

WRITTEN COMMENTS

of the European Roma Rights Centre, Concerning Ukraine

For Consideration by the Committee on Economic, Social and Cultural Rights
at the 52nd Session (2-6 December 2013).



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

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INTRODUCTION

This list of critical issues is presented by the European Roma Rights Centre (ERRC)¹ to assist the Pre-Session Working Group with country specific information on issues affecting Roma in relation to Ukraine's sixth periodic report (the State Report).

The population of Ukraine is about 45,453,000 people, among them 47,587 Roma, according to the 2001 census (the most recent official census data).² However, unofficial estimates suggest that the number of Roma in Ukraine is between 120,000 and 400,000.³ The ERRC has worked in Ukraine for over ten years, and has documented widespread and systematic discrimination against Roma. Roma in Ukraine face many obstacles in accessing their rights, including in relation to education, housing, healthcare and employment.

STRATEGY ON THE PROTECTION AND INTEGRATION OF ROMA IN UKRAINE UP TO 2020 – ARTICLES 2, 3, 6, 7, 8, 9, 11, 12, 13, 15

While the publication of the Strategy on the Protection and Integration of Roma in Ukraine up to 2020 is welcomed, as is the National Action Plan on Roma Inclusion which was approved by the Ukrainian government in September 2013, to date no budgeting or monitoring plans have been made available in relation to the plan. While such a plan has the potential to have a very positive impact for Roma in Ukraine, without proper planning, involvement of Roma civil society organisations, and budgeting and monitoring, it is not likely to have a noticeable impact. It is also worth noting that collection of data disaggregated by ethnicity constitutes one of the core prerequisites for the elaboration of efficient anti-discrimination policies.

Suggested questions to the Government:

- Please outline in what ways the National Action Plan takes an evidence-based and rights-based approach, and how Romani civil society will be involved directly in the implementation and monitoring of the National Action Plan.
- Please provide details of what funding will be made available from the national budget for the implementation of a National Action Plan and which monitoring and evaluation mechanism will be put in place.
- Does the Government plan to introduce mechanisms for collecting data disaggregated by ethnicity (and possibly on other grounds)?

LACK OF PERSONAL DOCUMENTS – ARTICLES 2, 6, 9, 11, 12 & 13

A two-year ERRC project in Odesa Region has shown that Roma are often unable to obtain personal documents, and that the lack of personal documents has had a severe impact on the possibility of enjoying many other rights, including the right to work, to social protection, to healthcare, and to education. The ERRC, working with Ukrainian lawyers, has noted that the arduous and costly procedure is often unclear and presents many obstacles which have a disproportionate impact on Roma. A low level of literacy and lack of money to pay official and unofficial costs when applying for documents create a deadlock. Lack of proof of registration of a permanent residence is also an obstacle, exacerbated by the fact that many settlements are not legally registered. For many Roma, the problem is long-term and is exacerbated by the fact that parents and other family members also lack personal documents.

1 The ERRC is an international public interest law organisation engaging in a range of activities aimed at combating anti-Romani racism and human rights abuse of Roma, in particular strategic litigation, international advocacy, research and policy development, and training of Romani activists. Additional information about the organisation is available at: www.errc.org.

2 State Statistics Committee of Ukraine, All-Ukrainian Population Census, available at: <http://2001.ukrcensus.gov.ua/eng/>.

3 European Commission, *An EU Framework for National Roma Integration Strategies up to 2020*, Brussels, 2011, available at: http://ec.europa.eu/justice/policies/discrimination/docs/com_2011_173_en.pdf.

The ERRC has been engaged directly with communities in mapping document issues and offering assistance and support to those lacking personal documents through a community paralegal project. A detailed survey⁴ of 25 households in one community carried out in April and May 2013 revealed that out of 38 children, 18 did not have birth certificates. 18 out of 27 adults who participated in this survey did not have passports. For adults without personal documents, providing proof of one's identity is particularly difficult as the regulations on this are vague and unclear. In some cases, proof of school attendance is requested, even though many Roma have not attended school. For adults who need to establish proof of their identity, the process is extremely slow, time-consuming, costly and may involve going to court.

Suggested questions to the Government:

- What specific measures has the government taken or planned to facilitate access to personal documents and remove obstacles in this process for Roma?
- Does the Government have any plans in place to simplify the procedures for obtaining personal documents for vulnerable groups, including Roma?

HOUSING AND AN ADEQUATE STANDARD OF LIVING – ARTICLE 11

Many Roma live in substandard housing and in poor conditions. The situation is exacerbated by the lack of registration documents for houses, a situation which is often greatly complicated by the lack of other personal documents. In one ERRC survey of 25 households in Odessa region, seven lacked registration documents for their houses. Such a figure is typical of Roma communities in that area. In Uzhgorod region, many Roma communities have been threatened with eviction from their homes due to lack of registration documents. In 2013 two communities in Zakarpathia, including over 300 people in Khust and 147 in Uzhgorod, were threatened with eviction from their homes as these homes were not legally registered. This is despite the fact that the communities had been living on this land for several years, and had tried to register their land in the past. The legalisation process is complex and slow, and high costs involved make it inaccessible to many.

Suggested questions to the Government:

- What measures has the government taken or planned in order to simplify the process for legalisation of land on which communities have often been living for several years, and to make this process affordable?

ACCESS TO EDUCATION – ARTICLE 13

Although there are some schools in Ukraine with fully integrated education, there are also many where Romani children are overrepresented in special education schools and at times educated in segregated schools. In these situations education outcomes are poor. The ERRC has visited one segregated school in Odessa region which teaches Romani children only. Although according to the teachers at this school the curriculum is the same as in other schools, learning outcomes are poor, and children rarely advance to further education or training. Other children are taught in a nearby school which is in a newer building. Children from the Roma settlement are automatically sent to the segregated school and the teachers in this school actively enrol Romani children to the segregated school. Ethnicity and social status both appear to be the main factors in maintaining segregation.⁵ According to Ukrainian law education is free.⁶ However, informal payments are required from parents in order to secure attendance in the non-segregated school.

⁴ On file with the ERRC. The ERRC has carried out small-scale in-depth surveys in communities and has begun working on document applications with those surveyed. As such surveys raise expectations among communities that their difficulties will be addressed, the ERRC carries out smaller scale research *only* when it is possible to begin working with the community immediately. However, similar issues with lack of personal documents have been observed across Odessa region.

⁵ ERRC field interview, Odesa region, May 2013.

⁶ The Law on Education. Article 6 para 1, available at: <http://zakon0.rada.gov.ua/laws/show/1060-12>.

A special education school in Odessa region is designed for children with learning problems, and teaches an adapted and simplified curriculum covering a five-year curriculum over nine years. Romani children are disproportionately represented at the school, and account for over 35% of all students in a city where approximately 2% of the population is Roma. Admission to the special education school is decided by a commission, which assesses each student.

Similar situations with access to education, segregation, and overrepresentation in special education have been documented in other regions, in particular in Zakarpathia region.

Suggested questions to the Government:

- What steps have been taken or are planned to ensure that Romani children are not placed in special education schools erroneously, to integrate Romani children into mixed schools in Ukraine, and ultimately to close all segregated schools and ensure inclusive education for all?
- What steps have been taken or are planned to address obstacles to access to education, in particular the requirement on parents to make unofficial informal payments in order to secure enrolment of children?