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Discrimination against Roma women in Romania. An intersectional perspective

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Abstract

Still nowadays Roma communities in Romania experience social and spacial marginalization from the rest of the population. Numerous documents and reports underline how, as a consequence of the vicious cycle of poverty, discrimination and social exclusion in which they find themselves, they are in greater need of social protection. The article moves from the additional acknowledgment that Roma women's voices and experiences of subordination and oppression are often overlooked. Too often the different overlapping discriminatory grounds are taken into account separately, without capturing the complexity of the identities and of the oppression they experience. While non identifying patriarchy as an issue having the power to define what Roma culture is, this work contributes to the analysis of the discrimination against Roma women in Romania from and intersectional perspective, taking into account the simultaneous action of ethnicity-based and gender-based discrimination. Moreover, this article demonstrates how intersectionality represents the most suitable analytical tool to tackle the specific situation of this group.

Keywords: Intersectionality, discrimination, Roma, women, Romania

1. Introduction

Still nowadays Roma communities live on the border, conceived both from a spatial and social perspective. A dividing line that is reflected in their permanent marginalization from the rest of the population (Baldin 2014, 6). Numerous reports produced by national, supra-national and international institutions, NGOs, academics and Roma activists highlight how, as a consequence of the vicious cycle of poverty, discrimination and social exclusion in which Roma communities are trapped, this minority accounts for a disproportionately high number for the categories more in need of social protection. European Roma communities are in fact reported to be over-represented among the very poor, the long-term unemployed, the unskilled, the uneducated and among those lacking residence permits, identity documents or citizenship papers (Agency for Fundamental Rights 2014c, O'Higgins 2015 and O'Higgins 2013 and Ceneda 2002).

However, while recognizing the diffused discrimination and subjugation Roma communities are victims of, the present work moves from the acknowledgment that still nowadays Roma women's voices and experiences of subordination and oppression, consequence of the interplay of ethnicity-based discrimination, class discrimination and gender-based discrimination, are often overlooked and/or misunderstood. In other words, too often the different overlapping grounds based on which Roma women are discriminated against are taken into account separately, leading to an analysis that does not capture the nuanced and complex identity they possess and the specific form of oppression they experience. It is important to specify at this point how the recognition of grounds is largely a matter of politics rather than legal principle (Fredman, 2011, 111). As regard women the most significant fields of discrimination are ascribable to domestic violence, arranged, forced and child marriage, trafficking for different purpose of exploitation and forced prostitution, low level of education and lack of employment, barriers to access to social benefits and services for reproductive health. Moreover, following Vincze's analysis, this work departs from the additional finding that when conceiving those customary practices

disproportionately affecting Roma women (such as early marriages and virginity cult) as being part of "Roma culture" and as having the power to define it, the academic literature, media and art, all contribute in broadcasting a negative and pre-modern image of Roma communities while neglecting the contextual structural factors that led to their perpetuation (Bitu and Morteanu 2010, 8). Therefore, rather than conceiving patriarchy as part of Roma culture, this article is interested in observing the specific forms in which patriarchy and more in general cultural and social structures translate into Roma communities to better understand how gender power relations are constituted, reproduced and counteracted at societal level.

In conclusion, while non identifying patriarchy as an issue having the power to define what Roma culture is, the final aim of this work is to contribute to the analysis of the intersectional discrimination against Roma women in Romania.

2. Overview of the Methodology

Intersectionality is a tool that is aimed at pointing out the inequalities, the inextricable mixture of factors, the forms and the types of marginalization and domination that the interactions of gender, race, class, disability, sexual orientation and other various grounds of inequality that can not be disentangled produce, determining consequences for the quality of people's life (Burri et al. 2009, 3). Most relevantly, a distinction has to be made between this approach and a perspective, that among others the EU institutions continue to propose, in which different forms of discrimination are considered separately.

It was Kimberlé Crenshaw in her article "Demarginalising the Intersection of Race and Sex. A Black Feminist Critique of Antidiscrimination Doctrine, Feminist Theory and Antiracist Politics" the first to use this term, providing the juncture between the ideas already recognized by black feminist movements and the academia (Collins 2015, 8-9,

Carastathis 2014, 305). Indeed, intersectionality has to be considered not only as an analytical tool but also as a political project with a social justice orientation (Mügge et al. 2018, 18).

Moreover, for the sake of this article, this perspective is also suitable to analyze the tension there is in some instances between feminism and multiculturalism (e.i. between individual and collective rights) and in turn to assess how practices spread in conservative communities affect women's rights and Roma women's relationship with their Roma identity (Ilisei 2013).

While not only relying on quantitative studies, the analysis presented below is based on surveys selected for their statistical relevance for the whole country. At the time of writing, the most recent one is the 2011 pilot survey *The situation of Roma in 11 EU Member States,* that was carried out by the European Union Agency for Fundamental Rights in cooperation with the European Commission, the United Nations Development Programme (UNDP) and the World Bank. As reported in 2015 by the Decade of Roma Inclusion Secretariat Foundation, in Romania recent data disaggregated by gender in housing, health and cross-cutting areas are missing. (Bojadieva, 56). That is why the main sources of data for the Roma inclusion index[1] in Romania, besides the survey just mentioned, are the official statistical data from the two latest censuses in 2002 and 2011, and the surveys on Roma implemented by UNDP in 2004 (*Ibidem*). Therefore, while calling for a more frequent update of available data in order to demonstrate changes more timely and effectively, this article draws on the existing evidences in order to describe the interlocking nature of the discrimination against Roma women in Romania.

