (rev.), the State Parties undertake to promote the economic, legal and social protection of family life by such means as provision of family housing with a view to ensuring the necessary conditions for the full development of the family, which is a fundamental unit of society. Article 31 ESC (rev.) provides that the State Parties undertake to take measures designed to promote access to housing of an adequate standard; to prevent and reduce homelessness with a view to its gradual elimination; and to make the price of housing accessible to those without adequate resources. According to Article E ESC (rev.), the enjoyment of the rights set forth in the Charter shall be secured without discrimination on any ground.

91. Even though Article 31.1 imposes obligations of means and not always of results, the ECSR found that the general housing situation of Roma in the relevant member State with many living in isolated settlements without running water and other basic infrastructure was in violation of Article E taken in conjunction with Article 31.1 ESC (rev.) (ERRC v. Portugal, cited above, § 52).

92. According to the jurisprudence of the ECSR, adequate housing refers not only to a dwelling, which must not be substandard and must have essential amenities, but also to a dwelling of suitable size considering the composition of the family in residence, that it protects them from harsh weather conditions and that it is safe from a sanitary and health point of view. It must have access to natural and common resources, namely safe drinking water, electricity, sanitation facilities and waste disposal and be in a location which allows access to public services. States should be vigilant to prevent spatial or social segregation, in particular in rehousing programmes. Furthermore, the obligation to promote and provide housing extends to security from unlawful eviction. The implementation of Article 16 ESC as regards nomadic groups including Roma (and Travellers), implies that adequate stopping places be provided. In this respect, Article 16 ESC contains similar obligations to Article 8 of the European Convention of Human Rights (ECSR, ERRC v. Greece, no.15/2003, 8 December 2004, §§ 24 to 25; ERRC v. Portugal, cited above, §§ 31 et seq.).

93. Based on the case-law of the Court (see above in § 3 of the Explanatory Memorandum), the ECSR highlights that Roma require special protection as regards the area of housing, as they are a disadvantaged group and vulnerable minority, due to their history. Special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases (ECSR, COHRE v. Italy, cited above, §§ 39 and 40). To this end, legislation that has a detrimental effect on Traveller women and girls, and that is unfavourable to a nomadic way of life, such as trespassing legislation, should be reviewed.

94. In line with the relevant ECSR case law, the findings and recommendations of Council of Europe monitoring bodies, Recommendation Rec(2005)4 of the Committee of Ministers on improving the housing conditions of Roma and Travellers in Europe, Recommendation Rec(2004)14 of the Committee of Ministers on the movement and encampment of Travellers in Europe, and Resolution 1740(2010) of the Parliamentary Assembly, Roma and Traveller women and girls and their families should be provided with adequate accommodation including adequate and sufficient encampment areas, free from residential segregation. Additional guidance is provided in the Recommendation of the Commissioner for Human Rights on the implementation

of the Right to Housing (30 June 2009), as well as in General Comment No. 7 of the United Nations Committee on Economic, Social and Cultural Rights.

95. To improve the housing and living conditions for Roma and Traveller women and girls and their families, member States should develop, adequately fund and implement specific and effective housing and accommodation policies for Roma and Traveller women and their families in co-operation with local authorities and in consultation with Roma and Traveller women. Such policies could for example include programmes for loans and allowances for housing, which are accessible to Roma and Traveller women, and working with rental agencies and associations of private landlords to overcome prejudices against Roma in the private-sector housing market (ECRI, Factsheet Preventing and combating antigypsyism and discrimination against Roma and Travellers, §§ 24 et seq.).

96. As the ECSR has underlined, it is of great importance that such housing measures are culturally appropriate and that authorities factor in the specific needs and features of Roma and Traveller women in their policy planning (ERRC v. Portugal, cited above, §§ 49 et seq.).

#### On paragraph 19:

97. An important means for improving the dire housing situation and addressing homelessness of Roma and Traveller women and girls is to make sure that they benefit from social housing. As described above, under Article 31.3 ESC (rev), it is incumbent on States Parties to adopt appropriate measures for the construction of housing, in particular social housing (see ECSR, Digest of the Case Law of the European Committee of Social Rights, 2021, page 205). Also as regards social housing, the State Parties are committed to the principle of equal treatment for Roma. Therefore, they should ensure that this right is effective in practice and that the criteria regulating the access to social housing are not discriminatory (ECSR, ERRC v. Italy, no. 27/2004, 7 December 2025, §§ 45-46). Similarly, the Court found that it can be appropriate that member States assist Roma and Traveller (including women and girls), who belong to disadvantaged groups and are under a threat of eviction, to obtain officially the status of persons in need of housing, which would make them eligible for the available social dwellings on the same footing as others (*Yordanova and Others v. Bulgaria*, cited above, § 132).

98. Under Article E ESC (rev.), Article 14 ECHR and Article 1 of Protocol 12 to the ECHR, member States should ensure that anti-discrimination laws prohibit discrimination, directly or indirectly, in the supply of housing to Roma and Traveller women and girls. To avoid any gender-based discrimination, member States should promote housing policies that also address the needs of Roma and Traveller women, and in particular single mothers, victims of domestic violence and other categories of disadvantaged and vulnerable Roma and Traveller women. The competent authorities should ensure that those women and girls have effective access to social services and take their urgent and specific needs into consideration. Member States should thus create mechanisms that protect women's housing rights from any form of violation (Recommendation Rec(2005)4 of the Committee of Ministers to member States on improving the housing conditions of Roma and Travellers in Europe, cited above, § 20).

99. Roma and Traveller women and their families should have equal access to social housing and mobile accommodation that enables them to maintain their preferred way of life. It is important to provide sufficient social housing and accommodation options that can accommodate the needs of Roma and Traveller women who choose either a settled or a nomadic lifestyle.

100. The eligibility requirements for accessing social housing must not discriminate against Roma and Traveller women. A points-based system for allocating social housing that considers factors such as income, education and marital status could indirectly discriminate against Roma and Traveller women and girls, who are faced with barriers such as inequalities with regard to education in terms of access, participation and outcomes, as well as family responsibilities, economic constraints, or early marriage. Additionally, women and girls who are in informal unions due to, for instance, lack of identity documents, may not meet these eligibility criteria. Such discriminatory requirements would exclude those most in need of social housing.

101. Member States should ensure that Roma and Traveller women and their families living in camps are not barred from registering for social housing (ECSR, COHRE v. Italy, cited above, § 93) and that those evicted are eligible for social housing.

102. Member States should clarify the type of documentation to be submitted by Roma and Traveller applicants under the points system for priority access to social housing; and they should introduce some flexibility in the system as well as additional eligibility criteria, such as the demolition of dwellings excluded from the

legalisation process that facilitate the access of evicted Roma and Traveller women and their families to social housing (ECRI, Fifth report on Albania, 19 March 2015).

103. A promising practice from North Macedonia provides for a quota of 10% of social housing units to be reserved for Roma families, and ensures that Roma families, especially those in the most vulnerable situations and who would not be able to meet the attribution criteria, benefit from social housing programmes (CAH-ROM, Thematic report on social housing for Roma and legalisation of Roma settlements and houses, 2013). In Denmark, municipalities have the authority to allocate up to 25% of the available social family housing units to socially disadvantaged citizens.

#### **On paragraph 20:**

104. It is recommended that member States take positive action with a view to making it possible for Roma and Traveller women to benefit from inheritance rights, donations or transfer of property at lifetime regardless of their civil status or whether they live in informal unions, which results primarily from their lack identity documents.

105. Roma and Traveller women should be provided with guidance on the steps they and their partners could take, for example, through a transfer or donation of property, to enable them to become property owners or co-owners while their partners are still alive. In member States such as North Macedonia, property can be inherited by the spouse even in case of an informal union, but in practice, Roma and Traveller women have no knowledge about those rules and do not necessarily assert their rights. To remedy this, member States should inform, advise, and assist Roma and Traveller women with regard to accessing property and asserting inheritance rights.

106. In line with §§ 24 and 25 of Recommendation Rec(2005)4 of the Committee of Ministers to member States on improving the housing conditions of Roma and Travellers in Europe, member States should ensure equal opportunity for Roma to acquire the ownership of the land on which they currently live, and access to the information on the possibilities of doing so.

#### **On paragraph 21:**

107. With regard to nomadic Roma and Travellers, the Court underlines that their vulnerable position as a minority means that special consideration should be given to their needs and their different lifestyle both in the relevant regulatory framework and in reaching decisions in particular cases. In this sense, there is thus a positive obligation imposed on the Contracting States by virtue of Article 8 to facilitate the nomadic way of life (*Connors v. the United Kingdom*, 66746/01, 27 May 2004 § 84; *Chapman v. the United Kingdom* [GC], 27238/95, 18 January 2001, § 96). The occupation by a woman of her caravan was found to comprise an integral part of her ethnic identity, one which the State should take into account when instituting measures of forced eviction from the land (*Chapman v. the United Kingdom* [GC], cited above § 73).

