



Briefing: Romani women's activism and role in addressing statelessness in Europe

By: European Network on Statelessness in collaboration with Romani women activists

INTRODUCTION

The European Network on Statelessness (ENS) is a civil society alliance of over 170 organisations and individuals working to address statelessness in 41 European countries. With the support of the Rosa Luxemburg Stiftung¹, ENS is working together with a group of Romani women activists² to explore and highlight the challenges that Romani women and girls face in relation to civil status, risk of statelessness, and equal nationality rights, and to propose solutions to these.

Through our partnership, we aim to bring an intersectional perspective to work to address statelessness issues affecting Romani communities in Europe,³ to platform Roma women's voices and expertise, and to inform and influence change on issues they have identified as priorities. This briefing draws on a series of conversations with Roma women, as well as previous research, consultation, advocacy, and activism of all those involved in the initiative, including through the Balkan Roma Women's Network.

To be 'stateless' means not to be recognised as a national of any State under the operation of its law.⁴ Discrimination often has a role to play in the causes of statelessness around the world. Nationality laws may be written or implemented in such a way as to exclude certain groups or make it more difficult for them to acquire or prove their nationality. Minoritized communities globally represent 'a huge proportion' of stateless people.⁵

In Europe, due to State succession, displacement, complex civil registration systems, and deep-rooted antigypsyism, many Romani people remain without civil status documentation and so

¹ Sponsored by the Rosa-Luxemburg-Stiftung with funds of the Federal Ministry for Economic Cooperation and Development of the Federal Republic of Germany. The content of the publication is the sole responsibility of ENS and does not necessarily reflect the position of the Rosa-Luxemburg-Stiftung.

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³ Through its [#RomaBelong](#) initiative, ENS has worked with its members to improve international, regional, and national responses to Roma statelessness, with a particular focus on the Western Balkans and Ukraine, and to support Roma activists to advocate for their nationality rights.

⁴ According to Article 1(1) of the UN Convention Relating to the Status of Stateless Persons 1954, a stateless person is someone 'who is not considered as a national by any State under the operation of its law'. This definition is part of customary international law and has been authoritatively interpreted by UNHCR as requiring 'a mixed question of fact and law'.

⁵ OHCHR, 'UN Expert Points to Global Statelessness as Minority Issue' (23 October 2018, New York) <[OHCHR | UN expert points to global statelessness as a minority issue](#)>.



struggle to assert or prove their nationality. When technical legal barriers and antigypsyism combine, administrative systems can become almost impossible to navigate, underpinning and reinforcing the risk of statelessness. Without identification documents to assert their nationality, people face difficulties accessing other rights like education, healthcare, employment, and housing.

So far, little attention has been paid to how Roma women and girls experience these issues. It is vital to understand the interconnected forms of discrimination and structural power dynamics that shape the lives of Roma women and girls at risk of statelessness. Resolving statelessness requires an intersectional approach, which means recognising how gender, race, class, and other factors privilege some and exclude others both directly and indirectly impacting on their access to legal identity and nationality rights.⁶ Efforts to amend legal frameworks to prevent direct discrimination are important but addressing how laws are implemented in practice is equally vital. This requires listening to Romani women's experiences, understanding the issues they are facing, and adopting the solutions they put forward.

Through this initiative, and drawing on our work, activism, and lived experience, we have identified four core issues that affect Romani women's equal access to legal identity and nationality. These are not intended to be comprehensive, but rather, are a reflection of the current priorities we have identified together. Our goal with this initiative is to address these issues at European level, start conversations, and lobby for more attention to be paid to the issues we think are important for the benefit of stateless communities

1. SOCIO -ECONOMIC RIGHTS

The rights attached to nationality are enabling rights, facilitating access to education, healthcare, housing, employment, and other services. Experiences of discrimination and exclusion vary significantly depending on many factors, including country of residence, but there are also common experiences. In the Western Balkans, the exclusion and marginalisation affecting Roma communities has been described as *"lack of financial means, lack of access to education, to civil status documentation, to governance and democratic structures, to formal employment, to healthcare, and to basic dignity and a sense of self-worth and belonging"*.⁷ The risk of statelessness is intertwined within these experiences and can arise as a consequence of or exacerbate other forms of discrimination. It is often a vicious cycle, as, without civil documentation, proving your identity in a legal procedure to challenge rights violations can be impossible.

