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European Roma Rights Centre Statement on Romani Women's Rights

On the Occasion of the Organization for Security and Co-operation in Europe Human Dimension Implementation Meeting

In recent years, attention by some grassroots activists, civil society groups, national governments and international organisations to violations of the fundamental rights of Romani women has increased. As a result, some positive steps have been taken. For example, the European Parliament recently adopted a report on the situation of Roma women in Europe¹ and there has been an increase in research and programmes specifically focussing on Romani women. However, despite these positive steps, the worrying situation of many Romani women has hardly changed, if it has changed at all. Romani women continue to face pressure by families and communities to comply with certain customs and traditions degrading to women. At the same time, they also suffer widespread discrimination in the realisation of a number of fundamental human rights. In some cases, Romani women have suffered extreme harms at the hands of public officials, including via practices such as coercive sterilisation. Despite pressure to do otherwise, some Romani women are increasingly raising their voices and speaking out to challenge abuse. These actions have however frequently been met with either contempt or further attacks and repression on the parts of their families and communities, public media, government officials and even some civil society groups. Summaries of some ERRC concerns in the field of Romani women's rights follow below.

Coercive sterilization

Romani women have been subjected to coercive sterilization in a number of European countries. Some Western European governments (Sweden, for example) have established compensation mechanisms for victims, but have not yet recognised the racial-targeting aspects of these systemic harms. In a number of countries of Central and Eastern Europe, these practices have continued to the present day.

The situation in the Czech Republic and Slovakia involves systemic and as yet un-redressed practices affecting many hundreds of women. Efforts to coercively sterilise Romani women in the Czech Republic and Slovakia have arisen as a result of a combination of factors including but not necessarily limited to: (i) the unaddressed legacy of eugenics in Central and Eastern Europe, which continues to influence medical practice in these countries to today; (ii) a general vacuum of respect for patients' rights; (iii) particular contempt for the moral agency of Romani women; and (iv) "concern" at high levels of Romani birth rates. As a result of these, hundreds

¹ <http://www.europarl.europa.eu/omk/sipade3?PUBREF=-//EP//NONSGML+REPORT+A6-2006-0148+0+DOC+PDF+V0//EN&L=EN&LEVEL=0&NAV=S&LSTDOC=Y>

of Romani women have suffered extreme harms at the hands of doctors. These issues have been raised regularly by domestic and international agencies since the late 1970s. As yet, however, no action by either government has been sufficient to provide adequate remedy to victims, or even to stop the practice once and for all.

In the Czech Republic, Slovakia and Hungary, some Romani women victims of coercive sterilisation have pressed justice claims, with only limited success to date:

- In the Czech Republic, in December 2005, the Czech Public Defender of Rights (“Ombudsman”) published a report acknowledging the practice, following investigation of many tens of claims. In his report, the Ombudsman stated: “The Public Defender of Rights believes that the problem of sexual sterilisation carried out in the Czech Republic, either with improper motivation or illegally, exists, and Czech society has to come to terms with this.” This important recognition notwithstanding, to date, the Czech government has neither apologised to the victims, nor established a mechanism for remedy, nor recognised the racial-targeting aspect of the issue. Indeed, Czech courts have only provided remedy in two cases, and in one of these cases refused to provide financial compensation to the victim.
- In Slovakia, actions by the government in response to these issues have been primarily malicious. In response to complaints by a number of Romani women, the Slovak Ministry of Health directed hospitals not to release the records of the persons concerned with the legal representation of the victims. Slovak prosecutors – despite extensive advice not to do so – opened investigations for the crime of genocide, a crime so serious that evidentiary standards could not be met, and they then predictably concluded that this crime had not been committed, ending their investigation into the matter. The same authority has repeatedly released misleading information to the media, deliberately perpetuating a state of delusion about the matter currently prevailing among the Slovak public. Slovak police investigating the issue urged complainants to testify, but reportedly warned a number of them that their partners might be prosecuted for statutory rape, since it was evident that they had become pregnant while minors; under this pressure, a number of victims withdrew complaints.