108. Against this background and in line with §§ 3 et seq. of Rec(2005)4, member States should affirm the right of people to pursue sedentary or nomadic lifestyles, according to their own free choice. Member States should furthermore develop a comprehensive legal framework relating to housing, accommodation and transient provisions to facilitate nomadism, which allows Roma and Travellers to exercise their right to adequate housing under the revised European Social Charter and provides them with access to water, electricity and other relevant infrastructure and services. Legislation that violates or creates barriers to the right to pursue the nomadic lifestyle should be amended. Member States should finally assist Roma and Traveller women and girls with asserting the resulting rights.

#### **On paragraph 22:**

109. With regard to environmental harm, member States should take adequate measures to protect the rights of those who are most vulnerable to, or at particular risk from, such harm, taking into account their needs, risks and capacities (Recommendation CM/Rec(2022)20 of the Committee of Ministers to member States on human rights and the protection of the environment, § 3).

110. Similarly, § 21 of Recommendation Rec(2005)4 calls on member States to take measures to combat any forms of segregation of Roma and Travellers on racial grounds in environmentally hazardous areas. This includes investing in the development of safe locations and taking steps to ensure that Roma and Traveller communities have practical and affordable housing alternatives, so as to discourage settlements in, near or on hazardous areas.

111. Member States should ensure that international and European standards and regulations in environmental matters are equally applied and implemented for all and ensure that Roma and Traveller women and their families are offered adequate protections from pollution and exposure to environmental degradation. To that end, member States are encouraged to incorporate environmental concerns into the national policies on Roma inclusion, taking into account the particular impact of their effects on Roma and Traveller women and their health (regarding the requirements for adequate housing under Article 31.1 ESC (rev.), see above § 91).

112. The competent authorities of member States should actively raise the awareness of Roma and Traveller communities about environmental risks to which they are exposed, including pollution, the risk of flooding or other hazards. In the presence of such risks, they should provide assistance, advice, and timely solutions to Roma and Traveller women and their families. Where relocation is the only solution to safeguard Roma and Traveller women and girls from pollution, environmental degradation, and other hazards, it must be carried out in close co-ordination and consultation with Roma and Traveller women and their families, before any decision is taken. Additionally, legislation in place for protecting those affected by relocation should be strictly respected.

113. A promising practice regarding participatory decision-making processes in environmental matters in Norway is documented by the UN Special Rapporteur on the Issue of Human Rights Obligations Relating to the Enjoyment of a Safe, Clean, Healthy and Sustainable Environment in their report “Right to a healthy environment: good practices”, 2019.

#### On paragraph 23:

114. According to the Court, evictions constitute a very serious interference with the right to respect for the home and/or the right to private and family life of those affected (*Hirtu and Others v. France*, no. 24720/13, 14 May 2020, §§ 64 et seq.). Since the loss of one’s home is a most extreme form of interference with the right under Article 8 to respect for one’s home, any person at risk of an interference of this magnitude should in principle be able to have the proportionality and reasonableness of the measure determined by an independent tribunal (*Yordanova and Others v. Bulgaria*, cited above, § 118). The Court found a violation of Article 8 on procedural grounds in a case concerning a family’s summary eviction from the local authority caravan site where the applicant and his family had lived for more than 13 years; the Court stated that such a serious interference necessitated “particularly weighty reasons of public interest” and called for a narrow margin of appreciation (*Connors v. UK*, no. 66746/01, 27 May 2004, §§ 86 et seq.).

115. As Roma and Travellers, in particular those threatened by evictions, often live as a marginalised community and socially disadvantaged group, they may need, according to the Court, assistance in order to be able effectively to enjoy the same rights as the majority population. As the Court has stated, Article 14 of the Convention does not prohibit a member State from treating groups differently in order to correct “factual inequalities” between them; in fact, in certain circumstances, a failure to attempt to correct inequality through different treatment may in itself give rise to a breach of Article 14. In cases of evictions, the specificity of Roma and Traveller as a social group and their needs must be one of the relevant factors in the proportionality assessment that the national authorities are under a duty to undertake. While Article 8 does not give a right to be provided with a home, an obligation for the member States to secure shelter for particularly vulnerable individuals such as Roma and Traveller women and girls may flow from Article 8 of the Convention in exceptional cases (*Yordanova and Others v. Bulgaria*, cited above, §§ 129 et seq.).

116. According to the jurisprudence of the ECSR, illegal occupation of a site or dwelling may justify the eviction of the illegal occupants. However, the criteria of illegal occupation must not be unduly wide, and the eviction should take place in accordance with the applicable rules of procedure which should be sufficiently protective of the rights of the persons concerned. State Parties must furthermore make sure that evictions are justified and are carried out in conditions that respect the dignity of the persons concerned, and that alternative accommodation is available. The law must also establish eviction procedures, specifying when they may not be carried out (for example, at night or during winter), provide legal remedies and offer legal aid to those who need it to seek redress from the courts. Compensation for illegal evictions must also be provided (ECSR, *International Centre for the Legal Protection of Human Rights (INTERIGHTS) v. Greece*, no. 49/2008, 11 December 2009, §§ 56 et seq.; *ERRC v. Italy*, cited above, § 41).

117. Where the resettlement of Roma and Travellers is unavoidable, for example, for health reasons based on pollution or other environmental hazards, the authorities should consult the communities affected, and in particular the women belonging to them, which may, as described above, suffer from the consequences in a particularly harsh way (see in this context Amnesty International, Statement for Working Session 6: Roma

and Sintj, with a focus on empowerment of Romani women to access their human rights, 2012). In this framework, the authorities should take into account the specific difficulties faced by Roma and Traveller women and girls, especially by those who are single mothers, run a households, or are pregnant. Suitable alternative accommodation should be provided, which avoids family separation and is safe and culturally appropriate (see also §§ 89 and 96 above).

## **ADDRESSING INEQUALITIES FACED BY ROMA AND TRAVELLER GIRLS IN EARLY CHILDHOOD AND SCHOOL EDUCATION**

118. Data shows that Roma women report lower literacy levels (average 77%) than Roma men (average 85%). 72% of Roma and Traveller children from the age of three up to the age of the start of compulsory primary education do not attend early childhood education (EU FRA, Survey on Roma and Travellers in Belgium, France, Ireland, the Netherlands, Sweden and the United Kingdom, 2019). There is also a gender gap concerning preschool and school attendance: According to the FRA Roma Survey 2021, 19 % of Roma women have never attended school, while this share of Roma men is 14%. 32% of Roma men remained in school after the age of 16, while only 23% of Roma women did so (EU FRA, Roma survey 2021). In Greece, only one in four Roma girls attends early childhood education compared to one in three Roma boys.

119. While young women have in general higher attainment rates in upper secondary education than young men, this is not the case for young Roma in the vast majority of countries surveyed by FRA (EU FRA, Roma in 10 European countries, 2021; young Roma women only perform better in the Czech Republic and Serbia).

120. Among Irish Traveller women, just 13.3% were educated to Leaving Certificate or above compared with 69.1% of the general population. 7 out of 10 Irish Traveller children (67.3%) live in families where the mother has either no formal education or primary education only (Central Statistics Office Ireland, Census of Population 2016).

121. Harmful practices that have a negative impact on the education of Roma girls, such as child marriages, early marriages and forced marriages, are dealt with in two sections of the Recommendation: in the section on protection from violence, as those practices constitute an abuse of Roma and Traveller women and girls, and in the present section on education of Roma and Traveller girls, to ensure that girls who marry early still continue their education.

### **On paragraph 24:**

122. Member States should implement positive measures for Roma and Traveller girls to close any educational gap from an early age and to prevent that Roma and Traveller girls accumulate disadvantages already at pre-school age that later lead to failure and early school drop-out. On the basis of scientific research, ECRI has stressed that children living in shanty towns suffer significant delays in their development before they reach primary school if they are neglected and left to their own devices and are unable to attend nursery schools, leave their shanty towns or participate in out-of-school activities, especially from the age of three years onwards (ECRI, Sixth report on Slovakia, § 81).

123. According to ECRI, to improve preschool education, member States should ensure in particular that preschool education is available to all Roma children, that the curricula ensure quality teaching and that the children acquire sufficient mastery of the future language of instruction prior to entering primary school. Support should also be given to Roma parents so that they can afford to send their children to preschool (ECRI Factsheet Roma and Travellers, cited above, §§ 20 et seq.).

124. By way of positive example, many member States have introduced compulsory or optional preschool education. The Slovak Republic has, in addition, provided specific funds for the construction of preschool facilities, including for the settlements with a considerable number of Roma (ECRI, Sixth report on Slovakia, § 82). Further good practices were developed within the project “A Good Start” with a focus on information campaigns, removing cost barriers and providing additional incentives, making preschool more welcoming and supporting home parenting (for more details, see Rosen Asenov et al., 2013, [A Good Start—Scaling-Up Access to Quality Services for Young Roma Children : Case Study of the Roma Education Fund Pilot Project](#)). Certain kindergartens in Slovenia include in their activities content that exemplifies and involves, with the participation of parents, Roma tradition and a different way of life.

125. With regard to significantly increasing school enrolment, attendance and completion rates of school-aged Roma and Traveller girls in compulsory schooling, it is important that member States ensure the effective enrolment of all children in pre-school, primary and secondary education and establish an effective

drop-out monitoring mechanism at primary and secondary level (ECRI, Factsheet Roma and Traveller, cited above, § 21). Additional measures to increase school attendance of Roma and Traveller girls comprise specific financial support to ensure their schooling, in particular for school transport and meals in the schools, and targeted support in case of educational difficulties.