The critical areas of concern highlighted in this article are the same that the EU Commission addresses in its Reports on EU framework for national Roma integration strategies adopted after the Council Recommendation of 9 December 2013 on effective

[1] The Roma inclusion index was developed within the Decade of Roma inclusion 2005-2015 with the aim of gathering in a comprehensive form existing data collected either officially by governments or by others (Bojadieva 2015, 11). The participating governments were: Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia, Albania, Bosnia and Herzegovina and Spain.

Roma integration measures in the Member States (2013/C 378/01). In any case, it is important to underline how his document, that constitutes the first legal instrument for Roma integration measures at Union level, makes only reference to the 'gender dimension' twice, with a simple and generic wording.

While this article is focused on Romania, by any means it has to be interpreted as if the phenomena described are just taking place in the Romanian context.

3. Roma women in Romania: between ethnicity-based and gender-based discrimination

The results of the 2012 TSN CSOP research report *Perceptions and attitudes with regards to discrimination in Romania*[2], show that 46% of Romanian respondents would feel little and very little comfortable around a Roma person, 46% consider the Roma to be lazy, 45% see them as aggressive and 35% as dishonest (Marin and Csonta 2012, 20). As to Roma perception of discrimination, 40% of Roma respondents of the survey *Poverty and employment: the situation of Roma in 11 EU Member States* felt they were treated unequally when looking for work in the last five years (FRA 2014c, 13). Job search is not the only field where Roma experience discrimination. Three out of five respondents of the survey *Stereotypes, prejudices and ethnic discrimination: The perspective of Roma* (Marin and Csonta 2012, 21) consider in fact Roma are discriminated against much and very much in the following situations: in accessing public services, health services, legal services, in school and at work. Moreover, the European Roma Rights Centre (ERRC) further stresses how "stigmatising anti-Roma rhetoric is found also in Romanian public and political discourse, including explicit or implicit references to Roma as an ethnic group engaged in criminal behavior." (O'Reilly et al. 2013, 25). In other words, negative

[2] The sample was composed by 1400 Romanian citizens (men and women) aged 18 years and older, with a +/-2.6% error at a 95% confidence level.

opinions against the Roma are prevalent due to the perpetuation of adverse stereotypes against them and the inadequacy of many Romania goverments that permit people to express their dislike towards this marginalized group (Bartos 2017). A correct understanding of the role played by stereotypes is important to properly frame the specific forms of discrimination against Roma.

While this situation is shared by Roma women and their male counterparts, in the next sub-sections it will be shown how external discrimination and structural marginalization intermingle with gender-based discrimination and violence in making Romanian Roma women a particularly vulnerable group. As noted by Neaga (2016), the condition of Roma women in Romania linking question of social inequality with intersectional analysis can be considered as one that brings together, in a strengthened way.

3.1. Patriarchy within Roma communities

Roma communities in Romania are very diverse. As pointed out by the report *Romii din România*, there are 40 different Romani sub-groups currently living in Romania (Biggs 2013, 22). Some of these communities, such as the Lăutari, Ursari, Căldărari generally have a more conservative lifestyle than the others. Useful in this sense is the distinction operated by Malina Voicu and Raluca Popescu in their research report *Roma Women Known and Unknown: Family Life and the Position of the Woman in the Roma Communities* (Voicu and Popescu 2009, 3). Using three criteria, education, involvement in the labor market and community control in the labor market, they identified three types of communities: traditional communities[3], non-traditional rural communities and non-traditional urban communities. In the first ones community control is very powerful, education stock is very low and the involvement of women in work outside the home is almost non-existent. The second ones are instead characterized by a lower control by the community,

[3] "Traditional community" is to be understood as a synonym of "conservative community" and not as a community adhering to a specific tradition.

by a slightly higher education stock and by a higher number of women working outside their homes. However, the involvement in work is still low due to the lack of opportunities offered by (the) labour market. Thirdly, in non-traditional urban communities the community control is relaxed, the education stock is similar to that of the non-traditional rural communities, but there are higher opportunities for women to be involved in work outside their homes (Voicu and Popescu 2009, 3). However, while recognizing that patriarchy has different intensities depending on the communities and even families analyzed, and even if the attitudes towards traditional gender roles are gradually changing, the findings of Voicu and Popescu reveal that in all six communities in which they have held focus groups[4] women status is one of inferiority. Furthermore, they found out that in every community women themselves accept this organization as a given, as the nature of things (Ivi, 23). This finding is confirmed by the 2006 report *Broadening the Agenda: the Status of Romani Women in Romania*, sponsored by the Open Society Institute (OSI) in which the patriarchal model of the man as the leader of the family is explicitly endorsed by 41 percent of Romani women in the sample. The percentage goes down by 13 percent when Romania as a whole is considered. Moreover, 86 percent of Romani women surveyed felt it was their duty to do the housekeeping. When asked about their occupation, 68 percent of the women answered that they were "housewives", while there was the expectation among 83 percent of the Romani women surveyed that the man would be the main contributor to the family budget (Surdu and Surdu 2006, 10). In addition, both the aforementioned studies found that in many Romani families, girls are raised to be hard working and obedient, and to focus on domestic activities inside the household, while boys are socialized to value freedom and independence, and to be outward-oriented in order to provide for their families (Ivi, 38, Voicu and Popescu 2009, 11-12). Romani boys and girls have a different social status and receive a gendered education from a very young

[4] Vereşti (Suceava County), căldărari, and Săruleşti (Calarasi County), both traditional communities, Bălţeşti (Prahova County) and Patrauti (Suceava County), both rural and non-traditional communities, and Kuncz (Timisoara) and Patarat (Cluj-Napoca), both non-traditional urban communities.

age. For instance, in order to become good wives girls help their mother in the maintenance of the houseold, while men are raised to become the family leaders. (Bartos, 2017). As a consequence of these pressures and "imprinting", not differently from their Romanian counterparts[5], Roma women are found to be the primary care providers within their families and are expected to care for other dependent family members in addition to work-related or domestic responsibilities (Corsi et al. 2010, 114-115, Bitu and Morteanu 2010, 22).

