









Implementing the principle of intersectionality in EU and national legislation



Policy Report

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Project:

Intersect Voices in Europe – Combating Discrimination Against Roma Women

Co-funded by the Rights, Eguality and Citizenship (REC) Programme of the European Union



This material has been elaborated within the project Intersect Voices in Europe – combating discrimination against Roma women, funded by the European Union's Fundamental Rights, Equality and Citizenship (REC), project code: REC-RDIS-DISC-AG-2019.

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I. General overview

This report will highlight the experience of intersectional discrimination of Roma women and formulate policy alternatives and recommendations for implementing the principle of non-discrimination at the EU and national level in EU member states. An intersectional perspective refers to a situation in which two or more grounds of discrimination interact with each other in an inseparable manner and produce distinct and specific experiences of discrimination.

More specifically, the report will focus on the intersection between gender and ethnicity, together with other grounds of discrimination, such as: migrant background, socio-economic status, sexual identity, skin color and age. In doing so, it will rely on the experience of Roma women from three European countries, Romania, Italy and Finland, as revealed by the results of the Comparative research report on multiple discrimination faced by Roma in Finland, Italy and Romania in the field of education, health services, housing and employment[1]. In its evaluation of the legal framework on discrimination at the EU and national level of the three member states, the report relies on the results of the Comparative legal analysis on Finland, Italy and Romania[2].

The report has been developed within the EU-funded project "IntersectVoices in Europe - combating discrimination against Roma women", which aims to tackle discrimination and to contribute to a better implementation of the EU anti-discrimination policy, by improving the understanding of the diverse experiences of intersectional discrimination and by improving the access to justice for victims of intersectional discrimination.

^[1] Carmen Gheorghe, Cristina Mocanu, *Comparative qualitative research report on multiple discrimination faced by Roma people in Finland, Italy and Romania in the field of education, health services, housing and employment,* 2021, https://evermade-hdl.s3.eu-central-1.amazonaws.com/wp-content/uploads/2021/05/26060248/Comparative-research-report-on-multiple-discrimination-faced-by-Roma-people-in-Finland-Italy-and-Romania.pdf accessed on 09/02/2022. [2] Adriana Iordache, Emanuela Ignățoiu-Sora, Barbara Giovanna Bello, Heidi Lempiö, Anca Enache *Intersectional discrimination: Comparative legal analysis on Finland, Italy and Romania* https://www.clnr.ro/wp-content/uploads/2021/03/Brochure-Comparative-legal-analysis-online.pdf accessed on 09/02/2022.

II. Description and causes of the problem

II.1. The legal framework

II. 1.1. The concept of intersectional discrimination

The notion of intersectionality used to address discrimination is by no means new, but it has very rarely been employed in the legislation, policies and case-law in European states, especially in the three countries examined in our research, Finland, Italy and Romania. Intersectionality is defined as "the complex, cumulative way in which the effects of multiple forms of discrimination (such as racism, sexism and classism) combine, overlap or intersect, especially in the experiences of marginalized individuals or groups"[3]. The concept was coined by Kimberlé Crenshaw, as to point out that, in order to tackle discrimination and inequalities, categories such as race, ethnicity, gender, class, etc. must be understood as overlapping and interacting, rather than isolated.[4]

The traditionally used unidimensional approach has often proven inadequate and insufficient to address these experiences. This kind of discrimination can arguably be considered qualitatively different from that based on only one ground. Persons subject to intersectional discrimination oftentimes face significant obstacles in achieving an equal status in society, both compared to persons who are not victims of discrimination and to those facing discrimination on just one ground.

An intersectional perspective also requires an understanding of the power structures in society and how privileges are divided. An intersectional framework focuses on various ways in which different inequalities (based on gender, race, ethnicity, sexual orientation, gender identity, disability, socio-economic status, education or other social category) interact and reinforce each other, determining new experiences of marginalization and discrimination. These multiple social identities converge and shape the lives of marginalized people and should be addressed in an integrated manner. In order to prevent such inequalities from mutually reinforcing each other, they must be identified and addressed simultaneously.

^[3] Intersectionality, Merriam Webster Dictionary, https://www.merriam-webster.com/dictionary/intersectionality, accessed on 09/02/2022.

^[4] Crenshaw, K. W. 1991, "Mapping the Margins: Intersectionality, Identity Politics, and Violence Against Women of Color", *Stanford Law Review*, 43: p. 1244.

II. 1.2. Intersectional discrimination at the European level

Intersectional discrimination is often overlooked by policymakers and not regulated either at the EU level or in the national legal frameworks, including those of the countries analyzed in our research, Finland, Italy and Romania[5].

The existing EU legal framework is fragmented and relies on addressing discrimination through a single-axis angle, as Articles 21 of the Charter of Fundamental Rights of the European Union[6] states that: "discrimination based on sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation shall be prohibited". Moreover, the Racial Equality Directive (2000/43/EC)[7] explicitly prohibits discrimination on the grounds of race and ethnic origin in the field of employment and in accessing the welfare system and public goods and services. Meanwhile, the Employment Equality Directive (Directive 2000/78/EC)[8] prohibits discrimination on the basis of sexual orientation, religion or belief, age and disability in the area of employment.

