

Opinion of the European Economic and Social Committee on ‘The situation of Roma women’
(exploratory opinion requested by the European Parliament)

(2019/C 110/04)

Rapporteur: **Ákos TOPOLÁNSZKY**

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Legal basis	Article 304(1) of the Treaty on the Functioning of the European Union
Section responsible	Employment, Social Affairs and Citizenship
Adopted in section	7.11.2018
Adopted at plenary	12.12.2018
Plenary session No	539
Outcome of vote (for/against/abstentions)	196/2/5

1. Conclusions and recommendations

1.1 A large proportion of Roma women (and girls) face multiple sources of discrimination across different sectors, trapping them in a situation where they cannot fully exercise their rights. Roma women are the most vulnerable minority group in the EU. Putting this situation right is a key duty and obligation for European democracies.

1.2 The EESC thanks the many Roma women for their past and present determination to courageously tackle discriminatory structures and institutional violence in the interests of coexisting in complete freedom in a Europe free of discrimination.

1.3 Segregated education — the poor quality of which stems from the discrimination it entails — should be brought to an end without delay, ensuring that Roma girls also have access to all aspects of high-quality state education. Arrangements concerning special schools and guidance procedures should be subject to stringent review as soon as possible.

1.4 The EESC expects the Member States to prioritise the eradication of health practices that infringe service standards meeting reasonable ethical requirements and the relevant legislation, and that they classify illegal practices such as forced sterilisation, denial of healthcare on the grounds of ethnic origin or lower-quality services as criminal offences.

1.5 The Member States should immediately abolish discriminatory forms of employment, at the same time implementing structured policies that increase Roma women's chances of finding work.

1.6 Minimum acceptable standards for public services and housing must be defined, adopted and enforced as a fundamental right, if necessary by enshrining them in Member State constitutions.

1.7 All forms of human trafficking and hate crimes to which Roma people and, more specifically, women from that community, fall victim must be combated vigorously and without discrimination.

1.8 Roma women have very few opportunities to shape and evaluate policies that can influence their lives. Their involvement in such programmes should be guaranteed to the appropriate extent.

1.9 Unlike current practice in most Member States, the concerns and interests of Roma women in post-2020 European and national strategies intended to redress the situation should be made a priority.

2. The situation of Roma women in the EU

2.1 A large proportion of Roma women (and girls) face multiple sources of discrimination across different sectors, trapping them in a situation where they cannot fully exercise their rights. Roma women are the most vulnerable minority group in the EU. This state of affairs should be seen as systemically harmful to democracy, the rule of law and fundamental rights, radically weakening the European ideal, which is based on the values set out in Article 2 of the Treaty on European Union ⁽¹⁾ and in the Charter of Fundamental Rights of the European Union ⁽²⁾. Little progress has been made in this area in recent years.

2.2 Although data broken down by ethnic origin and gender is not available in most Member States, the European Union Agency for Fundamental Rights (FRA) provides a detailed picture of the unfavourable situation of Roma women (particularly in the EU-MIDIS II survey ⁽³⁾). Roma women appear to be disadvantaged in all sectors of society, not only compared to the general population but also compared to the men of their own community.

2.3 The EESC is convinced that the strength of the above-mentioned European ideal mirrors the extent to which the weakest citizens of the EU can benefit from it. That is why taking the necessary measures to improve the situation of Roma women and girls and promote their empowerment is not only an obligation for the institutions and Member States of the EU, but is also a litmus-test of the quality of their democratic structures and the maturity of the rule of law in them.

3. General comments

3.1 Article 2 of the Treaty on European Union cites equality and respect for human rights, including the rights of persons belonging to minorities, as being among the founding values of the European ideal. These rights can only be said to be **effectively** applied when real changes in this regard are guaranteed, including for the social groups most affected by marginalisation and discrimination. Discrimination, segregation and anti-Gypsyism blatantly deny these values.

3.2 Equality of rights between Roma women and men is a pre-requisite for the economic empowerment of Roma women, as well as for the application of the human rights and fundamental freedoms that they should enjoy in political, economic, social, cultural and civic terms and which must be constitutionally guaranteed.

