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Committee on Equality and Non-Discrimination

Sub-Committee on Gender Equality *Sub-Committee on the Rights of Minorities*

*Draft minutes*¹ of the joint meeting held on Monday 28 September 2015, in Strasbourg

Ms Guguli Magradze (Georgia, SOC), chairing in her capacity as Vice-Chair of the Sub-Committee on Gender Equality, opened the meeting and welcomed the participants.

1. **Agenda**
[AS/Ega/gender (2015) OJ03; AS/Ega/min (2015) OJ 03]

The agenda was **adopted**.

2. **Minutes**
[AS/Ega/gender (2015) PV 02; AS/Ega/min (2015) PV 02]

The Sub-Committee on Gender Equality **approved** the draft minutes of its meeting held in Strasbourg on 23 June 2015.

The Sub-Committee on the Rights of Minorities **approved** the draft minutes of its meeting held in Strasbourg on 23 June 2015.

3. **State of ratification of Council of Europe instruments with respect to minority rights**
[Doc. 10961; Recommendation 1766 (2006); Doc. 11369; AS/Ega/min/Inf (2015) 01]

Taking note of the charts of signatures and ratifications of the European Charter for Regional or Minority Languages and of the Framework Convention for the Protection of National Minorities, **Mr Thiéry** pointed out that the situation had hardly changed since 2006, when the Assembly had adopted Recommendation 1766. There had been no new official documents and no further discussions about the ratification of these instruments since then. It would be interesting to have more precise explanations about what had been done in this field between 2006 and 2015.

The Chair suggested that Mr Cilevičs, the rapporteur for the report on which the above-mentioned recommendation was based, be invited to take up this point at a future meeting of the Sub-Committee on the Rights of Minorities. ¹ Ce procès-verbal a été déclassifié par décision de la commission, à Paris le 11 mars 2016.

¹ These minutes have been declassified by decision of the committee, in Paris on 11 March 2016.

4. Hearing on the situation of women belonging to minorities

Ms Inger Elin Utsi, speaking on the subject of Sami women in a changing society, explained that the purpose of the Sami Parliament, composed of 39 members elected in 4-yearly elections, was to strengthen the political position and promote the interests of the Sami people in Norway. It had just for the first time held a historic meeting in the Norwegian Parliament building in Oslo. In 2001, the percentage of women elected to the Sami Parliament was only 18%; in contrast, in its current composition, it included 20 women (50%); its Executive Council was headed by a woman; and eight of its ten political groups were led by women. This progress was the result of urgent and concerted efforts, notably to ensure that more women were designated as top candidates. Beyond the walls of the parliament, however, challenges remained: Sami women's health status was lower than that of the general population; women remained in the minority in the Sami primary industries and in their decision-making bodies; and ensuring Sami children's access to education in their language and based on Sami culture remained an uphill battle. The Sami Parliament had been working on gender equality issues since 2002, with five equality policy reports presented since then and the adoption of a Plan of Action for Equality in 2008. It had also supported a two-year campaign against violence in close relationships in the Sami community. It was important that the Sami Parliament be involved in the equality debate at all levels, while at the same time placing equality within Sami communities on the public agenda, and ensuring that decisions for the future of the Sami people were made by the Sami themselves.

Ms Cerasela Bănică, addressing the issue of violence against Romani women and access to their rights, underlined that violence against Romani women remained an uncomfortable topic both for the authorities and for Roma civil society, due to lack of action and lack of expertise. However, a few Roma NGOs had recently begun to take up this issue. Existing data showed that Romani women were victims of many forms of gender violence including trafficking, child marriages and domestic violence, and that they may experience higher risks of such violence due to structural inequalities such as discrimination, social marginalisation and extreme poverty. Romani women represented 50-80% of victims of trafficking for sexual exploitation in Bulgaria, Slovakia, Romania, the Czech Republic and Hungary. Factors such as chronic and structural poverty, lack of trust in the police, lack of awareness and lack of awareness-raising measures increased the vulnerability of Romani women to these phenomena, and these factors were compounded by general dysfunctioning of the justice system when it came to prosecuting and punishing offenders and protecting victims. As concerned child marriage, this existed in several countries in south-eastern Europe, including Albania, Bulgaria, Montenegro, Romania, Serbia, "the former Yugoslav Republic of Macedonia" and Turkey, as well as in Russia. On average 50% of Romani children under 18 were victims of early and forced marriages. Customary practices and the lack of enforcement of international standards on children's rights, including with respect to education and prevention, were key factors here. In many countries, child and forced marriages were not criminalised; the phenomenon also persisted where laws on the minimum marriageable age were not enforced, and due to a lack of will on the part of the authorities to tackle such cases. The failure of child protection authorities to act on this issue was unacceptable, especially as each case led to a chain of other human rights violations. Questions of cultural identity should not take precedence over children's right to protection. Governments had to take action or they would continue to be accomplices to harming generations of Romani women and girls. The Council of Europe should study the dimensions and types of gender violence experienced by Romani women, analyse the progress made by States in implementing their obligations to protect women from gender violence and promote and support measures to combat it. National governments should ratify and implement the Istanbul Convention, implement policies to combat all forms of violence against women, collect ethnically disaggregated data on gender violence and use it to develop more effective policies in this field, improve Romani women and girls' access to services provided to victims of violence, build partnerships with civil society to bring an end to violence against women and promote positive role models of Romani women and girls.