Both directives acknowledge that "women are often the victims of multiple discrimination" and state that the Community should aim to eliminate inequalities and to promote equality between men and women".

However, the concept of multiple discrimination is different from intersectional discrimination: the European Institute for Gender Equality, for instance, considers that "first, there is 'additive discrimination', where discrimination takes place on the basis of-several grounds operating separately. Second, there is 'intersectional discrimination', where two or more grounds interact in such a way that they are inextricable"[9]. Both types of discrimination two or more grounds operate but, whilst in multiple discrimination they operate separately, in intersectional discrimination, they overlap.

The main debates on intersectionality in the EU are related to whether intersectional discrimination should be recognized as a different form of discrimination within the already existing anti-discrimination legal framework. The legislation currently covers direct discrimination, indirect discrimination, incitement to hatred or discrimination and, based on the Court of Justice's case-law, discrimination by association. However, some criticism has also been made claiming that the concept is too complex and too difficult to implement.

^[5]A draft law aimed at sanctioning intersectional discrimination, as well as other forms of discrimination, was submitted before the Romanian Parliament on October 20th, 2020. If adopted, Romania will be the first EU member state to explicitly define and prohibit intersectional discrimination. The legislative initiative was submitted by a number of MPs from different political parties and advocated for by the Center for Advocacy and Human Rights (CADO). Proposal BP818/2020, http://www.cdep.ro/pls/proiecte/upl_pck.proiect?cam=2&idp=18981, accessed on 09/02/2022.

^[6] Charter of Fundamental Rights of the European Union, https://ec.europa.eu/info/aid-development-cooperation-fundamental-rights/your-rights-eu/eu-charter-fundamental-rights en, accessed 25.03.2022

^[7] Directive 2000/43/EC, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0043&from=EN

^[8] Directive 2000/78/ EC, https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32000L0078&from=EN

^[9] Multiple discrimination, https://eige.europa.eu/thesaurus/terms/1297 accessed on 9/02/2021

Meanwhile, in the recent years, intersectionality started to be integrated in several documents. For instance, the 2018 European Parliament resolution on the situation of women with disabilities[10] addresses intersectional discrimination, especially in relation to gender and disability. The new Gender Equality Strategy 2020-2025 also integrates an intersectional perspective[11].

A similar trend can also be observed in the recent jurisprudence of the European Court of Human Rights (ECtHR). While the ECtHR does not explicitly address intersectional discrimination, in its case-law concerning Roma, it does, however take into consideration the wider societal context in which Roma people live, instead of focusing just on one specific act of discrimination. The Court has stated on various occasions that the Roma are a severely underprivileged group in Europe and therefore require a special protection (e.g. D.H. and Others v. the Czech Republic, Chapman v. The United Kingdom, Jansen v. Norway, Hirtu and others v. France). When assessing a situation of discrimination, the intersectional approach calls for an examination of the full picture and taking into account the different factors leading to the situation.

II. 1.3. Intersectional discrimination in European states

According to our research[12], none of the three countries examined in depth, Italy, Romania and Finland, nor the other European states briefly included in the analysis, has included the notion of intersectional discrimination in their legislation. The national legal frameworks currently prohibit discrimination on a number of protected grounds, and, in some cases, the list of open to other potential grounds. While some attempts to regulate intersectional discrimination have been identified, none of them has been successful so far. As other authors have noted, in most European states, even the notion of multiple discrimination is marginal in the law, policies and court decisions.

For example, in Romania, the closest references to this concept can be found in the specific legislation on sanctioning discrimination, Government Ordinance 137/2000 and in Law 202/2002 prohibiting discrimination. Both laws, either directly or indirectly provide against multiple discrimination, stating that discrimination on multiple grounds is an aggravating circumstance. Meanwhile, in Italy, intersectional discrimination is also not mentioned in any binding law, while multiple discrimination is addressed in some legal acts. In the lack of a legal definition, it is unclear whether the expression used by the Italian law-maker can be understood as discrimination based on "a sum" of the protected grounds

^[10] European Parliament resolution of 29 November 2018 on the situation of women with disabilities (2018/2685(RSP)). https://www.europarl.europa.eu/doceo/document/TA-8-2018-0484 EN.html, accessed on 09/01/2022.

^[11] European Commission, Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of Regions, A Union of Equality: Gender Equality Strategy 2020-2025, COM/2020/152 final. Available at: https://eur-lex.europa.eu/legal-content/EN/TXT/HTML/? uri=CELEX:52020DC0152&from=EN accessed on 09/02/2022.

