



Supplementary Submission to the Joint Oireachtas Committee on Justice, Equality and Defence on the Issue of Sexual Violence

1. Introduction

1.1 Pavee Point Traveller and Roma Centre

Pavee Point Traveller and Roma Centre is a non-governmental organisation committed to the attainment of human rights for Irish Travellers and Roma. The group is comprised of Travellers and Roma and members of the majority settled population working together in partnership to address the needs of Travellers and Roma as minority ethnic groups experiencing exclusion and marginalisation. The aim of Pavee Point is to contribute to improvement in the quality of life and living circumstances of Irish Travellers and Roma through working for social justice, solidarity, socio-economic development and human rights.

1.2 Pavee Point Violence against Women Programme

Pavee Point has a dedicated Violence against Women (VAW) Programme since 1998 which aims 'to reduce gender based violence in the Traveller and Roma communities and increase access to services and supports by working with Traveller organisations, policy makers and service providers'. The VAW Programme works to increase awareness and to build the capacity of local Traveller groups and organisations to address the issues at community level. We also support best practice in service provision through the provision of training and guidelines in best practice in working with Traveller and Roma women. The VAW Programme also works to ensure that the needs and issues of Traveller and Roma women are included in policy and service development through our continued participation in national and regional committees on gender based violence. Pavee Point is represented on the National Steering Committee on Violence against Women, Cosc's Eastern Regional Advisory Committee and Public Awareness Steering Committee. Pavee Point also sits on the Irish Observatory on Violence against Women and is a Board member of the National Women's Council of Ireland.

The VAW Programme therefore has expertise in working on the issue of sexual violence, and in working to address the specific issues faced by Traveller and Roma women because of their experience of multiple forms of discrimination. The VAW Programme recognises that the intersection of discrimination based on ethnicity and gender can place

minority ethnic women at further risk of gender-based violence.

The issue of sexual violence is a serious health issue and constitutes a violation of fundamental human rights and freedoms. Whilst sexual violence can also affect men, men against women perpetrate the majority of the abuse. Sexual violence is a form of gender-based violence inextricably linked to gender inequality. Pavee Point recognises that sexual violence against women is an issue of gender, a form of discrimination against women and a violation of a woman's basic human rights and that both women and men have a responsibility to work to prevent domestic and sexual abuse. Pavee Point is committed to calling for legislation that will help bring an end to sexual violence affecting members of Traveller, Roma and other communities in Ireland. Pavee Point welcomes the opportunity to make this supplementary submission to the Committee on Justice, Equality and Defence on the issue of sexual violence.

1. Traveller and Roma Women- at Risk Groups in Terms of Sexual Violence

2.1 Setting the Context

Women from every ethnic, cultural and social background can experience sexual violence within and outside the context of intimate partner violence. However, women from minority ethnic groups, including Travellers and Roma, can be placed at further risk of sexual violence due to multiple discrimination based on gender and ethnicity.

Discrimination, and the resultant poverty, social isolation and disadvantage are structural inequalities faced by Traveller, Roma and other minority ethnic women, which can place women at risk in terms of rape, sexual assault and harassment, child abuse, trafficking, prostitution and other forms of sexual exploitation. Discrimination and poverty can contribute to low educational achievement, and high levels of unemployment, substance abuse, growing up in state care, homelessness, and domestic violence. This situation can have a particular effect on Traveller and Roma children and youth, placing them in very vulnerable situations in terms of sexual violence. Considering the levels of structural poverty, racism, gender discrimination and social exclusion experienced by Traveller and Roma women, they must be considered at-risk groups.

There is very little comprehensive, reliable empirical data in relation to sexual violence affecting Traveller and Roma communities in Ireland. Therefore, it is important to avoid simple generalisations and assumptions based on stereotypes and prejudice, widely applied in media and public discourse. This is often the case as Travellers and Roma are portrayed as perpetrators rather than as victims, providing a distorted image of sexual violence in relation to Traveller and Roma communities. For instance, in relation to trafficking in human beings and Roma, the European Union Fundamental Rights Agency

has noted how in the absence of adequate data on the involvement of Roma in trafficking;

*“media sources have often made references to ‘Roma criminality’, usually in the context of trafficking or petty crime. Given the paucity of relevant criminal justice data disaggregated by ethnic origin, such references raise important questions as to the validity of this type of information and its impact on Roma stereotypes and prejudice. In light of the vulnerability of the Roma to criminal victimisation, particularly in regard to trafficking, further investigation based on robust and reliable information is therefore necessary”.*¹

Travellers and Roma are not predisposed to inflicting sexual violence on their own communities, and sexual violence of any form is not a cultural practice of the communities. Trafficking of non-Roma persons frequently involves relatives, friends and acquaintances. Non-Traveller, non-Roma as well as Roma are involved in begging, prostitution and other sex work. Child marriages and arranged marriages are a phenomenon of other traditional cultures, even elsewhere in Europe, and are fairly recent historical phenomena among majority populations in Western countries.