In an important breakthrough at international level, in August 2006, the UN Committee on the Elimination of Discrimination against Women (CEDAW) condemned Hungary for violating the Convention on the Elimination of All Forms of Discrimination against Women in connection with the sterilisation of a Romani woman without her consent in January 2001. Ms. S. had been admitted to hospital following a miscarriage and was sterilised without being provided with information she could understand on the implications of the procedure. The CEDAW Committee ruled that Hungary’s failure to provide Ms. S. with due compensation for the act violated international human rights law.

Domestic violence

In a recent survey carried out among 237 Romani women in Macedonia, over 70% of the women interviewed stated they had been victims of violence at the hands of their partners, their in-laws and other members of their families. The national average is 23%. The great majority of these incidents go underreported due to a number of factors: First, violence against women is accepted in some Romani families. Secondly, there is the fear of being ostracised and shamed by their communities and families. Thirdly, perpetrators of violence against women are rarely held accountable for their acts, which discourages women from seeking legal help. Fourthly, Romani women fear further victimisation on the part of the police and/or others. In addition, there are a number of practical issues that make it virtually impossible for women to escape these situations. These include lack of alternative housing, inadequate economic means to survive on their own, and/or lack of employment opportunities.

Despite these barriers, some Romani women, often in desperate situations, have begun challenging domestic violence. To date, however, few if any of these efforts have been successful. Reactions on the part of law enforcement officials frequently involve either refusing to accept complaints and/or further victimising the women concerned with insults and threats. Out of the 237 Macedonian Romani women interviewed, 34 had reported instances of domestic violence to the police ; 20 (or 59%) of these women stated that the police subjected them to racial prejudice and degrading treatment. In only 5 out of 34 reported cases (15%) did the police actually intervene. One Romani woman in Macedonia told researchers, When 43-year-old D.D. from Stip sought police assistance after having been beaten by a member of her family, the police official to whom she turned reportedly stated, “You Gypsies fight amongst yourselves all the time. You have to solve your problems among yourselves.”²

Child marriage

Child marriage continues to take place in many countries of Europe with impunity.³ Child marriage and the serial human rights abuses associated with it are problems present in a number of Romani communities throughout the OSCE region.

In one recent case coming to the attention of the ERRC, in Caras Severin County, Romania, M.S., a 10-year-old Romani girl, was sold by her parents to the parents of D.M., a 17-year-old youth. The contract for the arrangement specified that M.S. would bear at least two children. Romanian authorities may have provided a modicum legal recognition for the arrangement by agreeing to the adoption of M.S. by the parents of D.M. Apparently no adequate investigation of the circumstances of the “adoption” was undertaken by Romanian child protection authorities. At the age of 12, M.S. gave birth by caesarean section to a child, but was told by doctors not to have any more children. At this point, the parents of D.M. attempted to reclaim the dowry from the parents of M.S., citing default of contract. This conflict came to violence between the two families, and the Romanian authorities were alerted for a second time. Romanian police have pursued legal action against D.M., who is now reportedly 19 years old, for the crimes of trafficking and sex with a minor. He now faces a significant term of imprisonment. However, the parents of D.M. and the parents of M.S. have to date faced no legal consequences whatsoever for their actions.

The case of M.S. and D.M. is a particularly extreme example of events which befall thousands of Romani children and youths every year. As in this case, authorities almost without exception abandon the victims to the perpetrators, and/or (as in the case of D.M. and M.S.) fail to prosecute the main agents of the abuse. There has not yet been any real effort on the part of any significant domestic or international authorities to address the problem of child marriage in the Romani community, and to a certain extent civil society groups are mute on the issue or even actively discourage discussion of the issue.

