



Pavee Point Traveller and Roma Centre- Written Statement: Working Session 9 Violence against Women belonging to vulnerable groups, OSCE HDIM, 26 Sep, 2014

Pavee Point – Ireland

Pavee Point is a non-governmental organisation working towards achieving human rights for Irish Travellers and Roma in Ireland. Pavee Point welcomes the opportunity to highlight some of the issues that Roma and Traveller women face in relation to VAW in Ireland, and draw a number of recommendations at national and international levels.

Context

Violence against Traveller and Roma women is an issue of human rights, gender inequality and structural discrimination. The experiences of violence among Traveller and Roma women are largely shaped by the intersection of discrimination based on ethnicity, gender, class, culture, immigration status, and state policies and practices. Together these factors exacerbate the violence Roma and Traveller women face, and in the vast majority of cases violence against Roma and Traveller women goes unreported.

Violence is often depicted as being part of ‘Traveller and Roma cultures’ and Roma and Travellers are more often portrayed as perpetrators than victims. This is in sharp contrast to violence affecting majority populations, which is not similarly culturalised. With lack of disaggregated data in Ireland, the validity of such claims needs to be questioned and examined in the context of anti-Roma and Traveller prejudice and stereotypes. Responses based on cultural assumptions about VAW in Traveller and Roma communities risk contributing to further discrimination and victimisation of Roma and Traveller women.

Domestic and sexual violence affect women from all ethnic and social groups. However, women from minority ethnic groups can be at particular risk of domestic and sexual violence and experience additional barriers to services and protections. The effects of multiple discrimination impact the ability of Roma and Traveller women to disclose violence. Roma and Traveller women who experience violence often have limited support options. Poverty and marginalisation means that many are unable or don’t know how to survive outside their communities. Lack of employment, social protection, education, health services, adequate accommodation and childcare are important factors, which greatly impede women’s decisions to leave, report and receive protection. Without having access to basic needs, there are few options but to stay or face poverty, destitution or even homelessness.

Widespread anti-Roma and Traveller racism and discrimination and negative experiences in services leave Roma and Traveller women reluctant to disclose violence or access statutory and non-statutory services. Negative experiences particularly with social services, the police, judicial system, and fear of expulsion leave many women reluctant to approach statutory services. Roma and Traveller women fear seeking protection from the state in case it exposes their partners or families to a racist criminal justice system.

Child protection is a particular concern for Roma and Traveller women affected by violence. The context within which disproportionate numbers of Roma and Traveller children have been removed from families in several European countries, including Ireland, leaves women experiencing violence highly unlikely to report their experiences.

The reluctance to access public services and criminal justice system becomes another symptom of Roma and Traveller women's exclusion from protection. In fact, Roma and Traveller women's experiences demonstrate that for minoritised women, the struggle against violence within the home cannot be separate or separable from the struggle against violence outside the home. For women who exit violence the pattern of poverty often continues due to discrimination in employment, responsibilities over caring for children, and dealing with the effects of violence. With almost complete lack of options, many Roma and Traveller women continue to suffer violence.

Data

There is little comprehensive and reliable data about the experience of VAW among Roma and Traveller women or their experiences in services. This is linked to lack of data disaggregated by ethnicity and Roma and Traveller women rarely reporting or seeking support from services.

Without comprehensive disaggregated data by ethnicity, it is impossible to develop effective and adequate policies and practises. The importance of such data has been raised by number of international institutions, including the UN Committee on the Elimination of Discrimination against Women and UN Human Rights Committee monitoring the implementation of the ICCPR. To date the State has fallen short of its commitments under these Conventions. The State is urged by the bodies to engage in systematic and comprehensive data collection on VAW to inform priorities and policies, and systematically monitor and evaluate its components particularly in relation to vulnerable and marginalised women, including migrant and Traveller women.

State Policy and Practise

'Cultural Blaming'

Low levels of understanding of the socioeconomic and political situation of Roma and Travellers and cultural assumptions about VAW in Roma and Traveller communities risk informing inappropriate responses by policy makers and professionals. Essentialising 'Roma and Traveller cultures' as inherently violent risk feeding into dangerous responses. The help-

seeking of Roma and Traveller women is often met with inaction due to assumptions about the acceptability of violence in Roma and Traveller communities and unwillingness to apply already limited legal remedies, particularly on Roma women.

International Human Rights Commitments

There are significant shortcomings in prevention and protection of victims in Ireland. The UN Committee on the Elimination of Discrimination against Women and the UN Human Rights Committee have identified significant gaps in policy and practise with regards to meeting the needs of minority ethnic women affected by violence, including Traveller and migrant women. In its concluding observations on the Fourth Periodic Report of Ireland under ICCPR in July 2014, the UN Human Rights Committee has identified significant financial and administrative obstacles to access support services for marginalised women. The Committee has urged “the State to take further legislative as well as policy measures to ensure that all women, particularly women from vulnerable and marginalized groups, have equal access to protection against perpetrators of violence.

Criminal Justice System

The effectiveness of current legislation and the criminal and civil justice system to prevent, investigate and protect women against domestic and sexual violence is seriously challenged. Reports by women highlight inconsistent responses from the police; long delays in accessing court orders and inadequate enforcement; adversarial nature of the court system; and low conviction and imprisonment rates. These issues affect all women. However, lower levels of literacy, lack of accessible information, and fear and mistrust of services and authorities act as further barriers for marginalised Traveller and Roma women.

HRC

The Habitual Residence Condition – a social welfare restriction in Ireland- is a serious obstacle for Traveller and Roma women seeking exit routes and protection from domestic and sexual violence. Due to persistent discrimination and marginalisation, many Roma women in particular fail to satisfy the conditions of the HRC. Without access to social protection, Traveller and Roma women are forced to stay in situations of domestic and sexual violence or face destitution or even homelessness.