^[12] Adriana Iordache, Emanuela Ignățoiu-Sora, Barbara Giovanna Bello, Heidi Lempiö, Anca Enache, *Comparative analysis in Romania, Finland and Italy of discrimination legislation, policies and legal decisions on multiple discrimination*, 2021 https://evermade-hdl.s3.eu-central-1.amazonaws.com/wp-content/uploads/2021/03/15150741/Comparative-analysis-in-Romania-Finland-and-Italy-on-multiple-discrimination.pdf , Accessed 25.03.2022

or as 'intersectional discrimination'. In Finland, neither intersectional nor multiple discrimination are explicitly mentioned in the law, but have been considered in the preparatory works.

Furthermore, our study has not identified any court decision from the three countries analyzed in-depth (Italy, Romania and Finland) explicitly sanctioning intersectional discrimination. Judges and equality bodies oftentimes use already existent concepts, such as unidimensional or multiple discrimination. Even judgements adopting a progressive approach and implicitly using an intersectional perspective were extremely rare and difficult to identify. In most cases, when the victim belonged to multiple disadvantaged groups and when the facts of the case could have been analyzed from an intersectional perspective, the courts either analyzed the grounds of discrimination separately or simply focused on one of the grounds and overlooked the others, or implicitly addressed both. This is both due to the lack of legal provisions on intersectional discrimination and caused by the lack of awareness about this concept among legal professionals.

Most public policies in the fields of social work, education, health and housing include principles such as non-discrimination, equity, equal opportunities. These principles are general and underpin the measures provided for in the respective policies. Although these public policies try to respond to the needs of citizens, some of whom face multiple and often overlapping vulnerabilities, they do not usually take into consideration principles such as multiple discrimination or intersectionality. Even though the concept of integrated services which address the multiple vulnerabilities of disadvantaged populations is being discussed both at national and at the European level, the principle of intersectionality is often overlooked.

Considering that intersectionality manifests itself in different fields of life, the research carried out within our project[13] showed its specific manifestation in the experience of Roma women in accessing healthcare, education, housing and the labor market. At the same time, the research inquired into the experience of reporting of cases of intersectional discrimination as well as the cases adjudicated by the courts of law and quasi-judicial authorities in the three countries.

II. 2. The experience of Roma women in accessing basic services II. 2.1. Access to healthcare

Roma women's experiences with the health care systems are significantly influenced by the overall quality of the health-care services available in their country of residence. Comparative studies on EU health-care systems usually place Finnish and Italian systems among those able to provide high quality services to most of their citizens and residents. Meanwhile, the Romanian health system is characterized by historical underfinancing, shortages of qualified personnel constant reforms and lower salaries. As a result, this system fails to provide adequate services for its citizens and those belonging to vulnerable groups are even less likely to receive adequate healthcare. Romania, has one of the lowest healthcare expenditures relative to GDP in Europe, of approx. 5%, while Finland

^[13] lordache et al, Comparative analysis in Romania, Finland and Italy of discrimination legislation

and Italy spend approx. 9% of their GDP on healthcare[14]. Our search revealed that racism intersects with discrimination based on socio-economic status, gender identity and other factors in shaping the experience of Roma women with healthcare services.

According to the 2014 Roma Health Report[15], "there has long been a consensus that, compared with the non-Roma population in Europe, Roma have poorer health" and that "the poor health of Roma is closely linked to social determinants of health". Persons belonging to the Roma minority have a considerably shorter life expectancy, compared to those from the non-Roma population. The gap in longevity may be a decade or more. Comparatively higher rates of infant mortality among Roma have been observed in Bulgaria, Slovakia, Hungary and in the Czech Republic. Roma women often face a worse health condition than Roma men[16].

Our research revealed that accessing the health system as citizens or non-citizen active on the formal labor market was generally associated with positive experiences (exception for trans women). On the other hand, undocumented migrants, transgender women and unemployed Roma women or working informally, accessing, mostly emergency medical services were most likely to face harassment and discrimination. While most of the Roma women respondents from Italy and Finland consider the healthcare system of their country to be quite accessible, the situation is very different in Romania.

The main problems identified were the following:

- Low accessibility of health services, especially for women with low socioeconomic status, due to long waiting time and the effects of the Covid-19 pandemic (Italy and Romania), as well as due to the long distance from providers and emergency health services (Romania);
- Limited affordability of medicine and health services, which often require "informal payments" (Romania);
- Adverse and humiliating treatment due to racism, classism and homophobia/ transphobia, displayed by various categories of health professionals;
- Superficial treatment from the medical professionals, especially in the case of Romanian Roma women with low level of education and located in rural areas;
- Limited access to information on preventive health services and the importance of Pap Test and breast controls, especially for women with low education;
- Traumatic experience in giving birth, due to discriminatory treatment and poor health services, reported by poor, less educated and unemployed Roma woman from Romania.

http://www.ncbi.nlm.nih.gov/pmc/articles/PMC3282005/ accessed on 11/02/2022.