126. Other good practices aiming at improving school attendance of Roma girls comprise afternoon clubs, representing also spaces where girls can discuss matters with Roma women; one-to-one counselling support and field visits to vocational institutions (CAHROM, Thematic report on school attendance for Roma children, in particular Roma girls, 2013).

127. With regard to the issue of school-segregation, the ADI-ROM and the CDADI are preparing a study that aims to provide, in addition to the case-law of the Court, specific guidance about how to prevent and end the different forms of school segregation. Therefore, this issue is not further developed in this explanatory memorandum.

128. All measures that avoid early school dropout contribute to prevent early marriages, facilitate access to employment, and thus reduce poverty and improve the economic situation of Roma girls and women.

#### **On paragraph 25:**

129. With regard to Roma and Traveller girls who live a nomadic lifestyle, which is protected under Article 8 of the Convention, member States should, with due regard to their positive obligations under this provision, allow and respect the right to mobility for nomadic and semi-nomadic families even during the school year and develop adequate educational settings (e.g. distance learning programmes or the short-time enrolment of children from nomadic communities at their halting sites) and pedagogical tools and mechanisms to ensure their continuous, successful and quality education.

130. With regard to all Roma and Traveller girls, including nomads, the authorities should implement an intercultural approach to education that values their specific culture and language. In this context, inclusive development plans should be designed and implemented that take into account the gender dimension. Tools such as the [Index for Inclusion](#) were used as a main tool by the Joint Project of the European Union and the Council of Europe “Inclusive Schools: Making a Difference for Roma Children” (INSCHOOL). In this context, member States are advised to deploy efforts to preserve and develop Tater/Romani and Roma cultural identities by combating discriminatory attitudes towards their travelling lifestyle and by combating discriminatory attitudes, including in schools (ACFC, Fourth Opinion on Norway, cited above, § 98). The ACFC further recommended that more regular contacts among pupils with different ethnic backgrounds is ensured, including by providing for mixed school and classroom environments (ACFC, Fifth Opinion on North Macedonia, § 13).

#### **On paragraph 26:**

131. Accessible and inclusive non-formal education is an important supplement to formal education and can contribute to achieve equal educational outcomes, as it enables the involvement of Roma and Traveller women and girls that may experience exclusion and marginalisation. Non-formal education furthermore represents an excellent tool to fight antigypsyism, sexism and intersectional discrimination that Roma and Traveller women and girls face. It can also play an essential role for language preservation and identity promotion.

132. Member States should therefore include and engage Roma and Traveller girls who need additional support in non-formal education activities, including those who are placed in alternative care. Those activities should, to the extent possible, be tailored to the particular situations of Roma and Traveller girls, including those who face language or formal educational barriers. Member States should also consider supporting Roma and Traveller women and girls organisations, which function as spaces for non-formal education.

#### **On paragraph 27:**

133. At an institutional level, the recruitment of Roma in educational institutions, and in general the involvement of mediators, community development workers or facilitators, have significant potential for improving the school enrolment, attendance and outcomes of Roma and Traveller girls ([CAHROM, Thematic Visit On Roma Mediation \(With A Focus On School Mediators/Assistants\)](#), 2017).



### On paragraph 28:

134. Therefore, member States should formalise in legal and financial terms the existing programmes and measures that guarantee the presence and involvement of Roma and Traveller mediators, community development workers or facilitators, as well as measures which ensure that their jobs are sustainable ([CAHROM Thematic Visit On Roma Mediation \(With A Focus On School Mediators/Assistants, 2017\)](#)).

### On paragraph 29:

135. As many Roma and Travellers are more easily identifiable, for example by their clothing, spoken language, surname or home address, they are particularly vulnerable to bullying and abuse in the school environment. There are for example reports from the United Kingdom that young Roma and Traveller experience negative labelling, prejudice and presumptions that they are troublemakers or unwilling to learn. These young people reported experiencing different treatment and not being believed when they reported bullying (Anti Bullying Alliance, report "Bullied, Not Believed and Blamed: the experiences of bullying of Gypsy, Roma and Traveller children and young people" (2020)). Roma women who have been in contact with school authorities in countries such as Hungary and Serbia, have reported discrimination experiences to a high extent (EU FRA, Roma in 10 European Countries, 2021).

136. Roma women interviewed as part of a recently conducted research study reported ongoing discrimination against Roma children in schools and a lack of inclusiveness, which also represents an obstacle to children's motivation to stay in school (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022).

137. A promising practice from Denmark to prevent and combat bullying requires all schools to have an anti-bullying strategy for the prevention of bullying and to make it publicly available. Schools must react to bullying situations by designing and applying specific action plans to stop it. In 2017, the National Appellate Body against Bullying was established, which allows students or parents to file a formal complaint if their school is not doing enough to prevent or combat bullying including towards certain minority groups.

## ADDRESSING INEQUALITIES REGARDING HEALTHCARE AND SEXUAL AND REPRODUCTIVE RIGHTS

138. Roma and Traveller populations have a markedly lower life expectancy than the general population in Europe: in 2014, their life expectancy was estimated to be between five and 20 years less than the average. On average, Roma women live 11 years less than women in the general population, and Roma men live 9.1 years less than men in the general population. Furthermore, of those who had used healthcare services in the previous 12 months, more Roma women (16%) experienced discrimination than Roma men (13%) in 2021 (EU FRA, Roma in 10 European Countries, 2021). Travellers live on average 8 years less than the general Irish population: the life expectancy of men in Ireland is 79.7 years and for women 83.4. For Traveller men it is 71.3 years and for Traveller women 75.2 (EU FRA, Travellers in Ireland – Key results from the Roma and Travellers survey, 2019).

139. Key findings concerning Roma and Traveller women show that they are generally in worse health and more disadvantaged than Roma men and non-Roma alike. 11% of Roma and Traveller women perceive their health status to be "bad", while the percentage for Roma and Traveller men is 8% (EU, FRA, Roma and Travellers in six countries, 2020).

140. The barriers to improved health amongst Roma women include expectations to fulfil traditional gender roles, limited educational and employment opportunities, physical and social isolation and poor living conditions. Maternal health risks (i.e. early and late pregnancies, large families, poor access to and low uptake of antenatal care) and poor outcomes (i.e. miscarriage and still birth) are more common among Roma women. Roma women are at higher risk of domestic violence and the associated mental and physical health risks (European Commission, [Roma Health Report - Health status of the Roma population - Data collection in the Member States of the European Union, 2014](#)).

141. The experiences of Roma women in accessing healthcare facilities depend on their age, their location and their visibility as a Roma woman. Older Roma women are more noticeable and therefore at greater risk of negative treatment. As many Roma women are unemployed, they do not have social security and medical insurance and often receive poorer quality medical services than women with medical insurance. Roma women also experience discrimination and segregation in hospital rooms when giving birth, as they are often put in over-crowded maternity rooms with exclusively other Roma women. Members of the Roma civil

society emphasised that the majority of Roma women in their communities do not undertake medical tests and do not go to a doctor unless it is often too late. The main reasons for this are a lack of medical insurance and illiteracy, which prevents them from using online platforms to make doctors' appointments. In some countries Roma women face verbal abuse and hate speech when contacting healthcare services (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022).

142. Furthermore, evictions create obstacles to maintaining continuity of healthcare and public health efforts, and hinder efforts to improve settlement hygiene, maternal and infant care, immunisation, disease screening, and treatment of chronic illnesses. Forced resettlement disrupts the follow-up of healthcare, and the rapid departure from settlements often results in the loss of personal health records, prescriptions, medicines and the addresses of healthcare facilities (European Commission, Roma Health Report Health status of the Roma population. Data collection in the Member States of the European Union, 2014, §§ 94).

143. Research shows that Roma are less likely to have access to essential drugs than the non-Roma population; older Roma women are less likely than their non-Roma counterparts to undergo testing for cervical screening and preventative gynaecological services; and Roma women living in rural communities are less likely to have a mammogram than those living in the capitals. Many Roma and Traveller women are unaware of their entitlement to maternity protection and contraception, and only a small percentage of Roma women attend consultations about planned parenthood and reproduction (European Commission, Roma Health Report Health status of the Roma population. Data collection in the Member States of the European Union, 2014).

144. There have been reports that ambulances were not dispatched to Roma neighbourhoods. Additionally, Roma patients have faced situations where they had to wait for consultations, while non-Roma patients who arrived later were given priority. The same report documents complex experiences in medical professional-patient interaction, which by the Roma interviewees were perceived as discriminatory treatment based on their ethnicity (European Roma Rights Centre, Ambulance Not on the Way: The Disgrace of Health Care for Roma, 2006).