3.3 In this context, the EESC — in keeping with its previous opinions ⁽⁴⁾ — endorses the EU framework strategy's objectives, while drawing particular attention to the need for consistent implementation and to the insufficient progress achieved.

3.4 It also notes that anti-Roma prejudice is visible at almost every level of activity in the Member States, in both administrations and institutions. This deprives Roma people of fair access to public services, and prevents them from enjoying equal rights and mandatory equal treatment, from taking part in political decision-making on questions of concern to them in line with their proportion of the overall population, and from protecting themselves from the effects of discrimination. This is particularly true for Roma women.

3.5 The Committee calls for systematic infringements of Roma women's rights to be catalogued, by drawing up 'white papers' with the cooperation of independent and credible Roma community organisations. They should be consulted and granted official recognition, so that the foundations for historic reconciliation can be laid.

3.6 The EESC thanks the many Roma women for their past and present determination to courageously tackle discriminatory structures and institutional violence in the interests of coexisting in complete freedom in a Europe free of discrimination.

4. Specific public policy fields ⁽⁵⁾

4.1 Education

4.1.1 Segregated teaching is always illegal and inevitably leads to unfavourable outcomes. The harmful consequences of school segregation weigh particularly heavily on Roma girls, shutting off their chances of social mobility. All legal means and targeted public policy assistance should therefore be brought to bear, and the necessary additional expenditure

⁽¹⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A12012M%2FTXT>

⁽²⁾ <https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/?uri=CELEX:12012P/TXT&from=en>

⁽³⁾ <http://fra.europa.eu/en/project/2015/eu-midis-ii-european-union-minorities-and-discrimination-survey/publications>

⁽⁴⁾ OJ C 248, 25.8.2011, p. 16, OJ C 67, 6.3.2014, p. 110, OJ C 11, 15.1.2013, p. 21.

⁽⁵⁾ Of the many proposals so far put forward by the Roma community, civil society organisations working for Roma rights, the scientific community, international organisations and the EESC, the present opinion will mention only those of specific relevance to the application of Roma women's rights.

guaranteed, to remedy the low level of segregated education due to discrimination, in line with EU expectations. At the same time, it must be ensured that Roma girls also have access to all aspects of high-quality public education. Governments must ensure that the appropriate human resources, training courses and school syllabuses are in place.

4.1.2 An unjustified diagnosis of intellectual disability and segregated schooling, to which Roma children may fall victim, are to be considered one of the most serious assaults on their rights, ruining their futures. Such assessments must be regularly verified by independent specialist institutes. It must be ensured that there are no obstacles to launching a verification procedure at the request of any relevant party, primarily a parent or guardian, but also a school.

4.1.3 If there is any suspicion of repeated (and particularly systematic) errors of judgment which have the intention or effect of segregation, it must be ensured that the Member States are required to carry out an in-depth investigation into the causes as early as possible, to publish the conclusions, to assess the conclusions in terms of their national anti-segregation mechanisms, and to take the necessary legislative and implementing measures.

4.1.4 In the meantime, the level of special classes should be brought closer into line with that of standard schools, so that they are not simply educational dead-ends.

4.1.5 The EESC advocates capping, freezing or, in the event of systematic problems, completely withdrawing European funds for countries where school segregation is not reduced or even increases. The Committee hopes that in such situations, the European Union's legal protection mechanisms (Article 7 and the rule of law mechanism) will be brought to bear rapidly and effectively.

4.1.6 A range of 'second chance' training and ongoing training programmes should be set up for Roma women to increase their educational opportunities and reduce the risk of dropping out of school early, so that they can aspire to other than publicly-subsidised or inferior, partially-declared or atypical jobs, which block them from social mobility.

4.2 Health

4.2.1 Roma women, who often live in ghettoised or inaccessible areas, are often the target of rejection, denigration or even physical and psychological violence when receiving health care. In terms of reproductive health, they generally have only very limited access to their rights. The EESC strongly urges the Member States to set up and operate mobile units with the equipment and capacity necessary for populations living in segregated situations. It also calls for a review of how maternity and pregnancy services operate, followed by the necessary improvements.