^[14] Eurostat (2020a) Healthcare expenditure statistics,

Case study box no.1: Romania - superficial treatment from medical professionals

Superficial treatment from medical professionals was mentioned by Romanian Roma women with a low level of education and coming from rural areas:

This family doctor treats us too indifferently. I don't know, either she's racist or she's sick and tired of gypsies. I went there the other day because my legs were swollen and I felt like I have something here (pointing to her neck). "I am dying, doctor, I can't breathe". I couldn't even walk. The blood pressure was low and my heart was pounding. I thought I was dying. And she doesn't even want to put her hands on you, she didn't give me a prescription because I should have had an appointment. I had to pay for the prescription she gave me. (Interview 7, Romania)



II. 2.2. Access to education

There is a general consensus that the gap between the level of education attained by Roma children and non-Roma children continues to be significant, especially when it comes to non-compulsory education[17] The existing data highlights the fact that Roma children tend to be half as likely to attend preschool[18]. The percentage of Roma students (18-24) who leave education and training early is very high[19]. FRA estimates that approximately 68% of Roma students are considered early leavers from education and training, in the countries examined in its study[20].

Our research revealed that Roma girls receive education of lower quality, compared to the majority of boys and girls, with the exception of Finland. Moreover, the school system discourages children from expressing their ethnic identity and beliefs. There is the perception that Roma children should "exceed their condition" as Roma.

For Roma girls, school drop-out is caused by a sum of factors leading to structural inequalities, such as poverty, neighborhood of residence, racism, their parents' level of education, the number of siblings and conservative gender norms. More precisely, the main causes determining Roma girls to leave school early are the following:

^[17] Alexandre Rutigliano, Inclusion of Roma students in Europe: A literature review and examples of policy initiatives OECD Education Working Paper No. 228, EDU/WKP(2020)16, file:///C:/Users/emanuela.ignatoiu/OneDrive%20-%20My%20Organization/Desktop/EDU-WKP(2020)16.pdf accessed on 11/02/2022, p. 21.

^[18] Ibid, p. 22.

^[19] Ibid, p. 25.

^[20] European Union Agency for Fundamental Rights, *Transition from education to employment of young Roma in nine EU Member States*, Publications Office, 2018, https://data.europa.eu/doi/10.2811/451821. Accessed on 11/01/2022.

- Discrimination and bullying from teachers and classmates, which often makes school a negative experience. Teachers' display of racism generally acts like a catalyst for racist behavior among classmates. Ethnic discrimination is often interlinked with discrimination based on one's migrant status, socio-economic background, residence (neighborhood or camps for immigrants), sexual orientation or skin color (with "white-passing" Roma girls being less likely to be harassed or discriminated against);
- Poverty and the necessity of taking up domestic work since early childhood. "The poorer the family, the higher the probability of involving girls in household activities from an early age"[21]. In some cases, Roma girls are also involved in economic activities with their family. In Romania, inequality and poverty among children are the highest among European countries. This can lead to Roma girls being perceived by teachers as having "low motivation" for education and to school drop-out at an early age;
- Limited financial resources for education, which leads to Roma girls being excluded from extracurricular activities, due to their socio-economic background. In Romania it can also lead to being harassed on their way to and from school, due to the lack of adequate and affordable transportation;
- Limited support for education from their family, due to conservative gender norms. While values regarding education vary among Roma communities, many times, Roma girls are taught to prioritize motherhood and family responsibilities over education;
- Discouragement from teachers from pursuing higher education, even when they have high educational achievements. They are often advised to pursue vocational education or gendered occupations;
- Limited access to financial support for education and complicated procedures in accessing such resources, especially for Roma parents with no or low education;
- Remedial educational programs are often not adapted to the needs of Roma women, in terms of design and programing of the classes.

Our research[22] has also identified examples of good practice, as some respondents from Italy described school as a safe place and recounted positive memories with other classmates and teachers. Such experiences reveal the importance of raising awareness about Roma culture, traditions and history, as well as addressing the historical and transgenerational trauma.

^[21] lordache et al, Comparative analysis in Romania, Finland and Italy of discrimination legislation p. 119.

^[22] Iordache et al, Comparative analysis in Romania, Finland and Italy of discrimination legislation p.84.

Case study box no.2: Italy - good practice in education

Example of good practice: turning school into a safe place for Roma students, through awareness and respect for Roma history, culture and traditions:

"When my teachers discovered that I was Roma, because I told them, the relationship became even more beautiful. I told them that I was a Roma when we went to Birkenau, on the memory train. I absolutely wanted to go, so they took me. When I got to the concentration camp, I felt a knot in my stomach, I felt very shaken. (..) Seeing me cry in such a loud, heartfelt way, the teachers began talking to me and I then told them: "I am Roma". I remember they started crying too. We were all crying. (Interview 9, Italy)



II. 2.3. Access to the labor market

Almost two-thirds (63%) of young Roma aged 16-24 are neither employed nor in education or training (NEET)[23]. The proportion of young Roma women who are neither employed nor in education or training considerably exceeds that of young Roma men in most of the Member States surveyed[24].

Roma women have limited access to the formal labor market and are often relegated to the inferior segments or to informal activities. This severely limits their prospects of earning a stable income and accessing other public services or benefits. The informal activities of Roma women include searching in bins, selling magazines at the crossroads, begging, selling in the flea markets and collecting plastic bottles and cans and reselling them. In some cases, Roma women work as activists or are self-employed.

