

Submission to UN CEDAW Committee to the General Recommendation on Girls'/Women's Right to Education

7 July 2014

[T]he Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women have a complementary and mutually reinforcing nature, (...) they should be an essential framework for a forward-looking strategy to promote and protect the fundamental rights of girls and women and decisively eradicate inequality and discrimination.

-The Committee on the Rights of the Child, Report adopted by the Committee at its 209th meeting on 27 January 1995; CRC/C/38//

1. Introduction

The European Roma Rights Centre (ERRC) is an international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education.

Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations.

The ERRC has been regularly reporting to the UN CEDAW Committee on the situation of Romani women in various countries of Europe and submitted several Parallel reports to the CEDAW Committee. The ERRC has also been litigating with the CEDAW Committee under the individual complaints mechanism of the Optional Protocol.

2. Purpose of the submission

In the present submission the ERRC wishes to call the Committee's attention to the specifically vulnerable position of minority women, in particular Romani women, in accessing education. The ERRC urges the Committee to formulate general recommendations that enable States to implement the Convention so as to ensure Romani girls and women have access to equal, high-quality education. In particular, the ERRC wishes to ensure that the Committee views the problems facing ethnic minority women and girls not only from the perspective of the need to respect minority rights (e.g. under the Framework Convention for the Protection of National Minorities) but also from a non-

discrimination perspective. Romani children in Europe who want to attend integrated schools and enjoy the same kind of education as their non-Roma counterparts are often segregated into separate and/or inferior classes and schools on the sole basis of their ethnicity. As the statistics discussed below show, the consequences of discrimination and segregation in schools are particularly dire for Romani girls and women when compared with Romani boys and men and when compared with non-Roma.

3. General facts on Romani women and access to education in Europe

Disaggregated data based on ethnicity in the field of education is not systematically collected in most European countries. Therefore, apart from data found in ad hoc research, no official data is available that is disaggregated by ethnicity and gender.

Yet, the CEDAW Committee in its periodic reports noted with concern ethnicity- and gender-based discrimination against Romani girls when it comes to their equal access to education. (See for example: CEDAW Concluding Observations and fifth periodic report on Bosnia and Herzegovina, 30 Jul 2013; CEDAW Concluding Observations on Bulgaria, 12 Aug 2012; CEDAW Concluding Observations on Czech Republic, 10 Nov 2010.)

3.1. Equality in Access

Article 10 CEDAW calls upon State Parties to take the appropriate measures to enhance access to education for women and girls.

Romani women throughout Europe continue to suffer from multiple discrimination on the basis of their gender and ethnicity and this has not been given due attention in legal or policy measures. They experience barriers in accessing equal education, healthcare, adequate housing, and employment and in accessing justice through administrative or institutional channels.

According to research by the European Agency for Fundamental Rights (FRA) conducted in eleven EU Member States on the gender aspects of Roma accessing services in the European Union¹, Romani women have in general lower education level than non-Roma, and they have lower education level when compared with Romani men. For example in Hungary, only 5.8% of Romani women have vocational qualifications, in contrast to 17.5% among Romani men.²

The study showed that in general Roma have a lower level of literacy: only 80% of Roma reported that they can read and write compared to 99% of non-Roma; in particular, only 77% of Romani women reported that they can read and write compared to 85% of Roma men. Amongst EU countries the gender differences in the literacy rate the highest gap is in Portugal, where only 55 % of Romani women are literate compared to 77% of Romani men. The gap is notable in Romania as well, where 64% of Romani women are literate compared to 76% Romani men.

The problem is not limited to EU countries. UNDP, UN WOMEN and OHCHR studies show that in Moldova for example, only 63% of adult (16+) Roma women are literate, compared to 99% adult

¹ Fundamental Rights Agency, Analysis of FRA Roma survey results by gender, 2013, available at: <http://fra.europa.eu/sites/default/files/ep-request-roma-women.pdf>

²http://www2.ohchr.org/english/bodies/cedaw/docs/ngos/HWLandERRC_Hungary_ForTheSession_Hungary_CEDAW54.pdf

non-Roma women, and 77% of adult Roma men; 45% of Roma women have no formal studies whatsoever (not even primary studies), compared to 2% of non-Roma women and 33% Roma men.³

The education gap stems from and reaffirms ethnic and gender discrimination, including social and economic exclusion and traditional gender roles.