4.2.2 The EESC expects the Member States to prioritise the abolition of health practices that violate reasonable ethical standards and the relevant legislation and, where necessary, to systematically take legal action. Easily accessible appeal procedures should be provided free of charge to uphold rights in the area of health, as should special care reflecting the real needs of the individuals concerned. This includes setting up health information points, training and deployment of health mediators and implementing public health initiatives that reach ghettoised populations.

4.2.3 Governments must urgently commit themselves, clearly and publicly, to the principle of equal access to health care and to its practical implementation, and to take action against practices that run counter to this principle, introducing awareness-raising programmes for all those concerned. The necessary legislative measures must be taken to ensure that Roma women and children without basic health insurance are covered.

4.3 Forced sterilisation

4.3.1 In many countries where systematic violations of women's reproductive rights have taken place in the past, and where mass forced and coerced sterilisation has been carried out as an instrument of state policy, the political authorities have failed even to apologise or to assume responsibility. Where this has taken place, there has been no legal or financial redress. The Committee proposes that the European legislator make every effort to ensure that the Member States, as part of the harmonisation of European criminal law, significantly extend or even entirely do away with the limitation period for prosecution for this type of criminal offence — the substance of which may be compared to crimes against humanity — and adopt specific legislation to enable victims to obtain effective redress and financial compensation.

4.3.2 A full and honest light needs to be shed on these matters in complete transparency with a view to fostering reconciliation and making any future infringement by the public authorities impossible. The EESC consequently recommends that in the Member States concerned, past infringements in this area be investigated by committees of independent historians, in cooperation with the victims and their representatives, and the results published as part of a process of societal reconciliation, as done in Sweden with its 'white paper'.

4.4 *Employment*

4.4.1 Roma women are in an even worse position on the labour market than Roma men; all the employment indicators are at rock bottom where they are concerned.

4.4.2 The EESC calls on the Member States to take targeted and comprehensive measures to facilitate the economic empowerment of Roma women and give them the skills they need for this purpose. Promoting social economy enterprises, introducing micro-credit programmes and ensuring free, non-discriminatory access to work-related benefits are of particular importance in combating poverty and social exclusion.

4.4.3 Entrepreneurs have grown in importance as creators of jobs and key players in the well-being of local and regional communities. This aspect is particularly relevant for Roma communities. In connection with policies concerning the needs of Roma woman entrepreneurs and SMEs, specific measures should be taken not only to empower Roma women, but also to support their initiatives with regard to community projects and business start-ups. Since a specific policy of this kind designed to support Roma women is completely lacking in most Member States, the EESC calls for a commitment to seize whatever opportunities it may offer.

4.4.4 The Committee urges the public authorities at all levels of society to organise labour market training and create sufficient numbers of jobs and subsidised forms of employment. They must provide transport allowances and assistance for ongoing and vocational training, and deploy targeted public policy tools to enable vulnerable Roma women to balance work and family life.

4.4.5 The Member States should do everything they can to remove Roma women from their vulnerable position on the labour market and to eradicate the (virtually) forced, semi-legal or illegal forms of employment to which they fall victim.

4.4.6 To this end and in view of the importance of integrating Roma women into the labour market, second-chance employment programmes should be introduced; the assistance of mediators, transport grants and training aids should also be made available to them. Moreover, no effort should be spared in rooting out workplace discrimination and educating employers in this regard.

4.5 *Housing, public services*

4.5.1 Where segregation exists, women and children are the worst affected by its disastrous impact on everyday life. The EESC therefore points to the need to devise minimum acceptable standards in these areas for housing, public services and infrastructure, to be applied as a fundamental right, and preferably enshrined in the constitutions of the Member States.

4.5.2 The EESC proposes that meeting these needs (by, for example, supplying drinking water, electricity, drainage and sewage facilities, paved roads and refuse collection, and making public services accessible) should be a precondition for continuing to invest in urban development and for obtaining and using subsidies.

4.5.3 Unjustified and illegal evictions must be stopped, and it must be ensured that the Roma women affected can benefit from available and accessible specific legal protection. Compensation must be possible for women traumatised by such evictions.

4.6 *Removing structures of violence*

4.6.1 Roma women and girls are particularly vulnerable in situations of discrimination and segregation, and easily fall victim to violence and other offences. They are disproportionately affected by all known forms of exploitation and human trafficking.