2.2 Prostitution- Traveller and Roma Women and Children

Women in prostitution are disproportionately members of socially disadvantaged minority ethnic groups. Key factors of vulnerability are poverty, social exclusion, discrimination based on gender and ethnicity, sexism and racism. Research and reports received by Pavee Point highlight concerns in relation to the socio-economic position of members of Traveller and Roma communities in Ireland, many of whom live in poverty and destitution.² This situation has a particular effect on Traveller and Roma women and children, who can be at a very vulnerable situation due to lack of access to employment, social protection, adequate housing, education, and health services. Disability and mental health issues can act as further risk factors for placing women and girls in a vulnerable situation.

The socio-economically marginalised position can contribute to a further risk of women and children being subjected to sexual violence and forced into informal economic activities in the absence of access to formal means of income generation. Given this, Pavee Point argues that Traveller and Roma women are particularly vulnerable to sexual exploitation, and there is an urgent need to uncover the situation of Traveller and Roma women and children in terms of sexual violence and protections available for Traveller and Roma victims of sexual violence.

There is a lack of research with regard to the involvement of Traveller and Roma women in prostitution. Anecdotal reports suggest that Traveller and Roma women are involved

in prostitution both in Ireland and in the United Kingdom, where they often travel to after entering prostitution in this jurisdiction. The lack of disaggregated data based on ethnicity in terms of access to services and referrals; the overall hidden and clandestine nature of prostitution; and the understandable reluctance of women to disclose information and self-identify as a Traveller or a Roma, means that there is little information on the levels of involvement of Traveller and Roma women in prostitution. High levels of stigma and shame associated with sexual violence within the Traveller and Roma communities also ensures a blanket of silence around the issue. The impact of the stigmatisation of women involved in prostitution is particularly acute for Traveller and Roma women as they risk being ostracised from their family, community and culture.

The Council of Europe highlights concerns in relation to sexual violence and members of Roma communities across Europe.³ Roma women and children are particularly vulnerable to being exposed to sexual violence, including trafficking in human beings for sexual exploitation and child marriage. In Ireland there is no data specific to Roma and sexual violence due to the lack of data disaggregated by ethnicity. However, in the context of reports of vulnerable Roma women and children being exposed to sexual violence elsewhere in the EU,⁴ and many Roma people living in Ireland in extreme poverty and social exclusion,⁵ there are serious concerns raised in relation to the possibility of Roma women and children in Ireland to have been exposed to sexual violence in their country of origin and/or in Ireland.

2.3 Roma and Trafficking for Sexual Exploitation

Pavee Point welcomes the heightened awareness of trafficking as a global issue, but contests sensationalising and politicising the issue of trafficking and Roma communities. This has happened in various EU countries, such as France, Italy, Finland and Canada, where trafficking affecting members of Roma communities has been conflated with Roma migration. While trafficking exists and affects Roma communities, trafficking cannot be used to explain Roma migration. Roma migration is largely a result of structural poverty, marginalisation and discrimination experienced by members of Roma communities in their countries of origin- some Roma are forced to move and migrate in the hope of obtaining better quality of life, living conditions and work opportunities elsewhere.

Documentation on the situation of Roma and human trafficking for the purposes of sexual exploitation is almost completely absent and lacks knowledge about its nature and scope. However, it is evident that Roma women and children are at a particular risk of trafficking for the purposes of sexual exploitation.

A report conducted by the European Roma Rights Centre (ERRC) and People in Need (PiN) details a significant overrepresentation of Roma communities in trafficked persons,

and a high correlation between trafficking of Roma women and children and sexual exploitation.⁶ Sexual exploitation is one of the most common forms of trafficking of Roma, alongside with forced labour. The research covering Romania, Slovakia, Bulgaria, Hungary and Czech Republic illuminates that 68% of Roma trafficked had been trafficked to another EU country, and 20% were minors at the time they were trafficked. Considering that Ireland is a country of destination for trafficked persons; Roma is a group particularly vulnerable and disproportionately represented in the numbers of people trafficked; and the majority of Roma in Ireland originate from Romania, Czech Republic, Slovakia, Hungary, Poland and Bulgaria- Roma women and children in Ireland must be considered at particular risk of trafficking for sexual exploitation.