Child marriage exposes girls to sexual abuse and exploitation. Child marriage precludes girls from attending school and thereby results in nullification of the right to education, as well as diminished employment opportunities. Child marriage also has significant impacts on the health situation of Romani girls and any children they may bear. Rates of infant mortality are increased and Romani girls faced increased risk of complications during pregnancy and delivery, which may lead to death. Girls who have fallen victim to child marriage are rendered

² Research by the European Roma Rights Centre, the Roma Center of Skopje, and UNIFEM, involving a group of young Romani women undertaking research toward a submission to the United Nations Committee on the Elimination of Discrimination Against Women, 2004.

³ Council of Europe report on forced marriages and child marriages, at:
<http://assembly.coe.int/main.asp?Link=/documents/workingdocs/doc05/edoc10590.htm>

extremely dependent on their husbands and husbands' families and are therefore at high risk of poverty and/or further exploitation in the event of any subsequent disruption to the family.⁴ Victims of child marriage also face heightened vulnerability to domestic violence. Indeed, as the case of D.M. and M.S. shows, persons negatively affected by these practices are not only the girls themselves, but countless others, starting with (but not limited to) the child groom.

Trafficking in human beings

Poverty, discrimination and marginalisation are entangled factors making Romani women and children particularly vulnerable to trafficking in human beings. Many Roma continue to struggle to fulfil their basic needs such as food and housing and face difficulties in obtaining identity documents (such as birth certificates) necessary to gain access to basic social services. Furthermore, patriarchal traditions that put women in a subordinated role to men place female members of these communities at particularly high risk of falling prey to trafficking. Special attention needs to be paid to combating the exploitation of girls, as milder forms of exploitation such as forced begging are sometimes an entry to more severe forms of exploitation such as sexual exploitation. Certain instances of trafficking occur as a result of a lack of knowledge and misinformation on the part of the family. States should work to combat all the factors (internal and external) that increase the vulnerability of Roma to trafficking including by combating corruption and identifying victims. Prosecution of the victim for crimes related to illegal entry to the country or similar should be avoided, and programmes should be developed to ensure that any and all returns to countries of origin take place with due consideration to the maximum dignity and safety of the victim.

Inequality

Romani women face compound discrimination on the basis of race and sex. School segregation and employment discrimination are reported in many countries of Europe. Many Romani women work in the informal economy without access to social benefits or other forms of social protection. A recent study carried out by Open Society Institute found that 54 percent of Romani women in Romania worked informally in jobs that provided no benefits or formal work agreements. On October 4, the ERRC will publish a pan-European report on Roma and access to health care, highlighting among other things discrimination issues facing Romani women in particular in the health care systems of Europe.⁵ Developments in the field of anti-discrimination law in Europe in recent years have not been matched by comparable gains by Romani women.

Policies addressing inequality between women and men tend to disregard the particular issues facing Romani women. This can be linked to the fact that political representation of Romani women remains extremely low nearly everywhere. In Hungary, two Romani women were elected as European Parliamentarians, providing an important voice for Romani women. Representation at the European level has yet to be matched at national level. Not a single Romani woman is currently serving a term in any national parliament in any European country. Representation of Romani women at local level is similarly weak.

Conclusion

⁴ For more information on the negative impacts on girls of child marriages please see UNICEF 2005 Report *Early Marriage: A Harmful Traditional Practice* at http://www.unicef.org/publications/index_26024.html

⁵ European Roma Rights Centre, "Ambulance Not on the Way: The Disgrace of Health Care for Roma in Europe", October 2006, available by contacting the offices of the ERRC.

Human rights progress concerning Roma generally is impossible without significant advances in the field of Romani women's rights. Systemic abuses by states and extreme harms carried out in the name of "traditional values" need once and for all to be ended. In the course of the ERRC's work on women's rights we have witnessed a pattern: The courage of Romani women in challenging violence and human rights violations is met with only limited support by NGOs; the silence of government officials; family and community pressure to capitulate to harms; and law enforcement and other officials respond to reports of human rights abuse with humiliating or demeaning comments, as well as by refusing to undertake any effective action to secure the dignity of the victims. To change this situation once and for all, unambiguous commitments putting human rights first are required from the highest levels. Governments of the OSCE region are called upon to make and act upon such commitments.