Few of the Roma women interviewed in our research were formally employed or looking for a job. This situation is caused by a number of factors, namely:

^[23] European Union Agency for Fundamental Rights, Transition from education to employment of young Roma in nine EU Member States.

^[24] Idem.

- The low level of education attained by the majority of Roma women. Those who manage to attain a certain level of education generally have access to the formal labor market (i.e. a labor contract), but are still limited in terms of the types of jobs they can obtain;
- Poverty and unpaid work in the household coupled with conservative gender roles, which is especially difficult when there is no modern infrastructure, such as water or a sewage system [25].
- Pacism in the labor market, which is often unspoken, but is felt by those impacted by it, as the reasons for (not) hiring or promoting a person can be subjective and not-transparent. It can appear as excessive education requirements for basic occupations used to filter out Roma people or simply as a decision to not offer the job to a Roma candidate. This is especially relevant when ethnicity, sexual identity, socio-economic status and/ or skin color intersect;
- Unequal pay for comparable work. Roma women who manage to access the labor market are likely to be paid less than non-Roma women or Roma men and less likely to be promoted;
- The disappearance of traditional occupations for Roma women, as societies changed and the demand for traditional Roma goods and services decreased. Such occupations include that of florist, salesperson, textile manufacturer, or working with wood, animal skin, precious metals etc.;
- The lack of role models for Roma girls: successful Roma women who achieved work-life balance.

^{[25] 1} in 4 children in the EU at risk of poverty or social exclusion, https://ec.europa.eu/eurostat/web/products-eurostat-news/-/ddn-20211028-

^{1#:~:}text=Among%20the%20EU%20countries%2C%20Romania,%25)%20and%20Finland%20(14.5%2 accessed on 05/02/2022.

Case study box no.3: Romania – explicit racism in the labor market

Racist attitudes in the labor market can also take the form of explicit discriminatory statements:

I once went with my father, I believe I was 16 years old, and we went to the Employment Agency. They couldn't tell that I was Roma, but because my father was dark, they could tell he is. They said there are no jobs, and my father was a bit harsher with them, "So what are we supposed to do? Should we hit people in the head, steal, how come you have no job offers?" And they said that's how you gypsies are, big-mouthed... When we want to work, it's still not good. (Interview 19, Romania)



II. 2.4 Access to housing

The low quality of available housing is one of the biggest challenges for Roma families. A number of reports have shown that insufficient space in Roma households, poor access to utilities (electricity, water supply, gas, sewerage), poor basic sanitary facilities, housing/dwellings quality and surrounding environment contribute to the severe housing deprivation of Roma persons[26]. The Poor quality and often segregated housing conditions of Roma people lead to major obstacles in accessing basic services such as education, health or to participation to the labor market and social activities.

Housing deprivation is one of the most extreme instances of social exclusion, while access to proper and available housing is without doubt the first step in fighting poverty, social deprivation and social exclusion. According to Eurostat, severe housing deprivation rate is defined as the percentage of population living in the dwelling which is considered as overcrowded, while also exhibiting at least one of the housing deprivation characteristics[27].

The share of social housing decreased in most of the EU countries in recent years, with Romania and Italy having an overall limited social housing sector. According to the 2012 Housing Europe Review[28], Romania has one of the lowest stocks of social housing in Europe, with only 2,3% of the national housing stock. Finland is among the counties with the highest housing stocks available for social renting (16%), while Italy is around the European average, with 5,3%.

^[26] European Union Agency for Fundamental Rights, 2016, Second European Union Minorities and Discrimination Survey. Roma – Selected findings. Available at: https://fra.europa.eu/sites/default/files/fra_uploads/fra-2016-eu-minorities-survey-roma-selected-findings en.pdf

^[27] See definition at https://ec.europa.eu/eurostat/statistics-

explained/index.php/Glossary:Severe_housing_deprivation_rate, accessed 25.03.2022

^[28] Housing Europe Review 2012.The nuts and bolts of European social housing systems, https://world-habitat.org/wp-content/uploads/2011/11/2012-Housing-Europe-Preview2.pdf, accessed 25.03.2022

The data resealed by Eurostat for 2019[29] reveals that about 4% of Europeans are in situation of housing deprivation. Romania displays the highest rate of housing deprivation at European level, but has been on a decreasing trend over the past ten years, from about 25,3% in 2010 to only 14,2% in 2019. On the other hand, Finland displays the lowest rate of housing deprivation, with a rise of 0,9% in 2019, while Italy is slightly above the European average with a rate of 5% in 2019. The national policies on social housing have a significant impact on the lives of people belonging to vulnerable groups. Throughout Europe, immigrants are among the most vulnerable groups, as they face systemic obstacles in accessing social housing.