The context from which Roma women and girls may be coming from is extremely important in understanding Roma women's vulnerability to exploitation and barriers to reporting such exploitation. Overrepresentation of Roma in trafficking of human beings and sexual exploitation is a symptom of Roma experiences of discrimination, racism, poverty and social exclusion. The marginalised position of many Roma often results in low formal educational attainment, high rates of unemployment, growing up in state care, domestic violence and substance abuse. In fact, research undertaken by the European Union Fundamental Rights Agency has documented high levels of unemployment in the Roma community, few Roma having health insurance, and 90% of Roma living below national poverty lines. In this context, Roma women must be considered as vulnerable to exploitation.⁷

The research by the ERRC highlights an increase in the number of Bulgarian Roma women who leave the country knowing that they will be trafficked to work in prostitution. Poverty and lack of opportunities in the country of origin determine decisions to leave, as Roma women agree to go in the hopes of improved living conditions and better prospects for the future. In this way, the persistent socio-economic discrimination and exclusion of Roma contributes to the victimisation of vulnerable Roma women and children. The report also details Roma women's experience of discrimination when involved in prostitution in the context of differential treatment in terms of accommodation, food and clothing and increased vulnerability to ill-treatment and abuse.

2.4 Child Marriage and Arranged Marriages

Relative to contemporary majority Irish society, some Roma marry and have families at a young age. In *some* Roma communities persistent patriarchal values and practices can result in early marriage, as some parents may expect their daughters to leave school early to marry and start a family. However, there is a wide diversity of views and practices within Roma communities in relation to early marriage. In fact, simple equations between Roma culture and early marriage are to be avoided, and it is important to highlight that early marriage among Roma is not a cultural practice *per se*. Historically,

early marriage among Roma is linked to slavery of Roma in Romania as a way of protecting Roma girls from rape by their owners.⁸

When child marriage occurs, children's, and particularly girls', right to education and future employment opportunities are undermined due to early school leaving. Council of Europe calls for the use of positive measures and awareness-raising among members of these communities in order to improve enrolment and attendance rates of Roma girls in school.⁹

The research by the ERRC suggests links between child marriage and trafficking.¹⁰ These reports have emerged from instances where young brides manage to escape and end up in very vulnerable situations. In situations of trafficking for the purposes of child marriage, Roma children need to be provided with relevant and adequate protection, safety and services.

2.5 Responsibility of the Government towards Members of Vulnerable Traveller and Roma Communities

In the context of reports of Roma women and children being exposed to sexual violence elsewhere in the EU, and many Roma people living in Ireland in extreme poverty and social exclusion, there are serious concerns raised in relation to the possibility of Roma women and children living in Ireland to have been exposed to sexual violence in the country of origin and/or in Ireland.

On the assumption that individual members of Traveller and Roma communities may be victims of trafficking for the purposes of prostitution or other sexual exploitation, consideration needs to be given to how legislation might be framed. This consideration has to include dealing with the complex issues surrounding sexual violence in order to protect victims from exploitation, and the need to have effective laws to reduce, deter, detect and prosecute criminal activities. It is the responsibility of the Government to develop and strengthen preventative measures to address the root causes of sexual violence and victimisation of vulnerable Traveller and Roma. A significant and overall improvement in the socio-economic and political inclusion of Travellers and Roma is imperative in order to ensure protection from sexual violence.

1. Impact of Habitual Residence Condition on Traveller and Roma Women Affected by Sexual Violence

Traveller and Roma women and girls living in Ireland can be placed in a vulnerable position due to Habitual Residence Condition (HRC). The HRC has a disproportionate impact on Traveller and Roma communities, many of whom fail to satisfy its conditions and thus access social protection. This situation can put Traveller and Roma women and children in particular at risk of poverty and destitution- fundamental risk factors which can lead to sexual violence. The HRC can also pose a serious obstacle for vulnerable Traveller and Roma women and girls who seek to flee from sexual violence and/or get safety and support.