### On paragraph 30:

145. Although the right to health is not as such among the rights guaranteed under the Convention or its Protocols, Contracting States are under a positive obligation to take appropriate measures to protect the life and health of those within their jurisdiction (see notably *Vavříčka and Others v. the Czech Republic* [GC], nos. 47621/13 and others, 8 April 2021, § 282). The States Parties have, in parallel to their positive obligations under Article 2 of the Convention, a positive obligation under Article 8 to have in place regulations compelling both public and private hospitals to adopt appropriate measures for the protection of their patients' physical integrity (ECHR, Guide to Article 8, § 142 et seq.; *Vasileva v. Bulgaria*, no. 23796/10, 17 March 2016, § 63; *Jurica v. Croatia*, no. 30376/13, 2 May 2017, § 84; *Mehmet Ulusoy and Others v. Turkey*, no. 54969/09, 25 June 2019, § 82, and *Vilela v. Portugal*, §§ 73-79, § 87 in relation to a child born with a 100% disability, no. 63687/14, 23 February 2021).

146. According to Article 11 ESC (rev.), the States Parties undertake, with a view to ensuring the effective exercise of the right to protection of health, appropriate measures designed to remove as far as possible the causes of ill-health; to provide advisory and educational facilities for the promotion of health and the encouragement of individual responsibility in matters of health; and to prevent as far as possible epidemic, endemic and other diseases, as well as accidents.

147. Against this background, the best possible state of health should be guaranteed to Roma and Traveller women in line with international and regional instruments, the case law of the Court and the ECSR, as well as the findings and recommendations of monitoring bodies with respect to the right to health (ECRI, General Policy Recommendation No. 13 on combating antigypsyism and discrimination against Roma, § 7; General Policy Recommendation No. 16 on safeguarding irregularly present migrants from discrimination, §§ 21-25).

148. Member States should address the underlying determinants of health that impact Roma and Traveller women and girls, which include access to clean and safe drinking water, proper sanitation facilities, sufficient and healthy food, adequate housing, healthy occupational and environmental conditions, and access to health education and information, including regarding sexual and reproductive health. These measures should align with the ECSR's interpretation of the right to health UN, Committee on Economic, Social and Cultural Rights, General Comment No.14, §11).

149. Over two-thirds of Travellers in Ireland have experienced the loss of a loved one to suicide, and nearly 90% are concerned about suicide within their community. Suicide rates are six times higher among Traveller women than those in the general population. The study identified structural racism as the root cause of negative experiences faced by Travellers in housing, employment, education, and healthcare (Clondalkin Travellers Development Group, Tallaght Travellers Development Group and Ballyfermot Traveller Action Project, *Suicide Among the Traveller Community in South County Dublin and Ballyfermot*, 2023). The link between mental health and racism and discrimination against a particular group is confirmed through research of the World Health Organisation (WHO, *World Mental Health Report: Transforming Mental Health for All*, 2022). Poor mental health is also closely linked to poverty, which puts communities such as Roma and Travellers at greater risk of experiencing mental health conditions.

150. Roma and Traveller women and girls should be provided with sufficient, accessible, and suitable mental health services and effective treatment. Furthermore, specific measures should be taken to increase mental health awareness, including regarding post-partum depression, and to combat the stigmatisation of mental health issues within the Roma and Traveller communities.

151. Member States should implement measures that guarantee access to sexual and reproductive health and rights, menstrual care, including access to free menstrual products, as well as adequate and quality healthcare services, including pre-natal, natal, and postnatal care such as pregnancy care and monitoring for Roma and Traveller women and girls. Additionally, preventive measures should be taken to mitigate any potential health risks related to these, and free screening programmes should be made available to disadvantaged Roma and Traveller women and girls to detect diseases such as breast and cervical cancer at an early stage. With regard to pre-natal, natal and postnatal care for mobile Roma and Traveller women and girls, member States should ensure that they have a right to consultations, hospital admission, and treatment in medical care units regardless of their registered address.

152. As a good practice can be cited the programme by which annual prophylactic examinations were conducted in settlements and neighbourhoods populated mainly by uninsured Bulgarian citizens of Roma origin, and in settlements with predominantly Roma population (CAHROM, *Thematic report on Roma health mediators*, 2016).

153. Article 13 of the Revised European Social Charter provides that any person who is without adequate resources be granted, in case of sickness, the care necessitated by her condition. In this context, medical assistance includes free or subsidised healthcare or payments to enable persons to pay for the care required by their condition. The determination of necessity of care is a medical assessment (see ECSR, *Digest of the Case Law of the European Committee of Social Rights*, 2021, page 126; *Mehmet Emin Yüksel v. Turkey*, no. 40154/98, 20 October 2004; *Serifis v. Greece*, no. 27695/03, 2 November 2006; *Tarariyeva v. Russia*, no. 4353/03, 14 December 2006; ECRI General Policy Recommendation no. 16, cited above).

154. The right to medical assistance should not be confined to emergency situations or a system covering expenses for a limited time or one not including primary or specialised outpatient medical care, which a person without resources might require. These do not sufficiently ensure healthcare for poor or socially vulnerable persons who become sick (ECSR, *European Roma Rights Centre (ERRC) v. Bulgaria*, No. 46/2007, 3 December 2008, § 44).

155. De facto, Roma and Traveller women and girls, including undocumented, migrant, asylum-seekers or refugee women, often have access to healthcare only in emergency situations. Without insurance and identity documents, they are unable to use other health services. Although Roma and Traveller women can benefit from free health services during childbirth, such as natal care and delivery, which are considered emergency situations, antenatal and postnatal care, which are equally crucial, are often not considered emergency situations. As a result, Roma and Traveller women and girls have restricted access to such care, and this exacerbates existing health disparities.

156. Moreover, undocumented Roma and Traveller women should have access to healthcare without having to produce documents which they may not possess and not be able to obtain, such as valid residence permits, passports, valid ID cards (ECRI, General Policy Recommendation no. 16, cited above).

157. Roma and Traveller women and girls should benefit from healthcare in a timely and non-discriminatory manner, without facing inappropriate financial or administrative barriers. This is particularly relevant for women residing in remote locations.

158. A promising practice from Italy is that Roma women without documents have access to the National Health Care Service through the STP system (STP meaning Temporarily Present Foreigner – temporary for

six months and renewable), which is widely provided, but does not replace all the services accessible via the national healthcare system (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022).

159. Further guidance in respect to access to healthcare for Roma and Travellers is compiled in the Council of Europe Committee of Ministers Recommendation CM/Rec (2006)10 on better access to health care for Roma and Travellers in Europe.

#### On paragraph 31:

160. 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%). In some countries, this percentage is much higher with 59%, 47% and 38% (EU FRA, Roma in 10 European Countries, 2021).

161. As a starting point, Roma and Traveller women and girls should have access to health insurance schemes on an equal footing with the general population. Member States are encouraged to remove barriers which impede Roma and Traveller women and girls from accessing those schemes. Furthermore, member States should take positive measures to ensure that no financial or administrative hindrance impedes the access of Roma to health insurance, healthcare and medical treatment (ECRI, General Policy Recommendation no. 13, cited above).

162. This could be achieved, for instance, by following the example of Bulgaria: Ordinance No. 26, adopted in 2007, foresees the provision of obstetric care to uninsured women, and that examinations are carried out beyond the mandatory health insurance for children and pregnant women.

163. According to the Health Insurance Law in Montenegro, which could also serve as a good example, certain socially vulnerable groups are exempt from bearing treatment expenses, entitling them to free health-care coverage. Those groups include pregnant women during the one-year period after delivery, individuals aged 65 and over, and those afflicted with contagious diseases.

164. According to the Turkish Law on Social Insurance and General Health, individuals with a monthly income lower than one third of the minimum wage can access public healthcare services free of charge (CAHROM, Thematic report on Roma health mediators, 2016).

165. Member States should take into consideration the specific difficulties that Roma and Traveller women face (e.g. being employed in the informal economy, not being eligible for health insurance schemes due to being self-employed or having ad-hoc jobs, failure of employers to fulfil their obligations to transfer social rights contributions, not being able to provide required documents such as proof of habitual residence to obtain a health insurance) and implement positive measures to ensure that Roma and Traveller women are covered by health insurance schemes in the same way as the general population.

#### On paragraph 32:

166. The right to effective access to information concerning health and reproductive rights is linked to private and family life within the meaning of Article 8 (*K.H. and Others v. Slovakia*, no. 32881/04, 6 November 2009, § 44). There may be positive obligations inherent in effective respect for private or family life which require the State to provide essential information about risks to one's health in a timely manner (*Guerra and Others v. Italy*, no. 14967/89, 19 February 1998, §§ 58 and 60). This is also particularly true, where a State engages in hazardous activities, which might have hidden adverse consequences on the health of those involved in such activities, respect for private and family life under Article 8 requires that an effective and accessible procedure be established which enables such persons to seek all relevant and appropriate information (*McGinley and Egan v. the United Kingdom*, No(s) 21825/93, 23414/94, 9 June 1998, §§ 97 and 101; *Roche v. the United Kingdom*[GC], No. 32555/96, 19 October 2005, § 167, for instance to assess any risk to which a person may be exposed, Guide on Article 8 of the European Convention on Human Rights).

167. To ensure that Roma and Traveller women can exercise their health-related rights, including sexual and reproductive rights, appropriate measures should be taken such as informative campaigns, awareness raising, and prevention efforts. Proactive outreach to Roma and Traveller women should be conducted by disseminating information and providing healthcare services in their communities, for example, through mobile units or by placing information in general practitioners' cabinets and in Roma communities. These measures should include access to comprehensive sexuality education. Awareness measures could be taken also by creating safe spaces, such as community outreach events or gatherings, where Roma and Traveller women can share information and knowledge.