Furthermore, generally there are more rules regarding women's sexual behavior than man's. For instance, in conservative communities a woman needs to be virgin before marrying and there are no open and public talk about reproduction and sexuality (Magyari-Vincze 2008, 115-116). In case of couple who have sex prior to being married it is possible to arrange a union in order to avoid the stigmatization of girl and her family by the community (Bartos, 2017). These situations are not isolated also because a significant number of Romani women do not feel free to choose the method and timing of contraception or to suggest their partners to use condoms. Their decision might in fact be considered as an expression of reluctance to bear children according to the timing and number desired by her husband, or (especially the latter) as an accusation of infidelity (European Monitoring Centre on Racism and Xenophobia 2003, 56). The relationship and use of contraceptives, however, is not the same in each Roma community. For instance, Voicu and Popescu stress that while in the conservative communities modern contraception was not accepted, in both rural and urban non-traditional ones women supported it. In addition, they unraveled how still nowadays one can witness a generational divide on that matter with older couples generally having practiced contraception to a lesser extent, due to the community rules (Voicu and Popescu 2009, 18-20).

Moreover, as a result of gendered education and insufficient information about treatment options, women even tend to postpone attention to personal well-being in the

[5] For more details on the gendered roles in mainstream Romanian society see Iancu 2014, 531

interest of attending family care, confirming their subordination within family structures (European Monitoring Centre on Racism and Xenophobia 2003, 48, Magyari-Vincze 2008, 114, Agency for Fundamental Rights 2013, 57). However, this type of attitude was found in many rural or poorly industrialized contexts throughout Europe until a few decades ago and today has arisen as a consequence of the increasing poverty. The greatest amount of time women tend to spend at home as a result of the aforementioned gender roles in their family, combined with the widespread inappropriateness of Roma housing[6], has a disproportionate effect on women's health as well (Corsi et al. 2010, 111). As underlined by the Agency for Fundamental Rights (FRA): "having no running water or electricity excludes women from using such basic household amenities as a washing machine or a dishwasher. They face the burden of fetching water in buckets and collecting firewood for stoves. Cooking over an open fire creates indoor pollution, which particularly affects women" (Agency for Fundamental Rights 2014b, 31). In addition, also the structural obstacles[7] Romanian Roma face in accessing healthcare services and family doctors have gender-specific consequences. In fact, since it hinders Roma women's access to information about the various methods, efficacy, and availability of contraception, Roma marginalization in healthcare leads to a higher risk for women of unwanted pregnancies or other health problems (European Monitoring Centre on Racism and Xenophobia 2003, 52). Women's health problems are also related to male violence that continue to be considered as a family issue since it is still a patriarchal society. In addition, because of their

[6] To have in depth information on this matter see (Agency for Fundamental Rights 2013, European Roma Rights Center 2006, Zoon and Templeton 2001).

[7] According to the the World Health Organization (WHO) the main ones are: "the absence of identity documents (which prevents people from formally enrolling with a general practitioner), the lack of medical insurance, the high costs of medical procedures, the informal payments, the family doctors' leeway to accept or deny patient enrollment and the existence of discriminatory practices in the medical system, such as segregation in maternity wards (on this matter see also O'Reilly et al. 2013, Mitchell 2005, Magyari-Vincze, Bartha, and Virág 2015 and Perić 2012.; redirection of patients to other medical practitioners; separate time slots to receive Roma patients, usually towards the end of the work schedule; and use of derogatory language" (World Health Organization and Regional Office for Europe 2013, 3). For more details regarding Roma access to healthcare facilities in Romania see (Agency for Fundamental Rights 2013, European Roma Rights Center 2006 and Zoon and Templeton 2001).

economic situation, women are less likely to request for social or for legal solution through a criminal proceeding against the perpetrator or a civil procedure for obtaining a redress.

Regarding the decision-making within the family, the Open Society Institute survey underlines how in 86% of the families who participated in the research women make decisions about daily expenditures, while men have a much bigger role in decisions about larger purchases (Surdu and Surdu 2006, 38). Still, it is essential to stress also here how power relations between men and women change from community to community. In fact, while in conservative communities the decision belongs mainly to men, with women not believing they are entitled to intervene, in non-traditional ones both men and women reported that decisions are made by mutual agreement (Voicu and Popescu 2009, 25).

3.2. Education and employment of Roma women in Romani

An important source of data on this topic is the aforementioned Roma inclusion index, developed within the Decade of Roma inclusion 2005-2015[8] with the aim of gathering in a comprehensive form existing data collected either officially by governments or by others (Bojadieva 2015, 11) As reported in the Introduction, the most relevant references for the index concerning Romania are the two latest censuses in 2002 and 2011, the surveys on Roma implemented by UNDP in 2004 and by UNDP/World Bank/EC in 2011, the data gathered for the Eurostat and the OSF's Roma Inclusion Barometer. (Bojadieva 2015, 56)

Generally, the Roma inclusion index it shows that 54% of Roma live in absolute poverty, while three quarters are at risk of poverty, and that generally Roma live with 60% less income than the rest of the population. (Ivi, 56-59) Moreover, it underlines how the life expectancy for Roma is 68 years, 7 years lower than the Romanian average. (Ivi, 59) Looking more in depth at the results presented in the study, 26% fewer Roma attend pre-

[8] The Governments that participated the Decade of Roma Inclusion 2005-2015 were been: Bulgaria, Croatia, Czech Republic, Hungary, Macedonia, Montenegro, Romania, Serbia, Slovakia founded the Decade in 2005, and Albania, Bosnia and Herzegovina and Spain joined in 2008.