For Roma women and girls, gendered discrimination and social norms add another layer to these experiences. Patriarchal norms in families and wider society mean women face a particularly high burden fulfilling the basic needs of their families and communities. Lack of civil status can prevent access to social security and services. Antigypsyism fosters and reinforces distrust and prevents recourse to justice. Often it is men in the family who work informally, leaving women with little economic independence and agency. This, in turn, can heighten the risk of violence against women and girls. Lack of economic means can also prevent access to remedies, as fees associated with

⁶ Brennan, D., Murray, N., & Petrozziello, A. J. (2021), 'Asking the 'other questions': Applying intersectionality to understand statelessness in Europe' in Bloom, T. & Kingston, L. (Eds), *Statelessness, governance and the problem of citizenship*, Manchester University Press.

⁷ ECCR, ISI, ENS, 'Roma Belong. Statelessness, Discrimination and Marginalisation of Roma in the Western Balkans and Ukraine' (October 2017) 43, available at: <[roma-belong.pdf \(errc.org\)](#)>.

procedures to resolve documentation and citizenship issues can be prohibitive.⁸ Access to the required knowledge to assert rights can also be limited due to lack of access to formal education and information channels. In this way, different forms of marginalisation and discrimination intersect and reinforce each other.

The COVID-19 pandemic has accentuated the problem. Without civil status and health insurance many of those at risk of statelessness are excluded from medical and humanitarian aid as well as vaccination programmes.⁹ The economic impact of the pandemic has hit marginalised communities hardest, including stateless populations.¹⁰ Rates of gender-based violence have increased exponentially.¹¹ Longer-term consequences such as rising energy prices, restrictions on travel, and disruption of supply chains are also impacting on marginalised communities the hardest. For example, in a small Roma village in southern Albania, around 20 women and children live without civil status and proof of citizenship. They do not have access to healthcare, education, or other services. To resolve their civil and citizenship status would require a complex legal procedure, but most are unemployed and lack the knowledge and means to initiate the procedure. Their main source of income is informal work in other countries, but when the pandemic hit, migration was no longer an option. So, they remain without financial means of survival, with no access to social security, no education, and no healthcare.

Action must be taken by States and regional institutions to guarantee equal nationality rights, address the toxic combination of marginalisation, bureaucratic and legal obstacles, and antigypsyism, otherwise these vicious cycles impacting Roma women and their families will continue as the risk of statelessness passes from generation to generation. It is important to recognise and resource the efforts of grassroots organisations, activists and networks to advocate on behalf of Romani communities affected by statelessness, to provide information, find lawyers, and deliver aid packages. These vital sources of community-based support, many of them led by women, must be resourced, valued, and integral to the solution.

2. BIRTH REGISTRATION AND PARENTAL RIGHTS

Birth registration is key to the prevention of statelessness as it establishes the key facts required to determine a child's nationality.¹² Lacking birth registration is not the same as being stateless, but it does increase the risk of statelessness.¹³ In Europe, barriers to birth registration disproportionately impact on minoritized groups including Roma, refugees, and migrants.¹⁴ Among Roma communities in the Western Balkans, lack of civil status, including birth registration, is one of the main causes of risk of statelessness.¹⁵

⁸ 'Roma Belong' n7, 14.

⁹ European Network on Statelessness, 'Situation assessment of statelessness, health, and COVID-19 in Europe' (21 April 2021) available at <[Situation assessment of statelessness, health, and COVID-19 in Europe | European Network on Statelessness](#)>.

¹⁰ CESF Consortium, 'Together We Can. The COVID-19 Impact on Stateless People & A roadmap for Change' (2021) 53 <[together we can report 2021.pdf \(institutesi.org\)](#)>.

¹¹ UNHCR, 'Displaced and stateless women and girls at heightened risk of gender-based violence in the coronavirus pandemic' (20 April 2020) available at: <[UNHCR - Displaced and stateless women and girls at heightened risk of gender-based violence in the coronavirus pandemic](#)>.

¹² ENS, 'Thematic Briefing: Birth registration and the Prevention of Statelessness in Europe' (July 2020) < [Thematic briefing: Birth registration and the prevention of statelessness in Europe | Statelessness Index](#)>.