The HRC restricts access to social welfare protection and other crucial services, without having a provision for women who are experiencing sexual violence. An assessment of an application must be considered with regard to five circumstances, including applicant's pattern of employment, connection with the State, and centre of interest. Women, who work in isolation from the wider community such as in prostitution, can find it difficult to provide proof needed to satisfy the HRC. Lack of proof of accommodation, disclosing means of income, bank statements and previous experience in formal employment, may prevent Traveller and Roma women from qualifying for the HRC. If a woman fails to meet the criteria and has no other financial resources, she may be at risk of destitution and homelessness due to lack of access to social protection, services and supports. In this way, the HRC is a major barrier for women escaping situations of sexual violence, and fails to protect the safety and human rights of vulnerable Travellers and Roma women in these situations.

Access to safety and protection may also be severely restricted as access to refuges and support services is dependent on the ability of the woman to pay or be in receipt of social welfare. Refuges under financial pressure cannot provide for women beyond a short period deemed emergency. In cases where a woman does access a refuge, there is no exit point. Women who do not satisfy the HRC are left outside of any protection in destitution or are forced to remain or return to a situation where they continue to experience sexual violence. In addition, there is no safety net for people waiting on a decision with regard to the HRC, and the appeal process is onerous and lengthy.

The HRC is a serious obstacle for Traveller and Roma women to seek help and support when experiencing sexual violence. Traveller and Roma women's right to safety and protection from sexual violence is therefore being denied. Women experiencing sexual violence should not be subjected to the HRC.

1. Inadequate Policy Response

In this submission Pavee Point calls that the factors contributing to experiences of sexual violence among Traveller and Roma communities will be reflected in upcoming policy and legislation. The intersection of racism and discrimination experienced by Travellers and Roma with other factors that place people at risk of sexual violence need to be

acknowledged and understood. There is an urgent need to address the structural inequalities and resultant poverty, which places Traveller and Roma women at a disproportionate risk of sexual violence.

Government policy, which places Travellers and Roma at further risk of poverty and destitution, needs to be urgently reviewed and amended. As members of the Turn off the Red Light Campaign Pavee Point strongly supports the call for legislation that will criminalise the purchase of sex in Ireland and decriminalises women who are prostituted, as introduced in Sweden and Norway. The Irish State needs to address the causes of vulnerability to prostitution and change the laws and policies of the Irish state that are placing Roma and Traveller women in vulnerable positions.

The Habitual Residence Condition places Travellers, and in particular many Roma, in extreme poverty and destitution. The HRC needs to include provisions and guidelines in relation to individuals experiencing sexual violence, so that no person is left outside of safety and protection. Women who are trafficked into prostitution should be viewed as victims in need of protection, as well as potential witnesses. Policy and legislation need to support and resource exit routes for women involved in prostitution or who are victims of trafficking. Roma women in particular need to be provided with supports, and not be pressured to be 'voluntarily repatriated'.

As a former Chair of the OSCE . the Government needs to take a lead in implementing the recommendations of the OSCE Action Plan on Trafficking, which contains detailed recommendations on data collection and research. Pavee Point strongly recommends that these are implemented. This would necessitate research on the specific experiences of Travellers and Roma in prostitution and trafficking.

There needs to be engagement with Traveller and Roma women in a positive way through provision of community supports and funding for Traveller and Roma initiatives, in order to build up trust with community members to access information on sensitive issues, such as prostitution. This will allow for provision of information on available services and supports and to gain more understanding of Travellers and Roma and sexual violence in Ireland in order to address it.

Along with this, there is a need for a political leadership to develop a strong and comprehensive National Traveller Roma Integration Strategy (NTRIS). Currently, the Strategy contains no goals, timeframes, funding or monitoring mechanisms for Roma and Traveller inclusion. It fails to ensure the participation and consultation of members of Traveller and Roma communities and organisations in the development of the Strategy; fails to address the inclusion of Roma in particular; and fails to address anti-Traveller and Roma racism in the Irish society. Instead of the development of a progressive strategy on Roma and Traveller inclusion, the Government has subjected Traveller organisations to disproportionate cuts over the recent years, contributing to further exclusion and marginalisation of Traveller and Roma communities.

The European Commission has confirmed the inadequacy of Ireland's NTRIS.¹¹ With the release of the Commission's assessment of Ireland's NTRIS, the assessment highlights that currently the Strategy will make little difference to the lives of Travellers and Roma. As out of 22 criteria that are used to assess strategies, Ireland is deemed to have met only four. There is an urgent need to change this situation, as the implementation of adequate and effective strategies would address the risk factors for Travellers and Roma in relation to sexual violence. The Irish Government needs to meet its obligations in this regard. As an EU Member State Ireland is obliged to develop an adequate and comprehensive National Traveller Roma Integration Strategy.