school education than the total population. The gap persists also in primary education that only 80% of Roma complete, against the 97% of the total population. Moreover, in secondary education the gap increases to 46% (56% against 10%). As a result 13% fewer Roma are literate than the total population (99% against 86%). (Bojadieva 2015, 57) The major factors favoring this trend are the widespread poverty among Roma families in Romania, the lack of opportunities in the labour market and the dysfunctions of the Romanian educational system. On the one hand, numerous families cannot afford the costs brought about by schooling and training in general; on the other, the need to supplement family income makes children engage in economic activities outside the household (Surdu, Vincze, and Wamsiedel 2011, 76). The Temvi Project underlines how these activities are in a number of cases illegal. (Temvi Project 2016). Moreover, highly discriminatory and negative perceptions and attitudes towards Roma children persist in school, with teacher's discriminatory dispositions being a major bottleneck for Roma educational processes (Marin and Csonta 2012, 21-22).

However, if the duration of the educational studies is significantly shorter for Roma than non-Roma, it is even more reduced for Roma women than Roma men (O'Higgins 2015, 8). In general terms, the report *Social Economy and Roma communities – Challenges and Opportunities* found that Roma women stay in education one year and half less than their male counterparts (Departamentul pentru Relații Interetnice et al. 2012, 22) confirming the uneven gender-based sexual division of roles and distribution of resources within Roma communities. More in detail, according to the FRA, in 2011 the percentage of women that declared they have never been in education was still 10 points higher than men's (29% vs 19%). Even if the percentages are lower, gender gap persists also in the younger age groups (19% versus 10%) (Agency for Fundamental Rights 2014b, 15). Furthermore, in a 2011 survey the FRA highlights that 4% more women than men (53% vs 49%) drop out from school before they are 16 years old. (Agency for Fundamental Rights 2011). In line with these figures, it was found that while around 30% of men in the same age group are still in education when they are 16, only

18% of Roma women are (Agency for Fundamental Rights 2011, Departamentul pentru Relații Interetnice et al. 2012, 22). The data presented in the Roma inclusion index describe a slightly different picture, but are consistent with the data presented above as far as the gender gap is concerned. In fact, according to the index, while 80% of the Roma population in its entirety completes primary education, just 77% of Roma women does. Moreover, it is there highlighted how while 10% of the Roma population completes secondary education, just 8% of women does. (Bojadieva 2015, 57) In turn, their lower educational attainment leads to lower literacy rates for women. The extent of this gap is still unclear. While within the Roma inclusion index it is reported that against a 86% overall literacy rate for Roma (*Ibidem*), just 83% of Roma women are literate, the FRA estimates the gender literacy gap to be around 12% (Agency for Fundamental Rights 2014b, 11).

In addition, education seems to influence the maintenance or rejection of the Roma private patriarchal system, that is at the same time one of the factors influencing women's education. In turn reproducing traditional social schemes based on discriminatory roles within families and communities.

Namely, according to the findings of the OSI-sponsored survey *Broadening the Agenda: The Status of Romani Women in Romania*, in line with the figures of the Gender Barometer 2000 regarding Romanian women, 65% Romani women in the sample consider both parents responsible for raising their children, while 33% endorse a traditional gender division of family care and domestic labor. However, if the sample is further divided based on the level of women's education it is possible to see that while 82% women with secondary school education expressed an egalitarian vision of gender roles, just 52% of those with no education share this perspective (Surdu and Surdu 2006, 38).

In order to explain Roma women lower educational attainment, it is important to underline once again how it is negatively influenced by their primary role in family care. This negative correlation is evident already in the data gathered in the 2003 UNDP study *Avoiding the dependency trap - Roma in Central and Eastern Europe,* according to which if in the boys' case 5.99% do not attend school because they are married, girls' percentage

is almost double, reaching 10.99%. In addition, the same study reveals that the percentage of girls not attending school because they have to look after their younger brothers and sisters is of 17.58%, while the boys' one is 8.09% (Bitu and Morteanu 2010, 22). Furthermore, in some cases virginity cult has also a direct bearing on influencing the decision to withdraw the daughters from school. In fact, school is seen by some Roma families as enhancing the risk of premarital sex for girls (Reed 2013, 29, Oprea 2005a). In addition, as a consequence of gendered roles within the family and of Roma women unequal treatment in the field of work (shared with their non-Roma counterparts), some families do not see other viable option for Roma girls than marriage and the role of care givers for their families. (Martinidis, Andrei, and Tkadlecova 2014, 328-329, Oprea 2005b, 141) In other words still nowadays marriage is considered the most important individual and social resource for women also today.

Data show how generally Roma communities are marginalized in the labor market as well. The 2011 UNDP/WB/EC survey *Data on Vulnerability of Roma*, in accordance with the findings of the Roma inclusion index, found out that only 30% of the Roma respondents are employed (Perić 2012, 55, Bojadieva 2015, 57), 29% less than the Romanian rate (Bojadieva 2015, 57). By contrast, the percentage of Roma employed in the informal sector is 41% higher than that of the Romanian average (49% against 8%). The vulnerability of Roma communities is also captured by the data regarding unemployment, with the unemployment rate in Roma communities being 33%, 26% more than the national mean. (Ivi, 57-58) However, when gathering data disaggregated by gender, the FRA found out that in Romania just 17% of their female respondents are in paid work, 23% less than the male ones (Agency for Fundamental Rights 2014a, 20). The Roma inclusion index, even if reporting a slightly higher female employment rate (19%), further confirms the particularly vulnerable situation of Roma women in the labor market. (Bojadieva 2015, 57) Lower employment rates are then mirrored by much higher unemployment rates (10% higher than the average in Roma communities) and lower employment rates in the informal sector (13% lower than the Roma average) (Ivi, p- 57-58). The

main factors disproportionately affecting Roma women's employment are their generally lower educational attainment, the traditional gender roles and the lack of options for child-care outside the household (Agency for Fundamental Rights 2014a, 17). The role of the last two factors is further demonstrated by the fact that 35% of Roma women, versus just 5% of men, declared to be full-time homemaker (Ivi, 20).

