

LIST OF ISSUES

BY THE EUROPEAN ROMA RIGHTS CENTRE CONCERNING UKRAINE

For Consideration by the Committee on the Rights of the Child at the pre-sessional Working Group of the 85th session (10 February 2020 - 14 February 2020)

CHALLENGING DISCRIMINATION PROMOTING EQUALITY

TABLE OF CONTENTS

Introduction	3
General measures of implementation (arts. 4, 42 And 44 (6) of the convention)	3
Stateless in Ukraine: the right of every child to acquire a nationality	3
Reproductive rights of Romani women: discriminatory treatment, neglect and abuse	6
Collective violence, forced evictions and the impact on Romani children	7
School Segregation, Unequal Access, Obstacles And Low Educational Outcomes	8

INTRODUCTION

The European Roma Rights Centre (hereinafter also referred to as the “ERRC”)¹ hereby submit this list of issues concerning Ukraine to the United Nations Committee on the Rights of the Child (hereinafter also referred to as “Committee”) for the consideration of the Committee on the pre-session of the Working Group prior to reporting. The submission focuses on the situation of Romani children in Ukraine, in particular on their risk of statelessness, overrepresentation in state care, segregation in education, and their vulnerability to racially-motivated violence.

GENERAL MEASURES OF IMPLEMENTATION (ARTS. 4, 42 AND 44 (6) OF THE CONVENTION)

COMPREHENSIVE POLICY AND STRATEGY

Roma in Ukraine face everyday discrimination and social exclusion. Available data, often collected by civil society organisations, and research conducted by ERRC and others, indicate that many Romani communities in Ukraine live in conditions of extreme poverty, often in segregated settlements with little or no access to essential services such as clean water and sanitation, adequate health care provision, and quality integrated education, that have particularly deleterious effects on the rights and wellbeing of Romani children.

Other major issues of concerns also addressed in this submission are the lack of personal documents, the risk of statelessness, and the consequences; the lack of comprehensive or reliable ethnically disaggregated data essential for the design and costing of integration policies, and without which progress or otherwise cannot be measured; the impact on children as victims of collective punishment and violent pogrom-like attacks; denial of access to quality reproductive healthcare.

STATELESS IN UKRAINE: THE RIGHT OF EVERY CHILD TO ACQUIRE A NATIONALITY²

LACK OF DOCUMENTATION AND STATELESSNESS IN UKRAINE

There is no reliable data on the exact size of Ukraine’s stateless population as the scope of the problem has never been thoroughly mapped. According to Ukraine’s 2001 census, 82,600 persons claimed to be stateless and another 40,400 persons did not specify their citizenship.³ According to the State Migration Service of Ukraine, as of 2015, 5,159 stateless persons had permanent residence permits and 574 had temporary residence permits in Ukraine. The Ukrainian Government does not keep a record of irregular stateless persons residing in Ukraine and does not have an official statelessness determination procedure in place. In 2015, UNHCR estimates of the stateless population in Ukraine ranged from 35,22811 to 45,87712. Either figure makes this one of the largest stateless populations in Europe.⁴

1 The ERRC is a Roma-led international public interest law organisation working to combat anti-Romani racism and human rights abuse of Roma through strategic litigation, research and policy development, advocacy and human rights education. Since its establishment in 1996, the ERRC has endeavoured to provide Roma with the tools necessary to combat discrimination and achieve equal access to justice, education, housing, health care and public services. The ERRC has consultative status with the Council of Europe, as well as with the Economic and Social Council of the United Nations. More information is available at: www.errc.org.

2 Excerpted and updated from *Joint submission to UN UPR on Ukraine (March 2017)*. Available at: <http://www.errc.org/reports-and-submissions/joint-submission-to-un-upr-on-ukraine-march-2017>.

3 First All-National Population Census: historical, methodological, social, economic, ethnic aspects. - The Institute for Demography and Social Studies of the NAS of Ukraine, the State Statistic Committee of Ukraine. – 2004. - P. 109 - http://2001.ukrcensus.gov.ua/d/mono_eng.pdf.