Being denied access to social protection places Traveller and Roma women and children at risk of poverty and destitution- fundamental risk factors of domestic and sexual violence. Access to services and supports is denied as access to refuges and support services is dependent on the ability of a woman to pay or be in receipt of social protection. In cases where a woman does access a refuge, there is no exit point. Roma women in particular need to be provided with supports, and not be pressured to be ‘voluntarily repatriated’.

There is no safety net for people waiting on a decision with regard to the HRC, and the appeal process is onerous and lengthy. Currently, the HRC has no provision for women experiencing domestic and sexual violence, leaving women and girls affected by such violence outside protection.

Funding Cuts

Prior to 2008 the funding to specialised domestic and sexual violence services did not meet the levels needed to prevent VAW or protect victims of violence. Since 2008 domestic and sexual violence services have been subjected to significant funding cuts. This has left women and children unable to access many crucial services and supports. Women and children are often turned away from refuges due to lack of space, and forced to seek refuge in homeless service provision or return to the violent situation.

The national and local Traveller sector has also been subjected to disproportionate funding cuts under the guise of austerity. National Traveller organisations have been cut by -63.6%; Traveller education by -86.6%; accommodation by -85%; and equality by -76.3%. This leaves the Traveller sector under significant pressure to try to prevent VAW in the communities and to promote the protection of women from violence.

National Traveller Roma Integration Strategy

A significant and overall improvement in the socio-economic and political inclusion of Travellers and Roma is imperative in order to ensure prevention from domestic and sexual violence and increase access to services and protections.

The current NTRIS contains no goals, timeframes, funding or monitoring mechanisms for Roma and Traveller inclusion. With the release of the European Commission's assessment of Ireland's NTRIS, it is confirmed that in its current state the Strategy will make little difference to the lives of Travellers and Roma. Out of 22 criteria that are used to assess the national strategies, Ireland is deemed to have met only four. Currently, the Strategy fails to address gendered issues and multiple discrimination faced by Traveller and Roma women, as well as anti-Traveller and Roma racism and discrimination. We also regret that Travellers and Roma have been excluded from the development of the Strategy, although this was a core requirement set by the Commission.

Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence

There is also an urgent need to sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence, which makes specific provisions in relation to domestic and sexual violence. If ratified, the Convention would provide the most far-reaching international treaty to address domestic and sexual violence as a violation of human rights. With this, the ineffectiveness of the current legislation and criminal and civil justice system as well as the protection of minority ethnic women could be addressed.

Recommendations

International human rights treaties establish human rights to be indivisible, interdependent and interrelated. The issues and barriers faced by Roma and Traveller women in relation to VAW can only be understood and tackled by recognising them as issues of multiple discrimination, social exclusion and marginalisation. Effective prevention, protection and support can only be realised with the overall improvement of the situation of Roma and Traveller women in accessing socioeconomic, political, civic and cultural rights. Responses by policy makers and professionals need to follow accordingly and be considered in a holistic and comprehensive manner.

We urge participant States to:

- Ensure that disaggregated data, according to gender and ethnicity, is collected across all administrative systems and used to inform policy development and priorities in relation to VAW. Such data collection must be undertaken in line with human rights principles.
- EU Member States to develop adequate and comprehensive National Traveller Roma Integration Strategies to address structural inequalities, discrimination, racism and poverty that place Traveller and Roma women at further risk of domestic and sexual violence;
 - Ensure National Strategies are based on reliable knowledge and combat anti-Roma and Traveller stereotypes, racism and discrimination
 - Integrate gender and VAW perspective to address the needs and rights of Roma and Traveller women
 - Set achievable national goals, targets, time frames, funding mechanisms and strong inclusive monitoring and evaluation methods
 - Actively involve Roma and Traveller women in all stages of the development and implementation of the strategies
 - Ensure active participation and consultation of Roma and Traveller women in the development, implementation, monitoring and evaluation of all policy and practise
- For the Irish State to undertake a comprehensive gender analysis of the HRC to address inequalities for women experiencing domestic and sexual violence in the social welfare system
- For the Irish State to introduce an exemption in the HRC for women affected by domestic and sexual violence and guidelines in relation to individuals experiencing domestic and sexual violence, so that no person is left outside of safety and protection. Traveller and Roma women experiencing domestic and sexual violence should not be subjected to the HRC
- Uphold participant States' human rights obligations in relation to VAW, including protecting vulnerable and marginalised women
- Ensure austerity measures do not impact disproportionately on Traveller and Roma

women and organisations. Ensure that human rights principles underpin budget decisions and ensure that the most vulnerable do not bear the brunt of austerity measures

- To re-invest and increase funding to Roma and Traveller initiatives, particularly those which work in the area of VAW, and specialised domestic and sexual violence services
- Ensure all relevant strategies, policies and practises recognise the specific issues and experiences of VAW by Roma and Traveller women
- Ensure active participation and consultation of Roma and Traveller women in the development, implementation, monitoring and evaluation of all policy and practise

We call for the OSCE to;

- Support EU Member States to meet their obligations in relation to developing progressive National Roma Integration Strategies and to work with the European Commission in ensuring that this happens
- Apply pressure on participant States to urgently amend any policy or legislation, which discriminates against minority ethnic women and impedes access to basic human rights
- Emphasise with participant States about their commitments under international human rights treaties to ensure measures are put in place to protect marginalised and vulnerable women from violence, including in relation to comprehensive and disaggregated data collection
- We strongly state that recession does not negate human rights obligations, and we urge the OSCE to encourage participant States to reinvest and increase funding to both Traveller and Roma organisations as well as domestic and sexual violence services
- Apply pressure on those participant States, which haven't signed or ratified the Istanbul Convention, to urgently to do so