To sum up, with Vincze's words, «Roma women are pushed to the margins by the whole socioeconomic system as members of their dispossessed class and under these conditions of severe poverty are making tremendous efforts to fulfill the household and motherhood-related duties allocated to them by a domestic patriarchal regime» (Vincze 2013, 9).

3.3. ***The practice of early marriage***

Child marriage, early marriage, and forced marriage are all interrelated but distinct terms, and they have been combined in many different possible way in UN policy documents and by UN agencies and treaty bodies. Often the terms are used interchangeably in the same document, without any explicit definitions. Generally early marriage encompasses child marriage but also includes situations that do not qualify as child marriage, such as marriages in which one or both spouses are below the age of 18 but have attained majority under state laws[9]. Forced marriage is strongly denounced by international law. Article 16 of the Universal Declaration of Human Rights states "Marriage shall be entered into only with the free and full consent of the intending spouses". The same statement is made in Article 23 of the International Covenant on Civil and Political Rights, Article 10 of the

[9] As underlined in a Report of Sexual Rights Initiative & Women for Women's Human Rights – New Ways submission regarding preventing and eliminating child, early and forced marriage (2013). The term 'early marriage' refer also to an individual's level of physical, emotional, sexual and psychosocial development that would make a person unready to consent to marriage. If one or both spouses are unable to make a free and informed choice, then their consent is meaningless, whether they are 15 years old or 18 years old or older. Some stakeholders, are concerned that the term 'early marriage' is less concrete than 'child marriage,' and fear that prohibitions against early marriage can allow for marriage at any age based on social norms and customs.

International Covenant on Economic, Social and Cultural Rights, Article16 of the Convention on the Elimination of all Forms of Discrimination Against Women as well as others. In this article, following the Council of Europe's Resolution 1468 adopted in 2005, the term early marriage will be used to define «the union of two persons at least one of whom is under 18 years of age» (SRI and WWHR 2016, 1).

Forced marriage disproportionately impacts on women and girls and the case of Roma confirms this data (Crei 2015). Bitu and Morteanu outline three different forms of early marriage that are still practiced in Roma communities. The first one involves the marriage of a girl to an adult men through arranged and forced marriage without the legal marriageable age being met. In the second one instead, the parents of two children (that most of the times are at the onset of puberty or after) arrange the future marriage. As a consequence, the two children become betrothed until they are considered of a marriageable age (Bitu and Morteanu 2010, 28). While these first to are generally found in conservative communities (such as the Căldărari), the third one, the runaway, is also found in settled urban communities, that as stated above are the most progressive ones. As the term suggests, it entails the couple to run away from home. The consent, however, is not always present. The girl, in fact, is sometimes stolen without her agreement (Ivi, 35). As underlined by Timmerman, since Roma place such a high value on sexual purity and virginity (as also underlined, among others, in the works of Vincze, Bitu and Morteanu, Reed, OSI and ERRC) "elopement serves as a sort of marital euphemism tantamount to marriage" (Timmerman 2003, 480). The importance of virginity cult in Roma communities is also highlighted by the qualitative data presented in the aforementioned 2006 research *Broadening the Agenda: The Status of Romani Women in Romania.* Even if several women stated that they do not recognize themselves in the virginity norms, that they consider as part of a past era, still most Romani women interviewed for this research think that girls should be virgins when they get married in order to avoid tensions with the husband, her mother-in-law and in order not to be stigmatized by the community. In fact, they further stressed that because of the large symbolic value associated with virginity at

marriage considered as a sign of good upbringing, ostracization and even violence may be directed against girls who fail to conform to the virginity norm (Surdu and Surdu 2006, 34).

In the draft Romania National Strategy on Reducing Early School Leaving (2014-2020) among the "factors contributing to early school leaving" – identifies "the health, early marriage and/or pregnancy, other personal reasons". Later on in the section dedicated to "marginalized minorities and other groups", this document denounces that Roma population is the most vulnerable to financial hardship, and the situation is even more dramatic in the case of Roma girls, due to the precarious living conditions and traditions". However, in the section dedicated to Roma children, it is underlined that still approximately 28% of children/youth aged 15-19 are married. This situation it is reported to have a negative impact on school participation, on access to labor market for young families and on access to opportunities for the next generation of children (Crai 2015).

Regarding the diffusion of early marriages, the quantitative data in the aforementioned OSI-sponsored study suggests that fewer minor Romani girls marry today than they did a generation ago (53% versus 70%) and that the trend is for the number of early marriages to decrease even further since less than a half of respondents' daughters got married before they were 18 (Surdu and Surdu 2006, 33). These results are confirmed by the National Strategy for the Protection and Promotion of Child Rights (2014-2020), that stresses that the age at first marriage is steadily increasing, even though family planning, education for sexual and reproductive health, especially in the case of the socially vulnerable categories are insufficient. (Crai 2015) In any case, Roma girls still appear to marry at a much younger age than the national marriage age (Surdu and Surdu 2006 , 32). Namely, as highlighted by the National Strategy for the Protection and Promotion of Child Rights, still nowadays approximately 28% of children/youth aged 15-19 are married. This situation is reported to have a negative impact on school participation, on access to labor market for young families and on access to opportunities for the next generation of children (Crai 2015). Nevertheless, even if the results of this research suggest that early

marriages are not only practiced in traditional communities, their diffusion appears to vary from community to community. For instance, in the aforementioned qualitative study carried out by Voicu and Popescu, while in non-traditional communities all the participants agreed that both boys and girls should be at least 18 years old at marriage and that the most important criterion is love, only a small portion of the traditional communities evaluated early marriage negatively (Voicu and Popescu, 9-12).