4 UNHCR Populations. - <http://globalfocus-interim.unhcr.org/population>.

The last and only All-Ukrainian Population Census of 2001 reported 47,600 persons who defined their affiliation to the Roma nationality.⁵ According to different sources, the current size of the Roma population in Ukraine ranges between 120,000 and 400,000 persons.⁶ The Roma constitute one of the main national minorities with the highest proportion of stateless persons. According to the Report on the Implementation of State Policy on Roma 2015, by the Ukrainian Ombudsman's Office, the International Renaissance Foundations, and the ERRC, 83% of Roma have a passport or another identity document, while the remaining 17% are undocumented.⁷

While most Roma have the right to the Ukrainian nationality under the Law, their risk of statelessness relates to their lack of documentation and the documentation requirements for birth registration. The lack of documentation among Roma is a widespread and long lasting, sometimes inter-generational issue that needs a particular attention by local and national authorities.

The ERRC has worked with communities in Odessa region since 2011, assisting Roma to apply for personal documents. In three communities between 30% and 40% of Roma reported that they lack at least one of the documents which are necessary in order to access a range of services. These include birth certificates, internal passports (which serve as identification documents) and residence registration documents. Many Roma in Ukraine also lack documents proving ownership of either the place of residence, or of the land on which they reside. The lack of personal documents creates obstacles with regard to education, housing, health care and other forms of social security, and employment.

In some cases, individuals lack any form of identification and so cannot prove their identity in order to avail of any state services. There are several reasons why Roma lack particular documents; some missed deadlines for exchanging documents following the collapse of the Soviet Union and were not aware that such deadlines existed; some did not have documents during the Soviet period and now cannot prove their place and date of birth, or their length of residence in Ukraine; some had lost personal documents and were unable to replace them.

Risks of statelessness among Roma in Ukraine and obstacles to solving their statelessness are linked to historical reasons of segregation and social exclusion by the majority community. In Ukraine, many Roma live in compact settlements, also known as 'tabor', which are excluded from the rest of the population. Birth at home also results in the lack of birth certificates because of the abovementioned requirement to present medical documents irrespective of the child's birth in or out of the hospital. The issue particularly impacts Roma living in remote rural areas. They are more likely to remain stateless as they do not have access to legal assistance to solve this problem. This also causes additional financial burdens for Roma, as travel costs are likely to be an obstacle to acquiring documentation. The situation of the Roma lacking identity documents is further aggravated by state sanctions against those who lack documentation. Furthermore, expenses, including paying a fine (for instance, for illegal stay in Ukraine, or late application for a birth certificate after the expiry of a month since the birth date); a court fee (if a person can establish his/her affiliation to the Ukrainian nationality only through a court procedure); or a fee for certain administrative services (for example, issuance of a registration certificate as a citizen of Ukraine by the State Migration Service of Ukraine) make documentation inaccessible to many Roma.

As a result and a consequence of marginalisation, social exclusion and poverty, the level of literacy and formal education remains very low among Roma in comparison to the rest of the Ukrainian population. This leads to barriers to completing applications and providing the required documentation, making Roma more likely to have their applications rejected.

Furthermore, discrimination is both a cause and a consequence of statelessness among Roma in Ukraine. Roma, along with other groups, are systematically discriminated against in Ukraine, at different levels, and on

5 The statistics are available at - <http://2001.ukrcensus.gov.ua/>.

6 Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis. - OSCE ODIHR, 2014. - Available at: <https://www.osce.org/odihr/124494?download=true>. "ECRI Report on Ukraine (fourth monitoring cycle)" (ECRI Report on Ukraine), adopted on 8 December 2011. - Available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf>; Situation Assessment Report on Roma in Ukraine and the Impact of the Current Crisis. - OSCE ODIHR, 2014. - p. 11. - Available at: <https://www.osce.org/odihr/124494?download=true>.