Ms Tove Malloy noted that multiple discrimination against women belonging to minorities was a fact. Risk factors included lack of access to education, early marriage, unemployment, lack of access to information, low political participation and living in isolated and/or poor regions. Women belonging to minorities faced both structural discrimination (from sources external to the minority) and gender-based discrimination within their community (internal discrimination). Within the international human rights framework some instruments were neutral as to both gender and the fact of belonging to a minority;² some were minority-sensitive but gender-neutral;³ some were gender-sensitive but minority-neutral;⁴ specific minority rights instruments were

² Notably the Convention on the Elimination of All Forms of Racial Discrimination.

³ European Convention on Human Rights, International Covenant on Civil and Political Rights.

⁴ European Social Charter, International Covenant on Economic, Social and Cultural Rights, Convention on the Rights of Persons with Disabilities.

gender-neutral with respect to non-discrimination issues,⁵ and gender rights instruments did not expressly take belonging to a minority into account.⁶ This lack of an intersectional approach meant that it was difficult to respond effectively under international law to discrimination against women belonging to minorities. Interference could also occur between rights practised collectively by persons belonging to minorities and women's individual human rights, and for women it was therefore essential, especially where rights of autonomy or self-government had been granted to certain groups, that the main standard remained the protection of individual human rights. Some efforts were made by international human rights monitoring bodies to create synergy between instruments by cross-referencing each other's work, but this remained inconsistent. Only the Committee on the Elimination of Racial Discrimination had issued guidelines on including the gender dimension in its monitoring work.⁷ Such an active and systematic approach should be adopted by other bodies in order to take full account of intersectionality in examining the situation of women belonging to minorities. As regarded the work of the Advisory Committee on the Framework Convention for the Protection of National Minorities, in its third cycle of monitoring, it had dealt regularly with gender in its examination of data collection practices. Beyond this, it had taken on board gender-specific questions in only a handful of opinions, most often in examining participation in social and economic life. Recognising that intersectionality and gender mainstreaming should be the goal, it had however appointed a gender equality rapporteur for the first time three years ago. Future instruments would be much more effective in taking the gender dimension into account if it were already incorporated at the standard-setting stage.

Ms Maij noted a contrast between the pride expressed by the first speaker in being a member of the Sami Parliament of Norway, where there was almost equal representation of women and men – although there were of course still problems to be resolved – and the very harsh issues mentioned with respect to the Roma population. She asked what steps should be taken, apart from legal steps, to turn the situation around.

Ms Kuodytė asked whether some examples of good practices to protect Roma women could be shared.

The Chair asked from what age Sami children started learning their Sami language, and whether there were any problems for these children in integrating in Norwegian society due to lack of knowledge of the State language. She wondered what steps could be taken to protect Roma girls against early marriage in countries where this was not criminalised, and whether, for minorities more generally, what was needed was more legislation or better implementation of existing texts. She also asked whether, at national level, it was preferable for different bodies or a single body to monitor the implementation of different international instruments, and whether the challenges faced by minorities were the same, and equally important in all fields, across all States.

Ms Utsi indicated that Sami representatives wished to see Sami children learning their language from kindergarten age and were working to have the law changed so that the Norwegian government would finance Sami kindergartens. In the meantime, many private-law bodies had been able to set up their own kindergartens in order to ensure that children heard the Sami language every day. Where Sami language teaching existed, all subjects could be taught in this language, including for example mathematics. The law required there to be 10 pupils in order for a Sami-language class to be opened. The creation of Sami institutions such as a Sami university college had been instrumental in raising the education level among the Sami, and women tended to study to higher levels of education than men, which might also be a reason for their greater participation in debates than men. Taking action required there to be a framework, and creating and consolidating institutions for minorities was important for raising awareness and increasing pride within the community. Further work on this with the government was still needed.

