

## **Oral statement on the situation of Romani women in Hungary by the European Roma Rights Centre<sup>1</sup>,**

Honourable Committee members,

The Hungarian government has developed and implemented a number of policies and strategies to improve the situation of the Roma community in general. However, such measures adopted thus far have proved insufficient to improve the situation of Romani women.

Despite the increased attention that the Roma minority has received from the Hungarian government in recent years, Romani women continue to face serious problems pertaining to their status within society as well as within their domestic and family environments. The situation of Romani women in some parts of the country gives us, in particular, a cause for major concern. It should also be noted that in a number of cases, many Romani women face a double disadvantage on the basis of their gender *and* ethnicity.

Discrimination and/or physical or verbal abuse in the areas of education, health care, employment, violence and housing issues are amongst the main problems experienced by Romani women. These are all symptomatic of the entrenched socio-economic marginalization that Romani communities in Hungary experience and is more acute for Romani women.

The desperate socio-economic situation of many Romani women and girls is manifested in their overrepresentation in female prisons and state institution for children and youths between the ages of 3 to 24.

We therefore note with concern that the Hungarian government has not yet ratified the Revised European Social Charter and the 1995 Optional Protocol Providing for a System of Collective Complaints and fully ratify Article 7 (the right of children and young persons to protection), Article 12 (the right to social security), Article 18 (the right to engage in a gainful occupation in the territory of other Contracting Parties) and Article 19 (the right of migrant workers and their families to protection and assistance) of the European Social Charter as well as Article 4 (the right of elderly persons to social protection) of the 1988 additional protocol.

### **Law and Policy Environment:**

An anti-discrimination legislation in line with European Community standards was passed in Hungary in 2003.

The Hungarian Parliament approved on June 28, 2007 the Roma Integration Decade Strategy Plan which aims to improve the situation of Roma in a number of key areas<sup>2</sup>. The plan makes reference to Romani women in the areas of employment and health, but they are overlooked in the remaining key areas (education, anti-discrimination and media). There is currently a lack of disaggregated data by gender and ethnicity which would be necessary to design and evaluate the policies currently being adopted by the Hungarian government.

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<sup>1</sup> This statement was prepared in the context of the 39<sup>th</sup> Session of the UN Committee on the Elimination of Discrimination Against Women.

<sup>2</sup> Hungary is part of the Roma Decade of Inclusion, an international initiative to improve the situation of Roma by 2015.

## **Violence against women:**

Violence against Romani women in Hungary takes place outside the community –in the form of attacks to Roma property, police violence and harassment- and within the Roma community –in the form of domestic violence-. Violence is exacerbated by a lack of mutual trust between Romani women and the police which results in a low rate of incident reporting by victims and inaction by the police when the incident is reported.

Perpetrators of such attacks are rarely adequately punished, and Romani victims rarely receive adequate compensation

Forty two per cent of our respondents that answered questions about violence during research stated that they had been victim to domestic violence at some point in their lives. In only 20% of the cases did the victim seek police assistance and in only one instance did the police responded effectively. The most reported forms of domestic violence were physical and verbal abuse by family members. Most of the women had lived in abusive relationships for long periods of time as a result of lack of housing alternatives and economic dependency linked to unemployment.

The Hungarian government has failed to create an adequate environment in which female victims of violence can seek assistance or an effective support network through which victims can obtain help and report cases of violence.

We therefore recommend that:

- Instances of police harassment and violence should be investigated and the alleged perpetrators punished.
- Law enforcement officials and other state actors which assist victims of violence should be provided with anti-racism and anti-discrimination training in order to effectively assist Romani women, and other women from disadvantaged groups, experiencing violence.
- The Hungarian government should ensure the implementation of effective procedural guidelines for assisting victims of domestic and other forms of violence, and train law enforcement officials and other relevant state actors to adequately and sensitively act in cases of violence against women.

## **Access to Education**

Romani women and girls lag behind male Roma and the majority society in terms of years of schooling. This is particularly true for higher education where the number of Romani girls completing vocational and university education significantly drops.

Key factors contributing to this are 1) physical and verbal abuse by classmates and teachers which creates an unwelcoming atmosphere for Romani girls at school. These practices are rarely punished by teachers and other officials, even when reported by Romani parents. Also 2) poverty, which forces a number of Romani girls to drop out of school early and 3) early pregnancies and a higher natality rate than the majority population as well as an educational system not prepared to facilitate the return of young mothers to school.

These obstacles are further exacerbated by the common practice of placing Romani children in special schools for the mentally disabled and school segregation along ethnic lines in different schools or in different classrooms within the same school.