Housing deprivation is also one of the biggest challenges that Roma women face thought their life and one of the main reasons for migrating. Many of the respondents reported that they or a close relative had the experience of living in improper conditions (poor houses and neighborhoods, overcrowded neighborhoods/ houses limited or no access to public transportation, lack of electricity, no running water etc.). Most of the Roma women interviewed assessed their housing conditions as rather inappropriate. They reported living in communities inhabited mostly by Roma persons, such as camps, illegal settlements or segregated communities. Also, in most of the cases, no significant investments were made by local authorities for improving the living conditions within their communities and neighborhoods.

The socio-political environment and the rise of extreme right political parties has also had a negative impact upon the life of Roma women in their communities and increased the risk of physical and psychical violence against them, determining them to leave their houses and neighborhoods. Roma lesbians and trans women are among the most exposed to hate-motivated violence. Roma women and families reported feeling alone in the face of harassment and threats, with no support from neighbors, home owners or authorities.

Our research has also found a pattern of association between having darker skin and/ or low level of education and experiences of being denied their right to rent or buy a house. The intersection between ethnicity, gender, sexual identity or motherhood often deepens the inequalities that Roma women and their families face when trying to access adequate housing.

The main problems faced by Roma women in accessing housing were the following:

- 1. Poor infrastructure and inexistent or poor utilities in Roma neighborhoods/ camps, which keeps Roma women in a vulnerable position throughout their life, because it makes domestic work even more difficult and time-consuming and it also limits their mobility and access to education, health services and the labor market;
- 2. Obstacles in accessing housing on the free market, due to limited financial resources and discrimination. Attempting to buy or rent housing on the free marked often opens the door for discrimination and harassment for Roma women from all the three countries examined, according to our research. In some cases, respondents said that they had to pay more than the market price in order to rent a house. Others did not even attempt to rent or buy a house, generally because of their poor financial situation;

^[29] European Union, Glossary – Severe Housing Deprivation, https://ec.europa.eu/eurostat/statistics-explained/index.php/Glossary:Severe_housing_deprivation_rate, accessed 05/02/2022.

3. Obstacles in accessing social housing, especially in Romania, due to shortage of such housing, high bureaucracy, lack of IDs and the inadequacy of existing social housing for the needs of Roma families (e.g. undesirable neighborhoods or small apartments).

Case study box no.4: Italy - poor living conditions in the Roma camps

Some respondents consider that the situation of Roma camps in Italy has worsened in recent years. Although there is running water and electricity, the women interviewed complained about overcrowded living spaces and lack of basic comfort.

Those living in containers stated that "is very small and it is made of a material that after a while makes them feel suffocated". Moreover, it could even be potentially harmful to their health.

Also, containers often lack toilets inside, so inhabitants must use a common bathroom shared by all the people of the camp, which is located in the center of the settlement. Garbage is often not removed by the municipality and although they try to keep the premises clean, some respondents mentioned living with pests (mice).

Case study box no. 5: Romania - poor living conditions in Roma communities and obstacles in accessing social housing

The infrastructure problems specific to respondents from Romania include living in extremely overcrowded and often multigenerational households, in houses made of poor construction materials (for ex. mud bricks) and poor living infrastructure.

The lack of an official residence is another problem and is particularly challenging in Romania, as this is a precondition for having an identity document. As a result, some respondents mentioned not having an ID in the past, due to the lack of housing. This situation also prevents Roma people from accessing public services, back loans and other services.

Some of the Roma women interviewed reported having applied for social housing during their lifetime, either themselves or their family members, but only a few were in fact living in a social house at the time of the interviews. The reasons why Roma families that might have been eligible for social housing did not apply for it, include: not being aware of such an option, high bureaucracy and the inadequacy of existing social housing for the needs of Roma families (e.g. undesirable neighborhoods or small apartments). Moreover, the request for social housing and the documents submitted to the public authorities must be renewed every year, in order to meet the scoring.

The waiting time for those who apply for social housing in Romania can be between 3 and 10 years[30]. Our research confirms this, as none of our respondents who applied for social housing in Romania received an answer to their request. One woman had applied more than ten years prior to the moment of the interview, after being evicted.

Migrant Roma women from Finland who can afford to rent housing, reported living in shared and overcrowded apartments.

In Finland, women in extremely vulnerable positions (such as beggars or cans/plastic bottles collectors), especially women with migration status are among the beneficiaries of night shelters, provided by non-profit organizations. The shelters provide adequate support during nighttime and the opportunity for their beneficiaries to shower, wash their clothes and warm their food. However, these shelters are not adequate for family life, therefore the women living there by night are forced to leave their children behind in child protection services.

II. 2.5 Reporting discrimination

Although Roma women face widespread discrimination in multiple areas of life, our sociological research has shown that they rarely report such incidents. This conclusion is also reinforced by our legal research on the case-law on intersectional discrimination and is equally relevant for other minorities within minorities.