Ms Bănică noted that criminalising early marriage was the first but not the only step towards eradicating it. As long as a gap existed in the legislation, the authorities had no obligation to intervene and parents would continue to force their children to marry. Marriages sometimes involved children as young as 9 or 10 years old. Comprehensive protection of children was required. This also meant providing sufficient funding: child protection strategies, strategies to protect women from violence and all the existing legislation and international instruments could not be implemented if adequate funding was not provided. Pressure on governments to criminalise marriage under the age of 18 years was also needed from the Council of Europe. Currently, for example, Romanian legislation allowed marriage from the age of 16, or 15 for pregnant girls. As regarded good practices, one good example at national level could be cited, namely the criminalisation of

⁵ UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities, Framework Convention for the Protection of National Minorities.

⁶ Convention on the Elimination of Discrimination against Women.

⁷ General recommendation no. 25 on gender-related dimensions of racial discrimination, 20 March 2000.

marriage below the age of 16 in Bulgaria. Otherwise there were only a handful of examples of good practices at local level. The involvement of Romani women in preventing early marriage was vital but due to discrimination against women within the Roma community, women needed to be empowered in this field: it was difficult for them to stand up alone against their entire family to oppose the marriage of their child. Work was needed on education, employment and empowerment of women within the community as well as outside it, and the law had to be enforced. The traditional practice of early marriage was not simply a cultural matter for Roma but directly harmed the rights of the child. Help in monitoring the situation and implementing pragmatic and effective policies was needed from all actors, both Roma and non-Roma. Moreover, those providing funding, such as the EU, needed to take into account the reality that funding for education programmes, for example, would not reach or have any impact on children living in forced marriages and that women in traditional Roma communities rarely had access to rights.

Ms Malloy indicated that many instruments existed to protect the rights of persons belonging to minorities, including women, but that implementation was still lacking. A useful step the Council of Europe could take would be to draw up guidelines for mainstreaming gender equality in the monitoring of its own instruments and develop indicators in this field. National human rights institutions were not always empowered to monitor gender equality but should also do this wherever possible. Parliamentary gender equality committees could also be effective in this field, and civil society had a role to play in monitoring the information provided by public authorities and providing checks and balances. Progress with regard to gender mainstreaming was uneven across Europe and many countries where the Roma population faced major issues were also behind in the field of gender equality. The lack of participation of women was still a reality for many minorities: the spokespersons of minorities were still overwhelmingly men.

5. Future activities

Due to the lack of time for further discussions, **the Chair** encouraged members of both Sub-Committees to submit proposals for future activities to the secretariat. She suggested that it would be useful to hear more from member States about progress made towards ratifying and implementing the Istanbul Convention.

6. Date and place of the next meetings

The date and place of the next meeting of the sub-committees would be determined later.

APPENDIX I

LIST OF DECISIONS

The Sub-committee on the Rights of Minorities and the Sub-committee on Gender Equality, jointly meeting in Strasbourg on 28 September 2015 from 2 to 3 pm, with Ms Guguli Magradze (Georgia, SOC), Vice-Chairperson of the Sub-committee on Gender Equality, as regards:

- **State of ratification of Council of Europe instruments with respect to minority rights:** held an exchange of views;
- **The situation of women belonging to minorities :** held a hearing with the participation of:
 - Ms Inger Elin Utsi, member of the Sami Parliament, Norway,
 - Ms Cerasela Claudia Bănică, Centre for Advocacy and Human Rights (CADO), Romania, and
 - Ms Tove H. Malloy, member of the Advisory Committee of the Framework Convention for the Protection of National Minorities in respect of Denmark;
- **Date and place of the next meeting:** left it to their Chairpersons to decide the date and place of the next meeting.

APPENDIX II

ATTENDANCE LIST / LISTE DE PRÉSENCE

The names of the members present are in **bold**. / *Les noms des membres présents sont en gras.*

**Sub-Committee on the Rights of Minorities
Sous-commission sur les droits des minorités**

Chairperson / Président

BADEA, Viorel Riceard [Mr]

Vice-Chairperson / Vice-Président(e)

ZZ..., []

