



Opening Statement by Pavee Point to the Joint Oireachtas Committee on Justice, Equality and Defence on Domestic and Sexual Violence, 26 Feb 2014

Attendees: **Laura Pohjola** - Co-ordinator, Violence against Women Programme, Pavee Point
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Dear members of the Committee,

Pavee Point would like to thank the Committee for the opportunity to attend this meeting. Pavee Point is a national Traveller and Roma organisation, which works towards attaining human rights for Travellers and Roma in Ireland. We are pleased that the Committee is taking the time to consider the issues and concerns that affect Traveller and Roma communities in relation to domestic and sexual violence. We hope that our engagement with the Committee can result in substantial steps towards progressing national policy and legislation in order to improve the protection of vulnerable Roma and Traveller women and girls.

Our presentation focuses on outlining the vulnerability of Traveller and Roma women to domestic and sexual violence and barriers that they experience in accessing services and protections. By highlighting the barriers we draw our recommendations to the Committee. These directly relate to;

- Amending the Habitual Residence Condition (HRC)
- Developing the National Traveller Roma Integration Strategy (NTRIS)
- Signing and ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence

Situation of Traveller and Roma Women Affected by Domestic and Sexual Violence

Contrary to a common misconception, domestic and sexual violence are not part of Traveller and Roma cultures. 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. This is directly linked to structural inequality, racism, and discrimination based on ethnicity and gender.

Discrimination of Traveller and Roma women contribute to poverty, high levels of unemployment, low educational attainment, social isolation, mental and physical health issues, and poor standard of accommodation and/or homelessness. On one hand, this situation results in increased vulnerability of Roma and Traveller women to domestic and sexual violence, including prostitution and trafficking for sexual exploitation. On the other, this creates significant barriers to accessing and engaging in

services and protections. As a result, Roma and Traveller women have little choice but to stay in violent relationships and situations, or face homelessness, destitution and social isolation.

The effectiveness of current legislation and the criminal and civil justice system to prevent, investigate and protect women against domestic and sexual violence has been seriously challenged by research commissioned by Women's Aid¹ and Amnesty International². These reports highlight inconsistent responses from the Gardai; 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.

Impact of the HRC on Traveller and Roma Women Affected by Domestic and Sexual Violence

The HRC 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.

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. 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. Access to services and supports is also 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.

Lack of Adequate and Comprehensive National Traveller Roma Integration Strategy (NTRIS)

Roma and Travellers continue to face widespread racism, marginalisation and poor socio-economic conditions in Ireland. A significant and overall improvement in the socio-economic 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.³ With the release of the European Commission's assessment of Ireland's NTRIS,

¹ Kelleher, P. & O'Connor, M., (1999) *Safety and Sanctions: Domestic Violence and the Enforcement of Law in Ireland*

² Amnesty International *Justice and Accountability: Stop Violence Against Women, Summary Report*
Available at: http://www.womensaid.ie/download/pdf/justice_and_accountability.pdf

³ Roma and Travellers continue to face widespread racism, marginalisation and poor socio-economic conditions throughout Europe and in recognition of this the EU Commission developed a framework document (called the EU Framework for National Roma Integration Strategies) for coordinated action at member state and EU level to address this. This is essentially an effort to drive change to see tangible improvements in Roma and

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.⁴ Currently, the Strategy fails to address anti-Traveller and Roma racism and discrimination in the Irish society, which is key to overcoming barriers to services and protections among Roma women, including fear of authorities, illiteracy and lack of access to adequate income, accommodation and health services. 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.

Signing and Ratifying the 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 could be addressed.

Recommendations

- Undertake a comprehensive gender analysis of the HRC to address inequalities for women experiencing domestic and sexual violence in the social welfare system
- Introduce an exemption 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
- Develop an adequate and comprehensive National Traveller Roma Integration Strategy with clear indicators and timeframe to address structural inequalities of discrimination, racism and poverty that place Traveller and Roma women at further risk of domestic and sexual violence
- Urgently sign and ratify the Council of Europe Convention on preventing and combating violence against women and domestic violence

Travellers' living situation by 2020 – and this was endorsed by EU heads of State and Governments. As part of this each member state was required to draw up a national Roma integration strategy by the end of 2011. This strategy was to direct national Roma policies and mobilise funds available at EU level to support inclusion efforts.

⁴ European Commission, *The European Union and Roma- Country Factsheet: Ireland*, Brussels: European Commission, June 2013.