168. The information provided should be easily accessible to Roma and Traveller women, in the languages they speak and using the communication channels they use. Additionally, trustworthy individuals in their communities, such as Roma and Traveller health mediators or civil society representatives, should be employed to facilitate this process.

169. Several good practices were developed in this area: deployment of medical units in Roma communities and mobile vaccine teams (Bulgaria, Belgium); awareness campaigns, lectures and training to increase health knowledge on various topics; educational and informative workshops; public calls through the media for examinations and vaccinations; distribution of information materials and contraceptives (Bulgaria, Montenegro, Poland); Roma Information Centres with counsellors and health mediators cooperating closely with Roma (North Macedonia); nurses offering guidance on nutrition, hygiene, breastfeeding; and vaccination while also informing women about birth control methods (Belgium) (CAHROM, Thematic report on Roma health mediators, 2016).

### On paragraph 33:

170. Roma women in several Central and Eastern European countries face an exceedingly high risk of abusive and discriminatory treatment. Recent qualitative research 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 healthcare is often hindered by negative and discriminatory attitudes of medical professionals, as well as by unequal treatment that they receive in hospitals and emergency healthcare units. These perceptions are confirmed by reports of Roma and Traveller civil society organisations, which have echoed similar problems related to access to healthcare during International Roma Women Conferences (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022).

171. Such treatment includes the segregation of Roma women in maternal health facilities, where they are placed in separate rooms, bathrooms, and eating areas within maternity hospitals or departments. Additionally, the Commissioner for Human Rights highlights instances where two Roma women were made to share a single bed after giving birth, patients being assigned beds in corridors when segregated rooms were full, and failures to replace soiled bedclothes and maintain clean toilet facilities (Council of Europe Commissioner for Human Rights, Issue paper on women's sexual and reproductive health and rights in Europe, 2017).

172. Member States should take action to address antigypsyism in healthcare and eradicate segregation in hospitals and maternity wards, as well as verbal and physical abuse against Roma and Traveller women and girls in hospital settings. This can be achieved for instance by revising anti-discrimination legislation, ensuring its proper implementation and by ensuring adequate training for health staff.

173. Additionally, effective complaint mechanisms should be established, and perpetrators of discrimination should be duly prosecuted and punished. Member States should take measures to ensure that Roma and Traveller women and girls are aware of these mechanisms and provide assistance in utilising them (ECRI, General Policy Recommendation. No 13, cited above, § 7).

174. Roma women have a history of forced sterilisation in several Central and Eastern European countries. The European Court for Human Rights has ruled on this matter on several occasions concluding that the practices of sterilisation, which disregarded the right to autonomy and choice as a patient, amount to inhuman and degrading treatment, thus a violation of article 3 of the ECHR (*V.C. v. Slovakia*, no. 18968/07, 8 February 2012; *N.B. v. Slovakia*, no. 29518/10, 12 September 2009; *I.G., M.K. and R.H. v. Slovakia*, no. 15966/04, 29 April 2013; *R.K. v. the Czech Republic*, no. 7883/08, 27 November 2012; see §§ 210 et seq. of the Explanatory Memorandum).

### On paragraph 34:

175. The fact that mediation has become an effective approach to promoting Roma health has been widely acknowledged at the European level. Typically, Roma women are the primary health mediators, serving as a vital connection between Roma women and healthcare institutions. Their role involves facilitating access to essential services, such as antenatal care and vaccinations (European Commission, 2014, cited above). Likewise, health mediation is a useful tool for Roma and Traveller women to surmount linguistic barriers in accessing healthcare, as well as administrative difficulties related to access to healthcare. The Strasbourg Declaration on Roma consequently calls on member States to “ensure equal access of all Roma to the healthcare system, for instance, by using health mediators and providing training for existing facilitators” (The Strasbourg Declaration on Roma, High Level Summit, 20 October 2010, § 35; see also Committee of Ministers of

Council of Europe Recommendation CM/Rec(2012)9 on mediation, as an effective tool for promoting respect for human rights and social inclusion of Roma).

176. The role of health mediators in enhancing health access for Roma communities was vital particularly in countries where the Council of Europe and European Commission Joint Programme ROMED has been implemented. Despite the significant benefits that mediation policy offers to Roma communities, there is a need to ensure the sustainability and effectiveness of health mediators' work by providing them with decent and stable contracts and salaries (CAHROM, [Thematic report on Roma health mediators](#), 2016). Sustainability of the health mediation programmes could be ensured through the institutionalisation of mediation, ensuring adequate funding as well as appropriate work terms and condition and decent and stable salaries.

177. It is crucial that these mediators or social workers comprise Roma and Traveller women. This is especially significant for Roma and Traveller women and girls as it would promote and enhance their access to healthcare, particularly concerning sexual and reproductive rights including antenatal, natal, and post-natal care. Due to the fact that these mediators or social workers share the same ethnic origin and gender as the women, they can build a trusting relationship with them.

178. Member States are encouraged to take inspiration from Bulgaria, where the health mediator profession was included in the National Classification of Occupations. The number of mediators in the country is continuously on the rise and they have a positive impact on the Roma communities (CAHROM, [Thematic report on Roma health mediators](#), 2016).

179. Member States are also encouraged to draw inspiration from the [Council of Europe/European Commission ROMED Joint Programme](#), which has trained and certified 1 258 mediators in 22 countries, and to use the programme's tools, such as the Training Curriculum for Mediators and the [European Code of Ethics for Mediators](#).

## ADDRESSING INEQUALITIES IN EMPLOYMENT AND ECONOMIC SITUATION

180. Employment rates indicate significant gender gaps among Roma and Traveller communities. As indicated in the 2021 FRA Roma survey, the gap remained similar to the one observed in 2016: only 28% of Roma women aged 20 to 64 are in employment in comparison with 58% of Roma men. Further, the gender employment gap for the general population is much lower than the one of Roma and Traveller women in the countries surveyed (EU, FRA, Roma survey 2021, p. 44). The same survey shows that a higher proportion of young Roma women (69 %) are not in education, employment or training (NEET) than young Roma men (44%). Employment data confirms such gender gaps also in the Western Balkan region (World Bank Group, [Breaking the cycle of Roma Exclusion in the western Balkans](#), 2019).

181. Recent qualitative research points towards several reasons for unemployment of Roma women: 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. A particular challenge that Roma and Traveller women are facing, with respect to access to employment, is the lack of affordable childcare ( Council of Europe, [Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania](#), 2022, pp. 19-20; World Bank Group, [Breaking the Cycle of Roma Exclusion in the Western Balkans](#), 2019).

182. In respect of discrimination when looking for jobs, data shows that a higher share of Roma women than Roma men report experiencing discrimination in Italy, Romania, Serbia and Spain (EU FRA, Roma in 10 European Countries, 2021).

183. Crises are worsening the employment and economic situation of many Roma and Traveller women, in particular of the ones who are self-employed or run informal businesses. During the Covid-19 crisis, many Roma women could no longer perform their work due to restrictions imposed, and lost their income (Council of Europe, [The "snowball" effect of the COVID-19 pandemic on Roma communities](#), 2022). Most post-crisis employment support measures do not specifically target Roma women or Roma in general (Open Society Foundations, Policy brief, [Roma in the COVID-19 Crisis - An Early Warning from Six EU Member States](#)).

### On paragraph 35:

184. According to Article 1 (1) ESC (rev.), State Parties take measures to ensure the right to work is secured, by accepting as one of their primary aims and responsibilities the achievement and maintenance of as high and stable a level of employment as possible, with a view to the attainment of full employment. State parties

undertake to recognise the right to equal opportunities and equal treatment in matters of employment and occupation without discrimination on the grounds of sex, as provided by Article 20 ESC (rev.), and to take appropriate measures to ensure or promote its application.

185. In view of the prohibition of discrimination in the enjoyment of the rights set forth in the Revised European Social Charter, as well as in light of the recommendations made by ECRI, member States are required to take measures to combat antigypsyism in employment (ECRI, General Policy Recommendation No. 13, cited above, § 5). To address prejudice against Roma in the labour market, ECRI recommends that member States take specific anti-discrimination measures (ECRI Factsheet on Roma and Travellers, cited above, 2023). There are several good practices to address financial inclusion, such as an individual development accounts model in the Slovak Republic, in the framework of which Roma families receive training on financial planning, or a programme in Hungary that provides microcredits for Roma entrepreneurs to support self-employment (see section on lessons from the field, Open Society Foundations, Policy brief, [Financial Inclusion for the Roma: Banking As a Key to Social Progress](#), §§ 5-8).

186. FRA cites several additional promising practices in the area of employment. For example, in Greece, the Union of Roma Mediators and Partners was established, which cooperates with the government to explore how Roma mediators can be recognised as a profession. Croatia took measures to employ Roma in local government (EU, FRA, [Fundamental Rights Report 2018](#)). Good practices on developing tools to increase vulnerable communities' economic empowerment were also put in place by the Roma Economic Development Initiative. It would be important that member States take inspiration from all those good practices, tailor them to respond to the needs of Roma and Traveller women and implement them, and that they make use of programmes and available budgets, such as the European Social Fund Plus (ESF+) and the Recovery and Resilience Facility to fund employment measures including education and training initiatives that target young Roma and Traveller women.