Given the problems highlighted in this area, we recommend that:

- Co-operation is established between parents, teachers and pupils to put an end to school harassment and other forms of discrimination on the basis of ethnicity and/or gender (and any other grounds). Specific training and information for all pupils, parents and school workers/officials, on the basis of clear guidelines and disciplinary procedures should be provided, to eliminate such phenomenon.
- Scholarships should be made available, including subsidised fees, free transportation and required school materials for marginalised and poor families at all school levels, with special attention to the excluded and most vulnerable Romani families. Ensure that at least half of scholarships target Romani girls and young women.
- A supportive educational system and programme is developed to ensure that young mothers do not drop out of school as well as to encourage mothers to return to education.

### **Access to Employment:**

Unemployment rates among Romani women continue to be alarmingly high. Sixty two per cent of our respondents were unemployed. The current situation is a result of a combination of factors which include direct discrimination during the hiring process and child care responsibilities which continue to fall primarily on the mother. Romani women employed often hold the lowest paid jobs in the employment market.

In light of the above, we recommend that the Hungarian government:

- Enforces the current anti-discrimination law which explicitly bans discrimination during the hiring process. Victims of alleged discrimination should be encouraged to bring complaints with assurances that confidentiality will not be compromised on account of bringing a claim.
- Support positive measures, such as offering incentives (including tax exemptions, subsidised employment contracts, etc) to promote the hiring of Romani women.
- Create the conditions that would facilitate the incorporation and re-incorporation of mothers to the labor market.

### **Access to Health Care:**

The life expectancy of the Roma community continues to be below the national average as a result of inadequate living conditions – such as substandard housing and extreme poverty-. Furthermore, women continue to be the target of inhuman and degrading treatment in the form of neglect and/or verbal abuse, segregation in maternity wards and extortion at the hands of doctors and other hospital staff. Poverty is also a factor that has an impact on Romani women access to health care, particularly since the introduction of the “visiting fee”.

The Hungarian State has not made any visible steps concerning the implementation of the 2006 decision of the S.A. case vs Hungary concerning a sterilisation performed absent fully informed consent. No steps have been taken to secure the adequate compensation of the Petitioner. In fact,

the Government maintains the view that the domestic court decisions discharge the State of its obligation to implement the Committee's decision and remedy an internationally wrongful act.

The proposed general measures planned by the Government to implement the Committee's decision do not fulfill the recommendation of the Committee to ensure that the relevant international norms are known and adhered to by all relevant personnel in public and private health centres and they would be ineffective rendering the State incapable of protecting and fulfilling the reproductive rights of women.

The review and subsequent amendment of the Hungarian Public Health Act on the principle of informed consent in cases of sterilization have yet to be made in order to ensure its conformity with international human rights and medical standards.

We therefore recommend that the Hungarian government:

- Ensures that prohibitions against discrimination on the part of health care personnel and institutions are enforced.
- Adopts health related strategies and policies which take a holistic approach (focusing also on education, employment, housing, traditions) to improve the health of Romani women.
- Extends exemptions from paying the "visiting" fee for Romani women in vulnerable situations such as single mothers.
- Without delay the Hungarian government fully implements the CEDAW's decision A.S. vs. Hungary

### **Access to Adequate Housing:**

The Hungarian government has launched programmes to improve the housing condition of the Roma community. However, housing problems continue to be a very acute and a key issue that very significantly affects the well being of the Romani community, particularly Romani children and women, in both rural and urban areas. Housing problems include substandard housing conditions (lack of running water, sewage system adequate heating or isolation, etc.), segregated housing and forced evictions.

Given the problems highlighted in this area, we recommend that:

- The Hungarian government takes all necessary steps, policy and financial, to improve the housing conditions of Romani families which have a detrimental impact on the health of Romani women and children; with a particular focus in those areas that have been ignored for years.
- Without delay, end all policies and practices of forced eviction of Roma and provide remedy to victims, in accordance with Hungary's international law obligations

### **Suggested questions:**

1. What specific measures will the government put in place to put an end to school harassment and to increase the educational attainments of Romani girls in particular?
2. How is the government going to ensure that discrimination during the hiring process is reported and punished? How does the government plan to remedy the current lack of

- employment opportunities for women in vulnerable positions (e.g. young mothers, women with a low educational level)?
3. How is the Government planning to remedy Ms. A.S. for the wrongful act that she has suffered as a result of being coercively sterilised?
  4. What measures is the Government planning to put in place to ensure the conformity of the Hungarian Public Health Act with the principle of informed consent and international human rights and medical standards and when?
  5. How is the Government going to ensure that the relevant international norms of reproductive rights and informed consent are known by all relevant personnel in public and private health centres and that they are also adhered to?
  6. How is the government planning to improve the housing situation of Romani women living in disadvantaged settlements lacking basic infrastructure?