Compliance with relevant human rights standards which Ireland has signed and ratified must be ensured through their inclusion in policy and legislation as well as their implementation. These include the International Covenants on Civil and Political Rights and Economic, Social and Cultural Rights; the Convention on the Rights of the Child; European Convention on Human Rights; the Council of Europe Convention on Action against Trafficking in Human Beings; and the General Recommendation 19 of the Convention on the Elimination of all forms of Discrimination Against Women.

Pavee Point urges the Government to ratify the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, which Ireland has signed but not ratified. The Convention on the Protection of Children provides an instrument, which criminalises various forms of sexual abuse of children, whether committed inside or outside the context of a family or home. 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 sexual violence. If ratified, the Convention would provide the most far-reaching international treaty to address sexual violence as a violation of human rights. It does so by recognising violence against women as a violation of human rights and a form of discrimination, and by making provisions of state parties to prevent violence, protect victims, prosecute perpetrators, and monitor the implementation of the Convention.

The European Court of Human Rights also stresses that trafficking constitutes a human rights violation, and namely a violation of Article 4 of the European Convention on Human Rights which holds that "no one shall be held in slavery or servitude" and "no one shall be required to perform forced or compulsory labour". The Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and its victims (replacing Council Framework Decision 2002/629/JHA) refers to trafficking as a gross violation of fundamental rights in its preamble and provides for relevant standards for EU member states apply.

While making the necessary amendments and reforms to policy and legislation, it is also important to avoid stigmatisation and generalisations while combating sexual violence. The vulnerability of Travellers and Roma must be taken into account in national policies

without any stigmatisation. Protection measures should include training of law enforcement officials and awareness-raising campaigns targeting Traveller and Roma communities, in particular members of segregated and socially excluded communities.

The Irish Government must adopt an adequate legal framework, in accordance with the aforementioned standards, which allow for prevention of sexual violence, protection and safety of victims and prosecution of perpetrators. The Government must ensure co-operation between law enforcement and judicial authorities, and social services and NGOs at the local, national and international levels.

1. Recommendations

- Combat trafficking of women and girls for the purposes of sexual exploitation by criminalising the purchase of sex, and allocate sufficient resources to effectively implement a legislative ban on purchasing of sex.
- Sign and ratify the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence immediately.
- Ratify the Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse urgently.
- Develop an adequate National Traveller Roma Integration Strategy, with clear goals, indicators, timeframes, monitoring and funding mechanisms to address the structural inequalities, discrimination, racism and poverty that place Traveller and Roma women and girls at further risk of sexual violence.
- Undertake a comprehensive gender analysis of the HRC to address inequalities for women experiencing sexual violence in the social welfare system.
- Introduce an exemption for women affected by sexual violence in the HRC and guidelines in relation to the HRC and Traveller and Roma victims of sexual violence.
- Harmonise national legislation in line with international norms and standards in relation to all forms of violence against women, and ensure that services dealing with violence against women comply with these norms.

- Ensure all relevant policies and dedicated strategies on sexual violence are equality/Traveller and Roma proofed.
- Collect data on sexual violence, including disaggregated data by gender and ethnicity, while respecting the rights to personal data protection of data subjects and avoiding stigmatisation of the relevant groups. The OSCE Action Plan on Trafficking has detailed recommendations on data collection and research, which Pavee Point strongly recommends to be implemented.
- Provide adequate resources for Traveller organisations to provide anti-racism and cultural awareness training to mainstream and sexual violence services to inform the development of best practice in working with Traveller and Roma women in relation to sexual violence.
- Provide funding for Traveller organisations to carry out research into the specific needs and experiences of Traveller and Roma women affected by sexual violence and for the development of culturally appropriate and community based initiatives, services and supports.
- Investigate promptly and impartially incidents of sexual violence against Travellers and Roma
- Provide sufficient funding for the national and local gender-based violence services to ensure those affected by sexual abuse are supported and protected.
- Engage with Traveller and Roma women and representative organisations at local and community levels through provision of community supports and funding for Traveller and Roma initiatives. This supports building trust with community members to access information on sensitive issues, such as prostitution, and allows for the provision of information on available services and supports.
- Ensure participation and consultation with members of Traveller and Roma communities in the development and implementation of all policy and services.
- Introduce provisions to erase criminal convictions of those women who have been prostituted.
- Develop specific and explicit regulation, guidelines and training on media content in order to prevent harmful gender and ethnic stereotypes and prejudices.