187. In Central and Eastern Europe, a significant number of persons without a bank account are Roma. In countries such as Ireland, substantial cohorts of Travellers do not operate a current account (National Traveller MABS, "Working for the financial inclusion of Travellers – Pre-Budget 2023 Submission", 2023). The lack of access to financial services worsens the already dire economic conditions of many Roma communities. Among the reasons for this are that many Roma have low levels of savings and a limited understanding of household finance. Efforts to advance Roma inclusion should comprise improving the access to financial services (Open Society Foundations, policy brief, [Financial Inclusion for the Roma: Banking As a Key to Social Progress](#), 2012). Roma and Travellers women are even more affected by this issue, in view of their lower access to education and employment, as pointed out in previous sections.

188. Regarding self-employed Roma and Traveller women, it is important that member States develop a comprehensive mapping and conduct assessments of their needs. Member States should further design and budget employment and enterprise strategies and programmes to assist those Roma and Traveller women with business development services and capacity building. Facilitating the access of Roma and Traveller women to microfinance institutions helps them to start their own businesses.

189. The provision of affordable and high-quality childcare services for Roma and Traveller families and childcare subsidies by member States also substantially facilitates their ability to get into employment.

### **On paragraph 36:**

190. It is necessary that member States provide Roma and Traveller women with special training sessions to prepare them for public service competitions.

191. Similarly, it is important that member States involve Roma and Traveller women in paid internship programmes or similar programmes that allow them to gain experience, which is necessary for their further advancement on the employment market.

192. Member States should put in place measures to support self-employment of mobile Roma and Traveller women. They should also support Roma and Traveller women to formalise their informal businesses, which would have a positive impact also on their social security rights.

193. Member States should develop opportunities for employment for Roma and Traveller women in view of their inclusion in the green and digital transitions.

## PROTECTION OF ROMA AND TRAVELLER WOMEN AND GIRLS AGAINST VIOLENCE

194. Most of the Roma women interviewed in a recent research study believe that, in their cases, justice will not function correctly or properly. For this reason, they are reluctant to report incidents of violence or to discuss the topic. A second reason is their deeply engrained understanding of not disclosing any personal and intimate information about the family, especially in cases of gender-based and domestic violence. Procedural violations by police representatives in case of reporting domestic violence were reported by six out of ten Roma women interviewed (Romania). Respondents believe that the main reasons behind these violations are linked with stereotypes (Council of Europe, Research on the barriers of Roma women's access to justice in Bulgaria, Greece, Italy and Romania, 2022, pp. 20-21). The Council of Europe's Group of Experts on Action against Violence against Women and Domestic Violence (GREVIO) pointed towards reports from NGOs in relation to racist, sexist and classist prejudices and stereotypes among representatives of state authorities and a lack of intervention in cases of violence against Roma women (GREVIO, Baseline Evaluation Report on Romania, 2022).

195. GREVIO notes similar difficulties in relation to the particular situation of Roma women in Spain, who manifest reluctance to turn to law enforcement or social services after experiencing gender-based violence (GREVIO, Baseline Evaluation Report Spain, 2020).

196. Other factors which discourage many Roma victims of crime from contacting support services and seeking justice are financial difficulties and a lack of legal education or information (GREVIO, Baseline Evaluation Report on Romania, 2022). Despite legislation which prohibits the justification of violence on cultural or other grounds, NGOs point to the tendency to ascribe violence committed against Roma women to "cultural practices" and to apply double standards in access to justice (GREVIO, Baseline Evaluation Report on Romania, 2022).

197. The issue of domestic violence – which can take various forms, ranging from physical assault to sexual, economic, emotional or verbal abuse – transcends the circumstances of an individual case. It is a general problem which affects, to a varying degree, all member States and which does not always surface in the public sphere since it often takes place within personal relationships or closed circuits and affects different family members, although women make up an overwhelming majority of victims (*Kurt v. Austria* [GC], 62903/15, 15 June 2021, § 161).

198. In the case *J.I. v. Croatia*, no. 35898/16, 8 September 2022, the Court held that there had been a violation of Article 3 (prohibition of inhuman or degrading treatment) of the Convention in the applicant's case because of the lack of an effective investigation into her complaint. The applicant had informed the police on three occasions of a serious threat to her life by her convicted rapist. In spite of this, they never commenced criminal inquiries or opened an investigation. The Court noted that the authorities had been well aware that the applicant was particularly vulnerable as a Roma woman and victim of serious sexual offences and found that they should therefore have reacted promptly and efficiently to protect her from her rapist's threat being carried out as well as from intimidation, retaliation and repeat victimisation.

199. Cyberviolence against women is a worrying and increasing phenomenon in Europe. It affects women disproportionately, causing them psychological harm and suffering (Council of Europe Commissioner for Human Rights, Statement Stop cyberviolence against women and girls, 2020). Cyberviolence includes offences targeting specific social groups or communities. In view of their exposure to intersectional discrimination and the resulting particular vulnerability, Roma and Traveller women and girls are particularly exposed to such cyberviolence.

### On paragraph 37:

200. Under Articles 4 and 18 seq. of the Istanbul Convention, State Parties shall take the necessary legislative and other measures to protect the right for everyone, particularly women, to live free from violence in both the public and the private sphere. According to the case law of the Court, all member States have several positive obligations to protect individuals, including Roma and Traveller women and girls, against different forms of gender-based violence: Under Articles 2, 3 and 4 of the Convention, they are specifically obliged to protect women and girls from threats to their life, ill-treatment and against human trafficking (*Rantsev v. Cyprus and Russia*, no. 25965/047 January 2010, §§ 215 et seq.; *Irina Smirnova v. Ukraine*, no. 1870/05, 13 October 2016, §§ 70 et seq.), and under Article 8 against domestic violence (*Sandra Janković v. Croatia*, 38478/05, 5 March 2009, §§ 40 et seq.) including acts of cyberviolence (*Volodina v. Russia No. 2*, no. 40419/19, 14 September 2011, § 68).



201. To fulfil those obligations, it is necessary that member States enact comprehensive protective legislation and that they introduce preventive, protective and restorative measures. It is furthermore important that Roma and Traveller women and girls are provided with information on existing protection and complaint mechanisms regarding the different forms of violence and human trafficking, and of their right to legal aid (GREVIO, Baseline Evaluation Report on Romania, 2022). Member States should furthermore proactively disseminate information on legal arrangements and procedures through which, in an emergency situation, prohibitions, protection or restraining orders, safe custody arrangements and safe visiting of minor children in custody arrangements can be sought. Member States should ensure that such measures target and reach Roma and Traveller women and girls. They should furthermore support, assist and protect them during investigations and judicial proceedings and respect their right to privacy.

202. Member States should take into account the intersectional factor when designing and implementing measures targeting violence against Roma and Traveller women and girls. When designing campaigns to combat cyberviolence, they could draw inspiration from existing guides such as that of UN Women and UNICEF and adapt these to the context of Roma and Traveller women and girls (UN Women and UNICEF, A guide for women and girls to prevent and respond to cyberviolence, 2021).

#### **On paragraph 38:**

203. Member States should ensure equal access to specialist shelter services for all women who are victims of the different forms of violence covered by the Istanbul Convention, including Roma and Traveller women (GREVIO, Baseline Evaluation Report on Romania, 2022 and Baseline Evaluation Report on Serbia, 2019). Member States could take measures to employ Roma and Travellers women in the recommended support services.

#### **On paragraph 39:**

204. Member States have a duty to investigate when individuals have been killed as a result of the use of force by private individuals or if there are reports of bodily harm and cyberviolence (*Tkheldze v. Georgia*, no. 33056/17, 8 July 2021, § 50; *El-Masri v. the former Yugoslav Republic of Macedonia [GC]*, no. 39630/09, 13 December 2012, § 182; *Volodina v. Russia, cited above*, § 49).

205. It is of particular importance to observe these principles in the case of Roma and Traveller women and girls, as reports indicate that there is a tendency to ascribe violence committed against Roma women to “cultural practices” and to apply double standards in access to justice (GREVIO, Baseline Evaluation Report on Romania, 2022).

#### **On paragraph 40:**

206. The Court has established that the authorities also have a duty to take all possible steps to investigate whether or not a violent act was racially motivated in the context of Article 2 of the Convention (see, *inter alia, Nachova and Others v. Bulgaria*, [GC], nos. 43577/98 and 4357/98, 6 July 2005, § 164). According to § 11 of ECRI’s GPR No. 11, the police should therefore thoroughly investigate a possible racist motivation in any criminal offence, including all cases of violence directed against Roma and Traveller women and girls.

#### **On paragraph 41:**

207. Roma and Traveller women and girls have been and are subjected to a number of abusive practices. One of these practices, which is well-documented, is forced or coerced sterilisation, or sterilisation carried out without full and informed consent. In some member States, this practice started under the communist regime, and in some States it was continued after 1990. Roma women have been particularly at risk of such practices, seemingly driven by discriminatory attitudes against this minority (Council of Europe Commissioner for Human Rights, Letter to the Prime Minister and the Minister of Justice of the Slovak Republic).