¹³ 'Roma Belong' n7, 33.

¹⁴ 'Thematic Briefing. Birth Registration' n12.

¹⁵ 'Roma Belong' n7, 22.



Most European countries do not directly discriminate in their nationality laws, but indirect discrimination - especially in terms of how the law is implemented in practice - means that Roma women face barriers to accessing birth registration for their children. In some countries, mothers who lack documentation themselves cannot register the births of their children immediately until their own civil status is resolved, which may require a lengthy administrative or court procedure.¹⁶ Because Romani women are more likely to lack civil status than others, this can constitute indirect discrimination.¹⁷ Women's exclusion from reproductive healthcare due to statelessness¹⁸, lack of documentation or health insurance, or discrimination, can lead to complex legal procedures to ensure their children acquire a legal identity and nationality. If children are born at home, registering the birth often requires a more complex and burdensome procedure.¹⁹ Sometimes women borrow the health insurance card of a friend or relative to access a hospital to give birth, leading to the baby being registered under the name on the card, creating complex legal problems. Stateless or undocumented women living outside their home country cannot rely on their consulate or embassy to document or register births if they do not recognise them as nationals.

"Full of dreams and hopes for the future"

Anisa is eight years old. After giving birth to Anisa in a hospital in Greece, her mother fled. She had no way to pay for her maternity care nor the documentation needed to prove Anisa's legal identity. Anisa's mother returned to her village in Albania with her daughter. Due to her lack of financial means, she could not register her daughter. She is afraid that she could end up in jail because she did not pay the hospital fees in Greece.

Like all girls her age, Anisa is full of dreams and hopes for the future, but her mother worries that her lack of civil status and proof of citizenship will limit her opportunities.

The combination of risk of statelessness and systemic antigypsyism can also impact on Roma mothers' parental rights, increasing the risk of losing custody of their children. We have observed cases of children being unlawfully separated from their mothers. The procedure to challenge the (unlawful) separation of children from their parents commonly takes months. Without access to remedies, representation or resources Roma women who are stateless or at risk of statelessness face serious hurdles to asserting their parental rights. Not only does prolonged separation cause harm to children and parents alike, in many States parents lose their custody rights altogether after a certain period. The fear of being separated from children can in itself be prohibitive to a mother seeking help to resolve her statelessness for fear that the authorities may separate her from her children.

¹⁶ ENS, ISI, Praxis, 'Statelessness and Refugees in Serbia. Country Briefing' (2019) *Stateless Journeys* < [StatelessJourneys-Serbia-final-1.pdf](#) ([statelessness.eu](#)).

¹⁷ 'Roma Belong' n7, 22.

¹⁸ UNHCR, 'I am Here, I Belong. The Urgent Need to End Childhood Statelessness' (2015) 2 < [untitled](#) ([unhcr.org](#))>.

¹⁹ 'Roma Belong' n7.



“Being stateless has cost me my child”

Zenepe was born in Greece to Albanian parents. She never had a birth certification nor any other documentation. Zenepe moved back to Albania with her mother after her parents split up. Zenepe was raised by her grandparents, but they never registered her as she was born in Greece. Zenepe was raised by her grandparents. They never registered her as she was born in Greece. Zenepe married informally due to her lack of civil status.

After giving birth to her son, she could not register him because she didn't have any identity documents. In an attempt to assist, a local NGO helped her register her son, but as the lawful son of her parents-in-law. After Zenepe divorced her husband, she was permanently separated from her son who stayed with her in-laws. She is devastated not to have legal custody of her son. She has no financial means to be able to claim her civil status, identity, and legal assistance.

To resolve these issues, more attention must be paid to parental rights at European, national, and local level. Although States have international obligations to protect the best interests of the child, it appears that despite the best efforts of stateless and Roma women activists and wider civil society, Roma women's parental rights are not being prioritised. Women in different countries, including those affected by statelessness, need access to information about their rights, and they need effective, accessible, non-discriminatory legal aid to resolve their (risk of) statelessness and assert their parental rights. Births must be registered immediately in line with international law, even if mothers lack civil status or identity documents.