Full Members / Titulaires

1. **WURM, Gisela [Ms]** Austria / *Autriche*
2. **THIÉRY, Damien [M.]** Belgium / *Belgique*
3. MULIĆ, Melita [Ms] Croatia / *Croatie*
4. KYRIAKIDOU, Athina [Mme] Cyprus / *Chypre*
5. PARVIAINEN, Olli-Poika [Mr] Finland / *Finlande*
6. DURRIEU, Josette [Mme] France / *France*
7. **FABRITIUS, Bernd [Mr]** Germany / *Allemagne*
8. TZAKRI, Theodora [Mrs] Greece / *Grèce*
9. HARANGOZÓ Gábor [Mr] Hungary / *Hongrie*
10. NOONE, Catherine [Ms] Ireland / *Irlande*
11. AIELLO, Ferdinando [Mr] Italy / *Italie*
12. CILEVIČS, Boriss [Mr] Latvia / *Lettonie*
13. GHILETCHI, Valeriu [Mr] Republic of Moldova / *République de Moldova*
14. BARILARO, Christian [M.] Monaco / *Monaco*
15. ŠEHOVIĆ, Damir [Mr] Montenegro / *Monténégro*
16. OMTZIGT, Pieter [Mr] Netherlands / *Pays-Bas*
17. BADEA, Viorel Riceard [Mr] Romania / *Roumanie*
18. KOVÁCS, Elvira [Ms] Serbia / *Serbie*
19. JOHANSSON FORNARVE, Lotta [Ms] Sweden / *Suède*
20. PFISTER, Gerhard [M.] Switzerland / *Suisse*
21. ERKAL KARA, Tülin [Mme] Turkey / *Turquie*
22. ZALISHCHUK, Svitlana [Ms] Ukraine / *Ukraine*

Alternates / Remplaçants

- BRUYN, Piet, De [Mr]
- NICOLAIDES, Nicos [Mr]
- CROZON, Pascale [Mme]
- KATRIVANOOU, Vasiliki [Mrs]
- SANTERINI, Milena [Mme]**
- AZMANI, Malik [Mr]
- ÅBERG, Borianana [Ms]
- VORUZ, Eric [M.]
- UNGURYAN, Pavlo [Mr]

Ex officio / Ex officio

BİLGEHAN, Gülsün [Mme], Turkey / *Turquie*

Sub-Committee on Gender Equality
Sous-commission sur l'égalité de genre

Chairperson / Présidente

SPADONI, Maria Edera [Ms]

Vice-Chairperson / Vice-Présidente**MAGRADZE, Guguli [Ms]****Full Members / Titulaires**

1. BONET PEROT, Sílvia Eloísa [Ms]
2. **WURM, Gisela [Ms]**
3. **GAFAROVA, Sahiba [Ms]**
4. BRUYN, Piet, De [Mr]
5. ANTIČEVIĆ MARINOVIĆ, Ingrid [Ms]
6. KYRIAKIDOU, Athina [Mme]
7. MARKOVÁ, Soňa [Ms]
8. PELKONEN, Jaana [Ms]
9. **BLONDIN, Maryvonne [Mme]**
10. **MAGRADZE, Guguli [Ms]**
11. KATRIVANOOU, Vasiliki [Ms]
12. McNAMARA, Michael [Mr]
13. SPADONI, Maria Edera [Ms]
14. **HETTO-GAASCH, Françoise [Mme]**
15. FRESKO-ROLFO, Béatrice [Mme]
16. JONICA, Snežana [Ms]
17. **MAIJ, Marit [Ms]**
18. JIPA, Florina-Ruxandra [Mme]
19. BADEA, Viorel Riceard [Mr]
20. **KOVÁCS, Elvira [Ms]**
21. JOHNSON FORNAVE, Lotta [Ms]
22. PFISTER, Gerhard [M.]
23. ERKAL KARA, Tülin [Mme]
24. ZALISHCHUK, Svitlana [Ms]

Andorra / *Andorre*
Austria / *Autriche*
Azerbaijan / *Azerbaïdjan*
Belgium / *Belgique*
Croatia / *Croatie*
Cyprus / *Chypre*
Czech Republic / *République tchèque*
Finland / *Finlande*
France / *France*
Georgia / *Géorgie*
Greece / *Grèce*
Ireland / *Irlande*
Italy / *Italie*
Luxembourg / *Luxembourg*
Monaco / *Monaco*
Montenegro / *Monténégro*
Netherlands / *Pays-Bas*
Romania / *Roumanie*
Romania / *Roumanie*
Serbia / *Serbie*
Sweden / *Suède*
Switzerland / *Suisse*
Turkey / *Turquie*
Ukraine / *Ukraine*