208. In the case *V. C. v. Slovakia*, (no. 18968/07, 8 November 2011, §§ 119), the Court found that the Slovakian authorities had displayed “gross disregard for [V.C.’s] right to autonomy and choice as a patient”. The sterilisation procedure was neither immediately necessary, from a medical point of view, nor did V.C. give her free and informed consent to it which amounted to ill-treatment. The Court further held that the authorities had failed to put in place effective safeguards to protect V.C.’s reproductive health as a woman of Roma origin.

209. In several cases of forced sterilisation, the Court awarded compensation and underlined that excessively restrictive requirements may render the remedy ineffective. The level of compensation must not be

unreasonable in comparison with the awards made by the Court in similar cases (see for example *I.G. and Others v. Slovakia*, no. 15966/04, 13 November 2012: 55 500 euros; *N.B. v. Slovakia*, no. 29518/10, 12 June 2012: 30 000 euros; *V.C. v. Slovakia*, no. 18968/07, 8 November 2011: 43 000 euros). Regarding the amount of the compensation, the Court has held that the remedy must be capable of directly remedying the impugned situation, and must be sufficient and accessible, fulfilling the obligation of promptness (*Paulino Tomás v. Portugal* (dec.), 2003; *Çelik and İmret v. Turkey*, 2004, § 59).

210. Based on this jurisprudence, some member States have introduced general compensation schemes. Member States which have not yet done so are encouraged to follow and enact legislation and put in place redress mechanisms, so that victims receive adequate reparation for the harm suffered. The compensation mechanisms should comply with the above requirements of the Court in respect of the effectiveness of remedies. Member States are therefore required to make sure that victims do not bear an excessive burden of proof in compensation proceedings.

211. With regard to early marriages, it is important that member States ensure that their legislation prohibits any form, including unregistered, of marriage of persons under the age of 18. Educational, socio-economic and other measures should be taken to reach girls and communities where this practice persists, in collaboration with NGOs (GREVIO, Baseline Evaluation Report on Romania, 2022). It is furthermore necessary for member States to put in place training for law-enforcement agents and other relevant officials to ensure adequate responses to forced marriages.

#### On paragraph 42:

212. Women from disadvantaged and marginalised groups, such as Roma and Traveller women, are particularly vulnerable to gender-based violence, and victims face compounded difficulties to escape from the vicious cycles of violence (GREVIO, Baseline Evaluation Report on Albania, 2017). It is therefore important that member States ensure that measures to prevent and combat violence against women are sufficiently mainstreamed into policies targeting Roma and Travellers women.

213. It is also necessary for member States to ensure sustainable state funding for awareness-raising campaigns and to involve all relevant stakeholders in such efforts, including civil society organisations. GREVIO further encourages authorities to assess the effectiveness of the awareness-raising campaigns and revise the measures, if needed (GREVIO, Baseline Evaluation Report on Romania, 2022). Such public awareness campaigns and approaches should also take into account the role of Roma and Traveller men and boys in combating violence against Roma and Traveller women and girls.

## CAPACITY BUILDING AND EMPOWERMENT OF ROMA AND TRAVELLER WOMEN AND GIRLS

#### On paragraph 43:

214. Member States should develop programmes to provide personal assistance and financial support to Roma and Traveller women and girls for measures that strengthen their digital, financial and legal literacy. This could comprise scholarships, internships, mentorship schemes and youth and leadership programmes that could also comprise incentives for Roma and Traveller women who want to pursue liberal professions, such as lawyer, public notary, doctor, accountant, architect, financial auditor, psychologist, interpreter/translator, etc., and those who need resources to start their practices.

#### On paragraph 44:

215. Several good practices in the area of Roma women's access to justice were developed within the European Union and Council of Europe Joint Programme "Roma Women's Access to Justice (JUSTROM; for details, see the report Council of Europe, [Improving the access to justice of Roma women: Collection of good practices from Bulgaria, Greece, Italy and Romania](#), 2022).

216. There is data pointing towards an overrepresentation of Roma and Traveller women in prisons (see, for instance, the Traveller Movement, [Gypsy, Roma and Traveller Women in Prison](#), 2021). Research shows that Traveller women in Ireland make up 22% of the female prison population and are up to 22 times more likely to be sentenced to prison than settled women. Traveller women often lack confidence when accessing services in prison, are stigmatised by the settled women in prison, and are reluctant to make a formal complaint fearing that it would only make their situation worse. It has been also highlighted that preparation for release

and support in the community pre-, during and post-release, is critical for successful reintegration (Travellers in Prison Initiative, 'Hearing Their Voices' Traveller Women in Prison, 2017). Given this situation, it is important that targeted measures are taken to identify the issues faced by Roma and Traveller women in prisons, to ensure effective support and legal education to enable their effective access to justice and services while in prison and post release, and to support Traveller mothers in prison and their families.

217. An exemplary initiative is the Irish Prison Service's Strategic Plan 2016-2018, specifically addressing the needs of Travellers in prison. This plan encompasses several commendable objectives, including the identification of challenges experienced by Traveller women in prison, the creation of a family support toolkit for those affected by imprisonment, and the implementation of culturally responsive interventions to enhance service accessibility (Travellers in Prison Initiative, 'Hearing Their Voices' Traveller Women in Prison, 2017). Member States could take inspiration from such initiatives and build up concrete measures to ensure implementation of such supports.

#### **On paragraph 45:**

218. Member States should support non-governmental organisations of Roma and Traveller women and girls by providing them with training and create funding opportunities. Member States should also create and support spaces where Roma and Traveller women and girls can build alliances and create synergies with general human rights and women rights organisations.

#### **On paragraph 46:**

219. A good practice with regard to the promotion of female role models from Roma and Traveller communities was developed by Roma Active Albania, which organised the EU Award for Roma Integration in the Western Balkans and Turkey 2019 "Unknown Heroes", dedicated to Roma women who have brought significant improvements to their communities.

220. The European Union and Council of Europe Joint Programme "Equality and freedom from discrimination for Roma (EQUIROM)" includes an Award/Prize for journalists for promoting a positive image of Roma, in particular Roma women and young people, in online media.

221. More generally, it is important that member States support media initiatives which improve the perception of Roma and Traveller women by the general public through adequate portrayal in the media, providing information on Roma and Traveller history, culture and language, and on the contribution by Roma to the common European cultural heritage.

## **PARTICIPATION IN POLITICAL AND PUBLIC LIFE (INCLUDING DECISION MAKING)**

#### **On paragraph 47:**

222. Member States should support the active political participation of Roma and Traveller women and girls. Comprehensive sets of recommendations to achieve this aim can be found in Recommendation CM/Rec(2023)9 of the Committee of Ministers to member States on the active political participation of national minority youth and Recommendation CM/Rec(2023)4 of the Committee of Ministers to member States on Roma youth participation. This Explanatory Memorandum refers to those Recommendations and contains only a small number of additions.

223. It would be useful that member States scale up the good practice "Roma Political Schools" developed by the Council of Europe and use it to build the capacities, support and ensure coaching for Roma and Traveller women who run for elections. Other good practices that could be replicated in this area are the project "Romani women Power of Change in the Western Balkans and Turkey", which was implemented by Roma Active Albania, and the good practices described in Appendix 2 of the Council of Europe toolkit "Participation of young women and girls from disadvantaged groups in political and public decision-making processes at local level".

224. When identifying obstacles faced by Roma and Traveller women in this area, it is important that member States also analyse whether Roma and Traveller women are exposed to electoral violence and develop and implement adequate responses. For instance, hate crime and hate speech legislation should be adequately implemented in this context to address racist and sexist hate speech and abuse.

#### On paragraph 48:

225. To implement § 48 of the Appendix, member States, political parties and civil society organisations should foster co-operation between Roma and Traveller women and other women already participating in political life.

226. Member States should also actively involve Roma and Traveller women and girls and rely on Roma and Traveller women and girls' expertise by engaging them in conducting research; in designing policies and programmes; in monitoring and evaluation of policy and programme implementation; and in paid internships with national and public authorities. They should make use of the Roma and Traveller women and girls' expertise not only on topics directly related to Roma and Travellers inclusion, but also on areas of general concern, which directly or indirectly affect women in general (e.g. environment, migration).

227. Local authorities should make use of existing good practices in this area and replicate them (ROMACTED Handbook: A manual for development of local resources, joint actions and empowerment of Roma communities and ROMACT Handbook: A manual for Mayors, Local Administrations and active citizens wanting to improve the living conditions of disadvantaged communities, including the Roma).

#### On paragraph 49:

228. It is furthermore important that member States take measures to remove obstacles to voter registration faced by Roma and Traveller women, including by ensuring user-friendly locations for registration and by taking active measures to support them to register.

229. Member States should introduce national strategies, action plans or programmes, with clear targets, actions and resources, to tackle the lack of diversity in elected office (such as, for example, nested quotas and targeted support for Roma and Traveller women).