The key reasons mentioned by Roma women for not reporting violence or discrimination against them include:

- Fear of the aggressor, as they have no protection within their community;
- General distrust in the public institutions which are supposed to protect them, such as the police and the justice system, especially in the case of LGBTQ+ Roma who have been subject to police abuse;
- Lacking the necessary skills for filing a complaint and no access to legal assistance;
- Fear of reinforcing the stereotypes of the majority population regarding the Roma community, when violence or discrimination comes from within their community;
- The lack of language skills, when the victim is a migrant person.

III.Policy alternatives

III.1. Maintaining the status-quo

The first option is to maintain the status quo, that is the currently operating policies.

As previously stated, the notion of intersectionality and intersectional discrimination are not currently regulated by the European legal framework. Moreover, the mechanisms and institutions designed to combat discrimination at the EU level often fail to address the needs of the most vulnerable people, who are facing such discrimination.

While intersectionality is not explicitly part of the EU legislation, the recitals of the two antidiscrimination directives, namely the Racial Equality Directive (2000/43/EC) and the Employment Equality Directive (2000/78/EC) do recognize multiple discrimination and the fact that women are frequently victims of it.

But the notion of multiple discrimination is different from that of intersectional discrimination, as it has been shown above.

Multiple discrimination is also the closest references to the concept of intersectional discrimination that can be found in specific national legislations, and is often provided as an aggravating circumstance. This means that the person liable for such type of discrimination is likely to receive a bigger fine than one responsible for discrimination on only one ground. Yet, this does not necessarily help the victim of discrimination.

Some national strategies also hint to "intersectionality", but they do not explicitly mention intersectionality as a principle, nor do they prohibit intersectional discrimination in any other way. Also, the references to overlapping inequalities are fragmented and occasional.

Maintaining this situation would perpetuate existing inequalities for persons facing intersectional discrimination, given that neither the policies designed to improve their access to education, heath, housing or the labor marker, not the legal framework sanctioning discrimination recognize their particular experiences.

III.2. Regulating intersectional discrimination in the national legal frameworks

Another option would be to explicitly prohibit intersectional discrimination in the national legal framework of EU member states. A potential definition of the concept could be: "Any difference, exclusion, restriction or preference based on two or more prohibited criteria, that manifests itself simultaneously and inseparably". Such an act could be considered an aggravating circumstance and be punishable with an increased fine, as compared to unidimensional or multiple discrimination.

This policy option has been discussed with experts and national stakeholders at the level of the three countries, Romania, Italy and Finland, and has been generally rejected. The main reasons for this include:

- Persons affected by intersectional discrimination need a forthcoming legal framework which can ensures the protection of their human rights and their equal access to basic services, not just an additional notion with a slightly increased sanction in the anti-discrimination framework;
- Despite the fact that all the three member states included in our research prohibit discrimination, including multiple discrimination, there is a very low number of cases being reported. Therefore, policy efforts should be directed first towards ensuring victim's de facto access to justice, and not towards defining an additional type of discrimination, which may not be used in practice;
- The fine distinction between multiple and intersectional discrimination could create confusion among legal professionals and members of the national anti-discrimination authorities and possibly lead to a reversal of the decisions of anti-discrimination authorities by the courts, due to an inaccurate legal interpretation.

III.3. Adopting an intersectional perspective in multiple sectors

Mainstreaming the principle of "intersectionality" in all EU and national policies and strategic documents, thus ensuring a cross-sectoral application of the concept is likely to have the highest positive impact upon the lives of persons facing intersectional discrimination. As previously mentioned, most of the public policies (laws, strategies, government decision, programs etc.) in areas like social assistance, housing, education, health, employment/ labor market include the principles of equal opportunities, anti-discrimination and equity. These principles are genrally applicable in public policies and have an impact on the public policies' responses to the vulnerable groups issues.

Implementing the principle of intersectionality in all the relevant public policies implies a paradigm shift in the approach to anti-discrimination and equal opportunities. Its implications are far reaching and affect the evidence used in formulating public policies, the measures proposed and the evaluation and monitoring process.

Therefore, the evidence considered for public policy design should include data and information about the different types of discrimination faced by people belonging to various disadvantaged groups. Accordingly, the policies' measures should address all or, at least, most of the types of discrimination these vulnerable groups face in an integrated manner. Finally, the monitoring and evaluation process of public policies should consider the intersectional experience of various groups affected by them.

For all this, more awareness-raising efforts, education and advocacy are needed, in order for the concept to be properly understood and applied in practice.

IV.Conclusions and Policy recommendations

Taking into consideration the alternatives presented above, we propose the following recommendations:

IV. 1. General recommendations:

Regulating intersectionality as a general principle, both in the EU legal framework and national policies on combating discrimination and on various sectors of activity (employment, education, health, housing), thus ensuring a cross-sectoral application. Intersectionality context could be defined as "tailoring the policy intervention in order to ensure its equal and equitable application to all individuals, including those belonging to marginalized groups, who often face complex and overlapping forms discrimination and exclusions."

An intersectional analysis should be used, for example when performing impact assessments of legislative bills, budgetary documents and other government plans.