3.2. Poor school attendance and high drop-out rates of Romani girls

When it comes to school attendance, 19% of Roma women reported that they have never attended school, compared to 14% of Roma men and 2% of non-Roma. Only 23% of Roma women who had completed compulsory education up to the age of 16 remain in school, compared to 32% of men. The highest rates of non-attendance among Roma women were measured in Greece (28%), Romania (15%) and France (11%).⁴

According to the FRA research, in Europe in general young Romani women are more likely than men to drop out from school: 54% of Roma women drop out before the age of 16, compared to 43% of Roma men, and fewer women than men continue after the age of 16 (37 % vs. 50 %).

In particular the CEDAW Committee noted that “[it] is concerned about the high dropout rates of Roma and Sinti girls and women from school and that they remain in a vulnerable and marginalized situation with regard to access to education.”⁵ Similar concerns were expressed with regards to Romania: “the Committee is particularly concerned about the gaps in Roma women’s formal education, their high rates of illiteracy, and the high rate of school dropouts among Roma girls.”⁶

According to the UNICEF there is an even more worrying gap between the primary school enrolment of Romani and non-Romani girls: the primary school enrolment rate for Roma girls is just 64%, compared to 96% for girls in non-Roma communities in close proximity to Roma who face similar socio-economic conditions.⁷ The CEDAW Committee also expressed its concerns about the low enrolment of Romani girls and boys at the primary and secondary levels of education and their low completion rates, in particular among girls.⁸

3.3. Physical segregation and segregation into special schools

In Europe the physical segregation of Romani children into Roma only classes or schools are common practice in violation of European Union, Council of Europe and international law standards.

The CEDAW Committee expressed its concern on several occasions in relation to the practice of segregation Romani children into separate classes, schools and special schools.

³ Study on the Situation of Romani Women and Girls in the Republic of Moldova, UN Women, UNDP, OHCHR 2014

⁴ Fundamental Rights Agency, Analysis of FRA Roma survey results by gender, 2013, available at: <http://fra.europa.eu/sites/default/files/ep-request-roma-women.pdf>

⁵ CEDAW Concluding Observations on Italy, 02 Aug 2011

⁶ CEDAW Concluding Observations on Romania, 13 Jun 2006

⁷ http://www.unicef.org/ceecis/UNICEF_ROE_Roma_Position_Paper_Web.pdf (2011)

⁸ CEDAW Concluding Observations on Serbia, 30 Jul 2013

For example the CEDAW Committee noted with concern the disproportionately high number of Roma girls who drop out of or fail to attend school in the Czech Republic, especially in socially excluded areas, and the segregation of many Roma girls in schools for pupils with mild mental disabilities. In its submissions to the CEDAW Committee, the ERRC has noted on several occasions that Romani children make up a disproportionately high number of pupils in schools for those with intellectual disabilities: in 2010 from 35% to 50% of children diagnosed with “light mental disability” in the Czech Republic were Roma. Further, a report by the Czech School Inspection Authority found that at least 5,000 Roma children without any diagnosis had been put in these “special schools”.⁹

For Hungary, the CEDAW Committee called upon the State Party to “Eliminate segregation of Roma girls in the educational system and provide them with equal access to quality education at all levels; and (d) Ensure that educational programmes on family life skills adequately address the principle of non-discrimination and substantive equality of women and men and the prevailing stereotypes against women”.¹⁰

UNDP, UN Women and OHCHR studies show that Roma children are segregated in schools in many regions of Moldova.¹¹

3.4. Multiple discrimination of Romani women based on their gender, ethnicity and disadvantaged social and economic status and migration in access to education

The Concept Note on the General Recommendation on Girls’/Women’s Right to Education by CEDAW recognises that disadvantaged groups of women and girls are in particularly vulnerable position in accessing equal and quality education. The ERRC believes it is very important to recognise intersectional discrimination, i.e. the cumulative effect of ethnic and gender discrimination, as well as disadvantaged social and economic status and migration.