#### On paragraph 50:

230. Member States should consult representative organisations of Roma and Traveller women and girls in the design and implementation of positive actions or diversity mechanisms intended to increase political participation of Roma and Traveller women and girls.

#### On paragraph 51:

231. Political parties are encouraged to consider setting targets or quotas for representation of Roma and Traveller women and to introduce a code of practice for their members that prohibits sexism and racism and foresees sanctions for breaches and clear channels to report sexism and racism.

#### On paragraph 52:

232. Political parties are encouraged to sign the Charter of European political parties for a non-racist and inclusive society and abide to its commitments.

## DATA, RESEARCH AND MONITORING

#### On paragraph 54:

233. The collection of equality data is a necessary and beneficial means for informing the development and shaping of sound policies for inclusion, the promotion of equality and fighting racism and racial discrimination.

234. According to the case-law of the ECSR, national authorities bear a corresponding duty: "Where it is known that a certain category of persons is, or might be, discriminated against, it is the national authorities' duty to collect data to assess the extent of the problem" (ECSR, ERRC v. Greece, No. 15/2003, decision on the merits of 8 December 2004, § 27). The gathering and analysis of such data (with due safeguards for privacy and against other abuses) is indispensable to the formulation of rational policy (ECSR, ERRC v. Italy, No. 27/2004, 7 December 2005, § 23; see also ECRI General Policy Recommendation No. 1 on combating racism, xenophobia, antisemitism and intolerance).

235. ECRI defines equality data as "statistics broken down by citizenship, national/ethnic origin, language and religion" in order to assess the effectiveness of policies targeting ethnic minority groups (ECRI, General Policy Recommendation No. 4 on national surveys on the experience and perception of discrimination and

racism from the point of view of potential victims). It recommends collecting statistical data on Roma in particular in the fields of education, employment, housing and health, while ensuring respect for the principles of confidentiality, voluntary self-identification and informed consent (ECRI, General Policy Recommendation No. 13 on Combating antigypsyism and discrimination against Roma, § 14; on the same lines see EU, Report on the application of Directive 2000/43/EC of 29 June 2000 implementing the principle of equal treatment between persons irrespective of racial or ethnic origin, 2007).

236. On this basis, ECRI, and also the ACFC, regularly recommend to member States the collection of relevant data broken down according to categories such as nationality, national or ethnic origin, language and religion. According to their recommendations, member States should in particular consider introducing questions into general population surveys that allow monitoring of the situation of vulnerable minority groups such as Roma women and girls. Such data should be exclusively used for the promotion of Roma equality (see for example ECRI, Sixth report on Bulgaria, §§ 85, 96).

237. Similarly, the EU anti-racism action plan 2020 – 2025 calls on EU member States, in full respect of their national contexts, to move towards the collection of data disaggregated on the basis of racial or ethnic origin, in order to capture subjective experiences of discrimination and victimisation and structural aspects of racism and discrimination. When conducting research on gender gaps (e.g. employment trends), consideration should be given to the diversity of women, in order to also make visible the particular vulnerabilities of Roma and Traveller women and girls.

238. Such statistical data on Roma and Traveller women and girls can be collected using a variety of different data sources, including public statistics, data from private organisations, quantitative surveys and qualitative research. One good practice is that of Serbia, which hired 700 Roma interviewers and coordinators to carry out a census in Roma settlements as part of a population survey (ECRI, Fifth report on Serbia, § 86). The staff of authorities and other institutions who are responsible for collecting equality data including on Roma and Traveller women and girls should receive adequate initial and continuous training, covering in particular information processing and data protection, as well as an approach based on human rights and equality.

239. Further inspiration in this area can be found in guidelines and the Compendium of practices for equality data collection, elaborated by the EU High Level Group on Non-discrimination, Equality and Diversity through its Subgroup on Equality Data (Guidelines on how to improve the collection and use of equality data - 2018, Guidance Note on the collection and use of equality data based on racial or ethnic origin - 2021).

240. Where the compilation of quantitative equality data on Roma and Traveller women and girls is not possible, qualitative research methods and socio-demographic proxy could be used.

#### **On paragraph 55:**

241. Research and studies are essential for unveiling the dire situation and the inequalities that many Roma and Traveller women and girls face. Therefore, member States are advised to take the initiative to fund and support both quantitative and qualitative research on their life conditions. Such research should be conducted periodically to assess their needs, inform policy development, measure implementation and development over time. This is especially crucial in member states where equality data collection is not practised.

242. It is important that such research is conducted sustainably and integrated into the State's programmes, and to make sure that Roma and Traveller women and girls are involved in its design and realisation, as well as Roma civil society organisations or other organisations with expertise in addressing the issues that Roma and Traveller women and girls face.

## **LEGISLATION, STRATEGIES AND ACTION PLANS**

#### **On paragraph 56:**

243. Member States should ensure that international and regional standards relating to human and social rights, the right to nationality, prevention of statelessness, protection of stateless persons, non-discrimination, and birth registration of Roma and Traveller women and girls are fully transposed into national law and implemented in practice.

#### **On paragraph 57:**

244. There are examples of apparent neutral provisions of laws, national policies or programmes that have a discriminatory or detrimental impact on Roma and Traveller women and girls, for example, rules on spatial planning (regarding halting sites); planning regulations (regarding mobile accommodations); trespassing legislation; or rules on the allocation of social housing that condition its allocation on a level of studies or income that many Roma and Traveller women and girls cannot attain. It is important that member States review such provisions and take, where necessary, positive action to ensure that Roma and Traveller women and girls can enjoy their rights on an equal footing.

#### **On paragraph 58:**

245. In line with § 58 of the Appendix, member States should develop a comprehensive set of objectives and measures for the implementation of this Recommendation. Those objectives and measures could either be integrated in general strategies and action plans for the promotion of gender equality and fighting racism, or be compiled in a specific strategy or action plan for Roma and Traveller women and girls.

#### **On paragraph 61:**

246. As outlined in the Preamble, double mainstreaming means the integration of a gender equality dimension in the policies targeting Roma and Travellers and the integration of a Roma and Traveller dimension in the policies targeting women and girls and promoting gender equality. Double mainstreaming also means integrating both strands of interests in all other policy areas. Double mainstreaming should be applied in the policy fields covered in sections II to XII of this recommendation, and in particular in the areas of justice, culture, migration, youth and sports and institutions responsible for collecting equality data.

#### **On paragraph 62:**

247. Member States should ensure initial and continuous intercultural, equality, gender equality and anti-racism training as outlined in the main text for the staff responsible for the policy fields covered in sections II to XII of this recommendation, and in particular for the staff responsible for registration in the civil registry and for issuing identity documents; the staff of social services; social workers; staff working for child protection services; teachers and other school staff; doctors and healthcare staff; staff responsible for recruitment in the public sector; trade union staff; police officers; frontline staff dealing with gender-based violence and human trafficking; other law enforcement officials; judges and prosecutors; prison and probation staff; lawyers; and professionals dealing with victims of violence against women and trafficking in human beings.

248. It is important that member States also ensure training for staff dealing with cases of undocumented persons and persons at risk of statelessness, so that their cases are treated efficiently, in line with international law, and without discrimination. Furthermore, as the issue often has a transborder dimension, it is important to train consular staff on the prevention and reduction of statelessness, including on procedures for dealing with children born abroad.

In many Council of Europe member States, Roma and Traveller women and girls continue to experience high levels of intersectional discrimination and inequalities in many respects.

The European Court of Human Rights (the Court) has acknowledged the disadvantaged and vulnerable position of the Roma and Travellers, which results from their turbulent history, and it has consistently ruled that they have become a specific type of disadvantaged and vulnerable minority. Therefore, Roma and Travellers, including Roma and Traveller women and girls, require special protection. This means that special consideration should be given to their needs and their different lifestyles both in the relevant regulatory framework and in reaching decisions. Furthermore, the Court underlines that States have specific positive obligations with regard to the protection of the human rights and fundamental freedoms of Roma and Travellers, which also cover Roma and Traveller women and girls.

Roma and Traveller women are not only affected by antigypsyism, but they are often subject to multiple and intersecting forms of discrimination, in particular on the ground of sex, and may face sexism and violence combined with stereotypes, prejudice and discriminatory behaviour or norms which are related to their ethnic origin, nomadic way of life, migration or refugee status, religion, sexual orientation, gender identity and expression, sex characteristics, age, disabilities, or other personal characteristics. This intersectional discrimination aggravates the inequalities from which Roma and Traveller women and girls suffer and leads to particular vulnerabilities.

Inclusion and full participation in society of Roma and Traveller women and girls are hampered by unequal access to education, high unemployment rates and scarce opportunities for employment and economic development.

The guidelines in the appendix to the Recommendation aim to assist member States and other relevant stakeholders to promote and achieve equality for Roma and Traveller women and girls, and to help member States to fulfil their positive obligations. They are grouped in 13 sections, comprising a general section, followed by nine sections covering thematic areas in which Roma and Travellers women and girls face particular challenges resulting from intersectional discrimination and three sections with solutions that the member States and other stakeholders should put into practice. The gender specificities and the particular vulnerabilities faced by Roma and Traveller women and girls are detailed under each section in this explanatory memorandum.

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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