- Unifying the fragmented European and national the anti-discrimination frameworks, in order for directives, national laws and anti-discrimination authorities to protect all minority groups, in all fields, equally and by following the same procedures;
- Expanding the awareness-raising efforts, education and advocacy, in order for the concept to be properly understood and applied in practice;
- Training the relevant professionals, such as lawyers, prosecutors and judges so that the cases having an intersectional component are recognized and this aspect is used in litigation and in the judgments reflecting the seriousness of the issue. Also, other authorities need better training both vocational and supplementary training in Roma inclusion and multiple discrimination as part of their professional responsibilities;
- When conducting research on discrimination, an intersectional analysis should be used. We need more data and information about the different types of discrimination people belonging to various disadvantaged groups face.

In addition to these general recommendations, we propose the following sectorial recommendations:

IV. 2. Healthcare

- The establishment of Patient Facilitators: personnel from hospitals and in the offices of general practitioners, in order to support people from vulnerable groups in accessing health services, as one of the barriers in accessing health services for migrant Roma women is the language. The patient navigators were first introduced in the United States (US) in the 1990s. Their aim was to improve access to cancer care services for minority groups by improving screening and diagnosis of certain types of cancer and assisting patients in navigating through the healthcare system[31]. Following this model, the patient facilitator would be a person who would facilitate the communication between the patient and medical personnel in order to avoid of discrimination and lack of access to health services.
- Mapping and improving the existing public health services for vulnerable women family planning and counseling.
- Conducting training courses on the topic of anti-discrimination for medical personnel order to combat stereotypes and prejudice against Roma women and other minority groups.
- Improving the regional health-care network and encouraging telemedicine services, when possible.
- Encouraging the reporting of cases of discrimination in the health sector, by creating mechanisms that are easily accessible to victims of discrimination.
- Developing local networks/partnerships to increase access to health services for Roma and vulnerable women by replicating existing good practice models[32].
- Developing and strengthening the network of community nurses, health mediators and midwives, as well as specifying their role and responsibilities, in order to increase access to and information about preventive health services and reproductive rights.
- Development of partnerships with specialized NGOs in the field of social/health services and with private providers of health services.
- Subsidizing private interventions/services such as PAP testing, HPV, mammography, abortion.

^[31] Budde, H., Williams, G.A., Winkelmann, J. *et al.* "The role of patient navigators in ambulatory care: overview of systematic reviews." BMC Health Serv Res 21, 1166 (2021). https://doi.org/10.1186/s12913-021-07140-6 [32]Municipiul Campulung, Strategia de Dezvoltare a serviciilor sociale, 2019 http://www.primariacampulung.ro/hotararidoc/2019_mai/Anexa%20la%20HCL%20nr.%2054.pdf, accessed on 25/03/2022

IV. 3. Education

- Improving knowledge among the majority population with respect to Roma diversity and Roma history, culture and traditions, through the inclusion of Roma history in the national history and cultural awareness programs for teachers and school staff.
- The inclusion of anti-discrimination norms in the school regulations and a better enforcing of their implementation among school staff, teachers and students.
- Providing free or subsidized public-school transportation for all students.
- Public support programs for educational programs and extra-curricular activities addressed to Roma girls and other vulnerable groups. Information about such programs should be widely available and the application process should be simple and require the minimum number of documents.
- Awareness-raising campaigns among Roma communities, carried out by Roma mediators, about the importance of education for Roma girls.
- Improving the design of remedial educational programs, to better adapt them to the needs of Roma women (e.g., caring for their family, having a job etc.)

IV.4. Labor market

- Providing a better enforcement of the anti-discrimination legislation and labor law in terms of access to the labor market and equal pay.
- Encouraging work-life balance and the ability of employees from marginalized groups to pursue/continue their education.
- Conducting anti-discrimination trainings for representatives of the Labor Authorities and other practitioners who are supposed to facilitate the labor inclusion of persons belonging to minority groups;
- Providing training and support to persons belonging to minority groups, free of charge, on topics such as: social entrepreneurship, practical aspects in setting up a social business and the importance of social economy for community development.
- Setting up a program of micro-grants addressed to Roma women for encouraging them to start businesses in traditional occupations.

IV. 5. Housing

- Investing in social and affordable housing must be a priority for EU member states, and especially for those with limited social housing;
- Implementing intersectionality in the awarding criteria for social housing and specifying disadvantaged minorities among the categories of beneficiaries. Also, beneficiaries belonging to multiple disadvantaged groups should receive additional points;
- Enduring a simple procedure for requesting social housing, with only the absolutely necessary documents being requested from those applying for it;
- Facilitating social housing in ethnically mixed communities/ neighborhoods. Camps should represent just a temporary solution and a transition phase to social housing, as camps are in marginalized communities, providing a poor quality of living and leading to segregation.

IV. 6. Reporting discrimination

- Promoting a better dissemination of information on anti-discrimination legislation among Roma communities, especially the poor and rural communities, as well as raising awareness about their rights;
- Offering free legal assistance to victims, psychological support and shelter, in order to report cases of violence and discrimination;
- Providing anti-discrimination training programs for police personnel and legal professionals.

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