Alternates/ Remplaçants

FRANSSEN, Cindy [Ms]
NICOLAIDES, Nicos [Mr]
TZAKRI, Theodora [Ms]
CENTEMERO, Elena [Ms]
CRUCHTEN, Yves [M.]
FABER-VAN DE
KLASHORST, Marjolein [Ms]
BIRCHALL, Ana [Ms]
ÅBERG, Boriana [Ms]
VORUZ, Eric [Mr]
UNGURYAN, Pavlo [Mr]

Ex officio / Ex officio**BİLGEHAN, Gülsün [Mme], Turkey / *Turquie***

INVITED SPEAKERS / INTERVENANTS

Ms / Mme Inger Elin UTSI.....Member of the Sami Parliament, Norway /
..... *Membre du Parlement same, Norvège*
Ms / Mme Cerasela Claudia BANICA..... Centre for Advocacy and Human Rights (CADO), Romania /
..... *Centre pour la défense des droits de l'homme (CADO), Roumanie*
Ms / Mme Tove H. MALLOY.....Member of the Advisory Committee of the Framework Convention for the
..... Protection of National Minorities in respect of Denmark /
..... *Membre du Comité consultative de la Convention-cadre pour la protection*
..... *des minorités nationales au titre du Danemark*

OTHER MPs / AUTRES PARLEMENTAIRES

Mr / M. Andreas SCHIEDER..... Austria / *Autriche*
Ms / Mme Dana VAHALOVÁ..... Czech Republic / *République tchèque*
Ms / Mme Aaja Chemnitz LARSEN.....Denmark / *Danemark*
Ms / Mme Manana KOBAKHIDZE..... Georgia / *Géorgie*
Ms / Mme Gabriela HEINRICH..... Germany / *Allemagne*
Ms / Mme Dalia KUODYTĖ.....Lithuania / *Lituanie*
Ms / Mme Carmen QUINTANILLA..... Spain / *Espagne*

PERMANENT REPRESENTATIONS AND DELEGATIONS
REPRESENTATIONS ET DELEGATIONS PERMANENTES

Mr / M. Liviu BLEOCA..... Romania / *Roumanie*
Ms / Mme Muzaffer UYAV GÜLTEKIN..... Turkey / *Turquie*

NON-GOVERNMENTAL ORGANISATIONS / ORGANISATIONS NON-GOUVERNEMENTALES

Mr / M. Thibaut BUCHER..... European Alliance for Cities and Regions – Congress /
..... *Alliance européenne des villes et régions – Congrès*
Mr / M. Philippe TOUSSAINT..... Federation of Catholic Family Associations in Europe (FAFCE) /
..... *Fédération des Associations Familiales Catholiques (FAFCE)*

COUNCIL OF EUROPE SECRETARIAT / SECRETARIAT DU CONSEIL DE L'EUROPE

Mr / M. Thorsten AFFLERBACH Directorate General of Democracy / *Direction générale de la démocratie*
Ms / Mme Michèle AKIP Directorate General of Democracy / *Direction générale de la démocratie*
Ms / Mme Danara DOURDOUSSOVA Office of the Commissioner for Human Rights /
..... *Bureau du Commissaire aux droits de l'homme*
Ms / Mme Gisella GORI..... Directorate General of Democracy / *Direction générale de la démocratie*
Ms / Mme Cécile GREBOVAL Directorate General of Democracy / *Direction générale de la démocratie*
Ms / Mme Maria OCHOA-LLIDO Directorate General of Democracy / *Direction générale de la démocratie*
Ms / Mme Raluca POPA..... Directorate General of Democracy / *Direction générale de la démocratie*
Mr / M. Thomas SCHOBESBERGER..... Secretariat of the Congress of Local and Regional Authorities /
..... *Secrétariat du Congrès des Pouvoirs locaux et régionaux*

COMMITTEE ON EQUALITY AND NON-DISCRIMINATION / COMMISSION SUR L'EGALITE ET LA NON-DISCRIMINATION

Ms / Mme Elise CORNU Head of Secretariat / *Chef du Secrétariat*
Ms / Mme Sarah BURTON Secretary to the Committee / *Secrétaire de la commission*
Mr / M. Giorgio LODDO Secretary to the Committee / *Secrétaire de la commission*
Ms / Mme Elodie FISCHER Co-Secretary to the Committee / *Co-secrétaire de la commission*
Ms / Mme Yanna PARNIN Co-Secretary to the Committee / *Co-secrétaire de la commission*
Ms / Mme Géraldine GRENET Project manager / *Chef de Projet*
Ms / Mme Kirsty McDOWALL Assistant / *Assistante*
Ms / Mme Susan FELLAH Assistant / *Assistante*
Ms / Mme Jocelyne GIBERT Assistant / *Assistante*