Moving now to the reasons behind the persistence of this practice in Roma communities, it is essential to take into account their generally patriarchal organization and their past and present socioeconomic marginalization.

First of all, the historical roots of this practice can be traced back to the legacy of Roma slavery in Romania (Reed 2013, 27, Oprea 2005a). With Valeriu Nicolae's words, «during the 500 years in which Roma were enslaved in Romania, young Roma girls were frequently raped by their owners or the sons of their owners. [...] The Roma found that marrying their daughters off while they were still very young was a good solution, as once married and no longer virgins, the girls were no longer 'clean' enough to rape» (Oprea 2005a).

In some instances the reasons underlying the persistence of this practice are the preservation of traditional patriarchal values (such as men's primary role and girls' virginity and purity), and the support to a better integration of youths in the community by introducing early the feeling of responsibility to protect the family (Bitu and Morteanu 2010, 94). Regarding the latter goal, it is important to stress how in the case of Roma, that are generally faced with widespread economic marginalization and discriminatory practices in the broader society, the security for the single individuals resulting from societal preservation and autonomy becomes even more important (Reed 2013, 25-26). Sometimes the persistence of this practice is directly favored by the conditions of extreme poverty faced by some Roma families. As underlined by Reed dowry money may in fact help a struggling family while providing a daughter a new home (Ivi, 30). Moreover, Roma marginalization in the field of education, favored by their socioeconomic marginalization

and by the dysfunctions of Romanian educational system, has a role in this process as well. In fact, the educational level of Romani parents affects their decisions regarding when and whether or not to marry their daughters off, with those parents that did not attend school or dropped out early being more inclined to marry their daughters early (Ivi, 28, Oprea 2005b, 141).

Early marriage, and in particular the early sexual activity and the early pregnancies arising therefrom, may have severe consequences on girls' physical and mental health (Reed 2013, 9). In fact, as a consequence of the combination of insufficient physical maturity to bear pregnancy and deliver safely, and inadequate emotional and intellectual maturity to seek necessary assistance for personal and natal care, women who give birth before age 18 are three times more likely to die in childbirth than women over 18 (European Monitoring Centre on Racism and Xenophobia 2003, 51). Furthermore, the lack of physical and emotional preparation for having sexual contact that might exist in cases of early sexual activity, increases the risk to suffer from depression, anxiety and other psychological ills (Reed 2013, 10). The high number of children a child bride is then likely to increase the childbearing responsibilities of the girl/woman, in turn reducing their employment opportunities and subsequent dependence on the husband's family (*Ibidem*, Corsi et al. 2010, 114). Moreover, being young brides expected to remain at home while taking care of the children, they also lose the opportunity to interact with their peers, make friends, and develop social support systems (Reed 2013, 10).

3.4. Violence against women

Since 2016, Romania is a State party of the Council of Europe Convention on preventing and combating violence against women and domestic violence that is criminalized in the art. 199 of the Penal Code, while rape in the art. 218. The penal code punish also sexual assaults in article 219 and sexual harassment in article 223.

Despite the law system, under-reporting of cases of domestic violence is common among both Roma and Romanian women, but there are some factors that disproportionately hindering Roma women's willingness and possibility to apply to the competent authorities. First of all, the lack of autonomy and personal incomes together with the absence of free legal representation constitutes a barrier for many women, often illiterate, to file a complaint (Oprea 2012, 18). Secondly, in some instances Roma women are discouraged by the fear of reinforcing the negative stereotypes already associated with Roma (*Ibidem*). Moreover, the diffusion of negative stereotypes within the police force is affecting Roma women's decision too. In fact, the fear of further victimization on the part of the police and institutional common unresponsiveness serves as a deterrent to Romani women seeking to report abuse (*Ibidem*, ERRC 2011, 5). The ERRC underlines that patriarchy is at stake too. In particular, it looks upon the powerless position that results from child marriage, the acceptance of battering in some Roma families and the fear of being ostracized and shamed by their communities and families, as being major factors negatively influencing Roma women willingness to abandon the situation of violence and to report cases of physical violence (ERRC 2011, 5). This acknowledgment is supported by the findings of a study conducted by the organization "Asociaţia Femeilor Ţigănci pentru Copiii Noştri" in the city of Timisoara, that demonstrated how in some Roma communities one witnesses a normalization of violence, considered as a private issue related to the way they exercise their role as women, and therefore, not to be discussed outside the family (Sanglas, Casals, and Surt. Fundació de dones. Fundació Privada. 2012, 76-77). In addition, the combination of lack of alternative housing, inadequate means to survive on their own and lack of education and employment experienced by a portion of Roma women, pose additional practical barriers that make it virtually impossible for Roma women to escape from a domestic violent context making visible the negative consequences of intersectional discrimination (ERRC 2011, 5). In other words, making a linkage between social marginalization and domestic violence is evident the connection among the short-

comings of women's economic citizenship to hinders they face in accessing civil citizenship rights, where economic dependency and more in general the lack of recognition of social economic and cultural rights are important hinders to leave destructive and violent relationships (Morell 2016).

An other form of violence disproportionately affecting women is trafficking in human beings defined in Article 3 of the *United Nations Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children* (Palermo Protocol) as «the recruitment, transportation, transfer, harboring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation.» According with the last Trafficking in Persons USDOS Report (2017) the Government of Romania is making significant efforts compared to the previous reporting period but it does not fully meet the minimum standards for the elimination of trafficking.