3.4.1. Facilitating Access to Education for Romani migrant women

Many Roma EU citizens find themselves outside their country of nationality but are not what are often referred to as “migrants” (e.g. asylum seekers, refugees, people seeking family-reunification rights); they are EU citizens exercising their citizenship right to move to and reside in other Member States of the Union. The ERRC’s experience shows that they tend not to be the focus of the attention of national authorities, international organisations or some NGOs and their rights (under EU law on the free movement of persons) tend to be overlooked. In addition to EU citizen Romani women, Romani women from non-EU Member States in the Western Balkans migrate to Western European countries as asylum seekers or economic migrants. It is important for the Committee to emphasise to States the need to consider the intersectional forms of discrimination that can result from women and girls belonging to an ethnic minority but also having poorly understood and poorly respected rights related to their residence status. Furthermore, eliminating discrimination against EU citizen Romani women moving within the EU and non-EU citizen Romani women is not sufficient; authorities must ensure that residence status plays no role in the decision to enrol girls in school.

⁹ European Roma Rights Centre, ERRC Submission to ICERD, 2011, available at:

<http://www.errc.org/cms/upload/file/czech-republic-cerd-submission-22-july-2011.pdf>

¹⁰ CEDAW Concluding Observations on Hungary, 25 Mar 2013

¹¹ Study on the Situation of Romani Women and Girls in the Republic of Moldova, UN Women, UNDP, OHCHR 2014

3.4.2. Facilitating Access to Education for Romani rural women

Romani women living in rural areas are in a particularly disadvantaged position, because they not only suffer from ethnic and gender discrimination but also face challenge in accessing education or having public services as a result of their remote and mostly segregated habitation. It is important for the CEDAW Committee to recognise and ensure States that they consider the particular vulnerable situation of Romani women living in rural areas.

3.5. Traditional harmful practices and access to education: child marriages in Romani communities

Despite the wealth of international legal provisions banning the practice, and although there is insufficient data on the extent of the phenomenon, ERRC research as well as reports by international organisations indicate that child marriages continue to be practised in Romani communities in various European countries.¹²

ERRC research shows that child marriage frequently precludes Romani girls from attending school, infringing their right to education and diminishing their employment opportunities.¹³ In Italy, research by the ERRC indicates that the school dropout rate among Romani women is high, due in part to forced and child marriage. Eight of 49 (16%) Romani women surveyed by the ERRC in Italy stated that they dropped out of school due to marrying whilst they were children. State authorities do not intervene effectively to counter school absenteeism among Romani girls, particularly in the case of dropout due to early marriage. Available educational data also reflect the impact of early marriages on the education of Romani girls in Macedonia: a 2005 United Nations Development Program study found that 39% of Romani women surveyed had no education whatsoever or incomplete elementary education. When asked why they failed to complete their education, 5% responded that their parents had prohibited them and 8% cited marriage as the reason.

Recommendations

The ERRC recommends the Committee to include into its General Recommendation the following recommendations for States to:

- collect disaggregated data based on ethnicity and gender;
- consider of the cumulative effects of multiple discrimination (ethnicity/gender) suffered by Romani women in accessing equal education as part of their law and policymaking in this area;
- ensure that their authorities are able to recognise and react to intersectionality between vulnerability factors including gender, ethnicity and other status of women such as “rural” or “migrant”;
- acknowledge that ethnic discrimination can prevent Romani children, including Romani girls from accessing equal education;
- recognise of the effect of harmful practices, such as early marriages, and their disproportionate effect on Romani girls in accessing equal education;

¹² European Roma Rights Centre, ERRC submission to the Joint CEDAW-CRC General Recommendation/Comment on Harmful Practices (September 2011), available at: <http://www.errc.org/cms/upload/file/cedaw-crc-child-marriages-submission-9-sept-2011.pdf>. For example, amongst others, in Albania, Bosnia and Herzegovina, Bulgaria, Greece, Kosovo, Macedonia, Moldova, Montenegro, Romania, Turkey and Ukraine and in migrant Romani communities in certain Western European countries, such as Italy

¹³ Ibid., page 5

- implement their positive obligations under international law to ensure equal access to education for Romani children, including Romani girls;
- adopt comprehensive policies that address the situation of Romani women in general and in terms of access to education;
- include the specific situation of Romani women in general education policies and/or social inclusion policies as well as in Roma inclusion policies;
- allocate budgets specifically to improve the situation of Romani girls and women in education.