3. VIOLENCE AGAINST WOMEN AND GIRLS

The links between statelessness and violence against women and girls are under-researched and poorly understood.²⁰ There is an urgent need for more focus and attention on how the intersecting forms of discrimination outlined in this paper may exacerbate risks of Roma women affected by (risk of) statelessness experiencing different forms of gendered violence. It is important to consider the potential emotional and psychological harms associated with denying women their right to an identity and sense of belonging as well as risks that perpetrators of abuse could use women's lack of documentation as a form of control or coercion.

A lack of economic independence, limited access to information, language and literacy barriers, as well as exclusion from social security services reduce women's agency and choices, and when combined with antigypsyism, can foster distrust and prevent women from escaping violence, seeking help, or accessing justice. If women do seek help, stereotypical and discriminatory attitudes on the part of authorities and service providers, may impact on the support they receive.

²⁰ Edwards, A. 'Displacement, Statelessness, and Questions of Gender Equality and the Convention of the Elimination of All Forms of Discrimination against Women' (April 2009) *Background paper prepared for a joint United Nations High Commissioner for Refugees and the UN Committee on the Elimination of Discrimination against Women seminar, to be held at the United Nations in New York, 16-17 July 2009* <[Microsoft Word - UNHCR_CEDAW_background_paper_4.doc](#) (ohchr.org)>



More attention should be paid to statelessness and gender-based violence, and the current focus of the UN Special Rapporteur on Violence against Women and Girls on this topic is very welcome. Romani women activists must be part of this conversation to ensure that their expertise and experiences inform the debate and solutions.

4. ROMANI WOMEN'S ACTIVISM AND ROLE IN SOLUTIONS

The absence of Romani women's voices from policy debates on statelessness and legal identity is one of the reasons we came together to start this conversation. This absence points to the challenges Romani women still face accessing political processes and power. Yet, Romani women have been organising and mobilising at local, national and regional levels for decades. We are calling for their expertise to be acknowledged, valued, and heard. To facilitate meaningful participation, there are some important considerations.

The situation of Romani women is diverse at country and regional levels. It is important to understand collective experiences, but also to acknowledge differences and adapt solutions to specific contexts. Romani women who are active at grassroots and policy level are confronted with difficult and sensitive questions, which can take up a lot of energy. On the one hand, they are in daily contact with community members explaining and trying to find solutions to problems. On the other, they act as a bridge to policymakers, lawyers, and civil society organisations discussing important issues whilst at the same time claiming spaces, advocating for equal participation, and trying to combat antigypsyism. The personal and the professional overlap. During the COVID-19 pandemic, community activists have been on the frontline when public services were closed or reduced, ensuring medication got to those who needed it, helping with home-schooling, supporting those who lost their income, and mostly on a voluntary basis. Their networks and actions are indispensable in a crisis.

There may be differences of opinion on how statelessness should be addressed and how Romani women's position should be improved but activists and decision-makers must work together to find shared solutions and support Roma women's movements for justice and equality.

RECOMMENDATIONS

- Governments, especially at the local level, should employ Romani women and resource Romani women's NGOs who can act as a link between communities and competent authorities.
- Governments, regional bodies, and donors should invest in work to mitigate the barriers that Romani women face (including lack of civil status and equal nationality rights) to political participation including the right to vote and stand for election.
- Governments, regional bodies, international organisations, and NGOs should take steps to improve the representation of Romani women at events, in advocacy spaces, as speakers, and equal participants in public and political fora.



- NGOs and law centres should be resourced to provide expert legal assistance to Romani women to resolve their citizenship status, and build their capacity to take a gendered approach to this work.
- Governments should invest in training and capacity building for frontline officials to improve their understanding of intersectional discrimination and take measures to eradicate antigypsyism and harmful gender stereotypes.
- Governments should take steps to improve access to reproductive healthcare for Romani women and facilitate complex procedures for (late) birth registration, ensuring access to legal aid and other support services.
- Governments should establish systems and take proactive steps targeting specific groups to ensure all children born on their territory have equal access to immediate, free birth registration, and a nationality as soon as possible after birth in line with international law.
- Governments, regional bodies, international organisations and civil society should pay more attention to the parental rights of Romani women, including those affected by (risk of) statelessness, and mitigate the risk of forcible separation from their children.
- Donors, academics, civil society, international organisations, and human rights mandate-holders should explore and address the links between statelessness and violence against women and girls, and involve Romani women representatives in this work.

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