4.6.2 The Committee agrees that all forms of human trafficking and violence targeting Roma women are flagrant violations of human rights, explicitly prohibited by the Charter of Fundamental Rights of the European Union, and that the Member States should take action on this basis ⁽⁶⁾. These are serious criminal offences, driven by demand and which are, in very different ways, highly profitable for organised international crime gangs, and to which Roma women and children are disproportionately exposed.

4.6.3 The EESC hopes that the Member States will, without delay, incorporate penalties for these new and constantly-changing types of offence in their national criminal law systems, that they will take coordinated and targeted judicial measures against them, and that they will disrupt and where possible shut down the flows of profits obtained by force. The broader socio-economic context in which these offences are committed needs to be examined, areas of poverty, discrimination and vulnerability need to be identified and the social policy tools (strategic, legislative, financial, educational, research-related and other) with which to remedy them need to be deployed in a coherent way.

4.6.4 The violence to which Roma women are subject comes from both society in general and their own community. In any case, determined action must be taken against all isolated and organised forms of violence as part of a victim-centred and gender-based approach that takes account of the particular vulnerability of women and children and the special protection they should receive, which must focus on human rights.

4.6.5 The Committee is pleased that the European Commission's signature has made the EU a contracting party to the Council of Europe Convention on preventing and combating violence against women and domestic violence, generally known as the Istanbul Convention. It urges all the Member States of the EU to ratify and launch the implementation of the Convention, without reservation and with determination, taking account of the particular vulnerability of Roma women in this area.

4.6.6 Roma women and girls are, to a similarly disproportionate extent, targets and victims of hate crime, hate speech in particular. Measures should be taken to facilitate access to justice for the people concerned and, with the help of civil society organisations, to put in place tools to raise awareness on how to identify this type of criminal offence.

4.6.7 The EESC supports the geographical extension and implementation of JUSTROM, the joint Council of Europe and European Commission programme, with a view to ensuring that Roma women have access to justice.

4.6.8 The Committee draws attention to the fact that all types of institutional anti-Gypsyism and segregation can also be considered to be a form of violence. It highlights the importance of providing protection against such offences in official, state-financed services (child protection centres, social services and healthcare) and in state law and order and other such structures (police forces, criminal justice system and prisons), all of which are contexts in which Roma women are particularly vulnerable. The Committee draws attention to the importance of ensuring easy access to free legal protection in these cases.

4.6.9 National and international law must put the concept of early, forced marriage on the same footing as human trafficking and act accordingly. All the prevention and protection instruments and programmes used to combat human trafficking must be made available to the victims of forced child marriages.

4.7 Inclusion and participation

4.7.1 Roma women have very few opportunities to shape and evaluate policies that can influence their lives. The EESC therefore emphasises that it is essential, on the basis of the 'nothing about us without us' principle, to involve Roma women to the appropriate extent in framing, planning, implementing and evaluating all programmes that concern them or their communities. The EESC proposes that at least a majority of active Roma women should be involved as regards programmes specifically intended for Roma women, and at least 30 % as regards programmes intended for Roma communities. An evaluation system that can reliably verify these figures should be set up.

4.7.2 The EESC proposes that these participation rates should be verifiably implemented within bodies responsible for national and regional inclusion policies (national, regional and departmental coordinating councils, anti-segregation commissions, etc.).

⁽⁶⁾ Article 5(3) of the Charter of Fundamental Rights of the European Union.

4.7.3 The EESC calls on the governments and other authorities to undertake a fully-fledged and in-depth policy dialogue with the representatives of Roma women at all levels of social organisation and to set up the necessary official structures for such a dialogue. To this end, the Committee recommends setting up specific legal institutions, such as women's committees within national Roma platforms, ensuring targeted representation of Roma women, or the introduction of an independent ombudsman for Roma women.

4.7.4 The Committee notes that Roma women's point of view is often lacking or under-represented in both the current European framework strategy and the national Roma integration strategies. Far greater attention should be given to the opinion of Roma women's representatives, not only under the post-2020 processes but also when shaping future social inclusion strategies.

Brussels, 12 December 2018.

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of the European Economic and Social Committee*
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