Similarly to domestic violence, there are no recent specific reliable statistics on the occurrence of trafficking in Roma communities in Romania as well (Kushen et al. 2011, 9) [10]. In fact, the only available reports are mainly produced by NGOs and are mostly based on anecdotal evidence from various communities and not on extensive research (Kóczé 2011, 81). In general terms, however, it is possible to observe a correspondence between the factors enhancing the vulnerability of Roma and non-Roma persons, therefore debunking the widespread perception that trafficking is a cultural practice of Roma (Kushen et al. 2011, 41). The most relevant ones are: living in a situation of poverty and social exclusion, limited or lack of education and illiteracy, growing up in

[10] However, the *EU strategy towards the eradication of trafficking in human beings 2012–2016* (COM(2012) 286 final) produced relevant oucomes, such as a 2015 study on high-risk groups for trafficking in human beings and the *Report on the progress made in the fight against trafficking in human beings* COM(2016) 267 final and SWD(2016) 159 final.

state care, lack of access to proper documentation, social, medical facilities, lack of (adequate) housing, being indebted to usurers due to the lack of access to bank loans and family environments in which violence and/or drug abuse were present. (*Ibidem*, Degani et al. 2016, 65) As it is possible to see in this list, one can rather see a striking overlapping between those causes contributing to human trafficking and those contributing instead to Roma communities' marginalization. In addition, EUROPOL indicates as a further vulnerability factor the attitude of detachment towards Roma communities by public authorities, that has the direct effect of leaving the most vulnerable members of these communities - children and young women - unprotected from exploitation by criminal groups (EUROPOL 2011, 10). As a consequence, it is not surprising that the ERRC estimates that around 50% of trafficked persons in Romania is Roma-ethnic (Kushen et al. 2011, 11). As to the purposes of trafficking of Romanian Roma, the four main ones were found to be sexual exploitation, exploitation for begging, forced labor, and debt bondage (Ivi, 32). Moreover, as underlined in the TRACE project report, there is a number of factors that can further enhance women's vulnerability to exploitation. The main ones, that looking at the analysis above are all affecting Roma women, are: violence against women, the feminization of poverty, the lower status of women in patriarchal societies, gender stereotyping and discrimination on the labor market (Tamaș et al. 2016, 23-24). Furthermore, the ERRC underlines that child marriage, in addition of generally enhancing women's marginalization and vulnerability, can result in some cases in the trafficking of the young bride (ERRC 2011, 6-7).

As to the traffickers, the EUROPOL, in line with the findings of the ERRC and of the TEMVI project, stresses how in a number of cases members of the Roma communities are involved as traffickers (EUROPOL 2011, Degani et al. 2016, 66-98, Kushen et al. 2011, 57). Nevertheless, this does not mean that Roma are somehow predisposed to inflicting these harms on themselves. In fact, trafficking of non-Roma persons similarly often involves relatives, friends and acquaintances (Kushen et al. 2011, 1, EUROPOL

2011, 6). Nevertheless, in many western countries such as Italy[11], the impossibility to prosecute minors and pregnant girls and women for pick pocketing, robbery, prostitution and begging, makes Roma girls (many of whom come from Romania) particularly vulnerable to exploitation for the commitment of these crimes. (Europol 2011, Dimitrova, Ivanova, Yva 2015, Degani et al. 2016)[12]. Although the previous sections were focused on the description of Roma women as victims of intersectional discrimination, it would be wrong to assume that they passively accept their current status in society. It is not possible here to analyze in depth the history and the specific stances of Roma women's activism. However, it is important to underline that under the influence of international human rights networks and inter-governmental organizations, since the 1990s Romani women and the issues disproportionately affecting them started to gain visibility at the European level (Kóczé 2011, 47, Magyari-Vincze 2013, 6). Moreover, at the same time transnational networks of committed Romani women struggling for Roma women's rights were set up[13.] Narrowing down the scope to Romania alone, besides the implementation of single projects in NGOs not primarily dealing with issues faced by Roma women, the same period marked the foundation of the Roma Women's Association in Romania (RWAR) (Magyari-Vincze 2006, 13) and of the Association for the Emancipation of Roma Women (AFER), both focused on the promotion of family planning and the use of modern contraceptives instead of abortion (Ivi, 16, Stancu 2011, 48). Later on, there was a clear evolution in the scope and in the goals of the initiatives implemented by Roma

[11] Elements discusses among many social and law enforcement operators during the training activities realized within the Trafficked and Exploited Minors between Vulnerability and Illegality Forced criminal activities as a new form of exploitation in human trafficking: knowledge and human rights based practices, Temvi Project (EU Commission, HOME/2013/ISEC/AG/THB/4000005491).

[12] It is important to note in parallel that the Committee for the rights of child foreseen by the omonymous international Convention recognizes in a General Comment that 'street children, children belonging to racial, ethnic, religious or linguistic minorities, indigenous children, girl children, children with disabilities' face discrimination in the juvenile justice system (UN CRC General Comment No. 10, § 6)

[13] To analyze in depth the history of Roma women's activism see also Kóczé and Rövid 2012, Matache 2009 and Jovanović, Kóczé, and Balogh 2015.

women activists towards a more community-based approach. Furthermore, besides making their situation visible, the demands they put forward are more and more aimed at combating the specific forms of discrimination they face. This trend is evident in the activities of E-Romnja, an NGO founded in 2012 by a group of Roma activists and feminists with the aim of affirming, promoting and raising civic involvement of Roma women in communities and society. Namely, to do so they combine actions at the national level to the mentoring of Roma women's initiative groups at the grassroots one. (E-Romnja n.d.) Furthermore, moving from a feminist intersectional perspective, in 2014 a group of professional Roma actresses founded in Bucharest "Giuvlipen", «a feminist theater group with, about and for Roma women, with the goal of contributing to the empowerment of Roma women in their living communities»[14] (Giuvlipen 2014).

4. Conclusion

This article has sought to further our understanding of how different factors operating at the same time contribute in making Roma women a particularly vulnerable group within Roma communities in Romania. Intersectionality appears to be the most suitable tool to frame the specific form of discrimination they are victims of and, therefore, to design the political agenda and public policies on this matter. It also brings to light the potential tension there is between individual rights and group rights, when practices that are expression of patriarchal structures (e.g. the existence of different statuses between men and women within the family and the community) are perceived as a cultural and group identity characteristic.

While underlining how ethnicity-based discrimination from the Romanian society negatively affects Roma communities as a whole, in section 2.1 it was stressed how the

[14] On the history of Roma women's activism in Romania see also Stancu 2011, Popa 2008 and Neaga 2016.

generally patriarchal organization of Roma communities and families influences the internal distribution of power, undermining Roma women freedom and autonomy. First of all, as also recognized at the institutional level, it was highlighted how girls are educated to be obedient and to attend to family care, while boys are raised to be the breadwinners of their families. Moreover, even if the situation differs from community to community, a significant number of Romani women do not feel free to choose the method and timing of contraception. This situation is worsened by Roma marginalization in the healthcare system and by the widespread inappropriateness of Roma housing. In fact, while the former was reported to undermine women's access to information about contraception and treatment options for them and their families, the latter disproportionately affects Roma women's health as a consequence of the greater amount of time they spend at home.

As regard education, the figures presented in section 2.2 demonstrated that if Roma stay in education for a much shorter period of time than the Romanian average, the duration of educational studies is even shorter for Roma women than for Roma men. The main factors emphasizing this phenomenon were reported to be the uneven division of family care and the lack of options for childcare outside the household. Moreover, it was highlighted how in some instances, as a consequence of Roma women unequal treatment in education and in the field of work (also in this case shared with their non-Roma counterparts), some families do not see other viable option for them than marriage and the role of care givers for their families.

In addition, it was stressed how the generally lower and their presence in educational level makes it even more difficult for Roma women than for Roma man to enter into the labor market, favoring the leading to even higher unemployment rates.

The paper also points out how early marriages are mostly found in conservative communities and take the form of arranged marriage, and forced marriage. It was then reported how in non-traditional urban communities early marriage could take the form of the runaway. Generally it was shown how early marriage is strictly linked with virginity cult and with the maintenance of group cohesion and isolation against a generally hostile

majority. More specifically, it was reported how Roma past slavery, present stigmatization and discrimination, socioeconomic and spacial marginalization and lower educational level intermingle with and at the same time foster the generally patriarchal organization of Roma community, leading to the perpetuation of these practices harmful for Roma girls and women. As regard male violence against women and to the harm caused, it was stressed how early marriages and consequent early sexual activity and early childbearing lead to rates of physical and mental problems higher than those who marry in adult age, while at the same time resulting in diminished access to education, increased illiteracy rates and poorer chances of employment, as well as sexual abuse and exploitation. The paper also shows how there is a number of articulated and mixed factors hindering Roma women's willingness and possibility to report cases of domestic violence to the police that consider in a holistic manner give evidence to the individual and social vulnerability of many Roma women. Theses factors are: the absence of free legal representation, the fear of further victimization on the part of the police, the fear of reinforcing the negative stereotypes associated with Roma communities, the powerless position that results from child marriage, the acceptance of battering in some Roma families and the fear of being ostracized and shamed by their communities and families. More in general these factors include social and cultural norms that consider violence as an "acceptable" way to resolve conflicts. Poverty is the main reason for sufferings, which stems deprivation of basic needs and thus creates frustration in the society. This frustration exacerbates different violent behavior. As to trafficking, it was stressed how there is a striking overlapping between the factors enhancing the vulnerability of Roma and non-Roma persons and those contributing instead to Roma communities' marginalization. Moreover, it was underlined how factors such as violence against women, the feminization of poverty, the lower status of women in patriarchal societies and gender stereotyping and discrimination on the labor market can further enhance women's vulnerability to exploitation. More specifically, the Roma past slavery, present stigmatization and discrimination, socioeconomic and spacial marginalization and lower educational level intermingle with and at

the same time foster the generally patriarchal organization of Roma community, leading to the perpetuation of same harmful practices for Roma girls and women, such early marriages, especially in conservative communities, and the virginity cult.

In the Communication to the European Parliament and the Council on the Midterm Review of the EU Framework for National Roma Integration Strategies of august 2017, while recognizing how the empowerment of Roma women and children as active players in the inclusion process is addressed in these last years by mainstream policies in the majority of the Member States, the European Commission recognizes the need of further targeted interventions. The Commission has also launched JUSTROM, a joint program with the Council of Europe to facilitate Roma women's access to justice. Among the goals of the program there is the provision of legal advice aid and/or representation when on probation or while in prison. Mover, another goal of the program is to setup legal clinics and training on non-discrimination and gender equality in order to enhance the capacities of legal professionals and law-enforcement bodies to adequately consider the specific needs of Roma and Traveler women. However, even if the legal and regulatory instruments and authorities can play an important symbolic and material role in raising awareness at the cultural level about Roma women's conditions, the involvement of women belonging to these groups appears fundamental. The paper highlights the presence of a group of Roma women that since the early 1990s is actively engaged in promoting Roma women's rights and in tackling those issues that are disproportionately affecting them. This bottom-up mobilization appears to be of utmost importance for the effective improvement of Roma women's rights and for the successful implementation of those policies devoted to promote Roma women's inclusion and to oppose the intersectional discrimination they are victims of.

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