7 The Conditions of the Implementation on the Roma State Policy. - 2015. - 80 p. - p. 10. - Available at: http://www.ombudsman.gov.ua/files/alena/ZVIT_ROMA.pdf. (In Ukrainian.)

various grounds, as reported by the Office of the Ukrainian Ombudsman, as well as by UN agencies.⁸ In October 2016, concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination on the twenty-second and twenty-third periodic reports of Ukraine were published, which welcomed the positive steps undertaken by Ukraine in addressing discrimination, but underlined a range of further concerns and recommendations thereto. The Committee looked specifically at the situation of Roma in Ukraine, raising concern as to the persistence of discrimination, stereotypes, and prejudices against Roma, and on the particularly insecure situation of Roma IDPs. One of the concluding recommendations of the Committee addressed the issue of statelessness among Roma in Ukraine:

Recalling its general recommendations No. 27 (2000) on discrimination against Roma and No. 25 (2000) on gender-related dimensions of racial discrimination, the Committee recommends that the State party: [...] (e) Strengthen its efforts to provide all Roma with identity documents free of charge.⁹

THE RIGHT OF EVERY CHILD TO ACQUIRE A NATIONALITY

The 1961 Statelessness Convention requires States to grant nationality to persons born in their territory ‘who would otherwise be stateless’.¹⁰ Furthermore, both the ECN and 1961 Convention obligate that foundlings automatically acquire nationality.¹¹ The most important human rights provision related to the child’s right to acquire a nationality is Article 7 of the CRC, which requires that:

“(1) The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.

2) States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.”

International law also sets out rules and timeframes for the acquisition of nationality by children who would otherwise be stateless. Both the ECN and the 1961 Convention set out various criteria according to which, nationality should be acquired by such children, either at birth or later in life.¹² The current practice of Ukraine is assessed against these criteria later in this submission. Importantly, guiding principles of the CRC including the right to non-discrimination and the best interests of the child, further dictate the manner in which these provisions are to be implemented.¹³ According to UNHCR’s guidance, these general principles in the context of children’s right to a nationality entail that a child should acquire a nationality at birth or as soon as possible after birth and no child should be left stateless for an extended period of time.¹⁴

Despite these international obligations, Ukrainian Law only allows registration of children born to at least one documented parent. While the principle of *jus soli* applies in Ukraine – meaning that children born on the territory should be recognised as citizens, regardless of whether the parents are citizens or not - it requires legal residence and documentation as a pre-requisite to granting nationality. Furthermore, Art. 144 of the Family

8 For more details, see: The Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine. – 2015. – 552 p. – Available at: www.ombudsman.gov.ua/files/Dopovidi/Dopovid_2015_10b.pdf. (In Ukrainian.); The Annual Report of the Ombudsman of Ukraine on Human Rights in Ukraine. – 2016. – 537 p. – Available at: www.ombudsman.gov.ua/files/Dopovidi/Dopovid_2016_final.pdf – p. 156. (In Ukrainian.); The Concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Ukraine. - CERD/C/UKR/CO/22-23. - 4 October 2016. - Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en; Ukraine combined twenty-second to twenty-third periodic report CERD/C/UKR/22-23. – 2016. - Available at: <http://www.ohchr.org/en/NewsEvents/Pages/DisplayNews.aspx?NewsID=20318&LangID=E#sthash.By19x2Q2.dpuf>.

9 The Concluding observations and recommendations of the Committee on the Elimination of Racial Discrimination on the combined twenty-second and twenty-third periodic reports of Ukraine. - CERD/C/UKR/CO/22-23. - 4 October 2016. – Paras. 19-22. - Available at: http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CERD%2fC%2fUKR%2fCO%2f22-23&Lang=en.

10 1961 Convention, Article 1.

11 1997 European Convention on Nationality, Article 6 (1) (b); 1961 Convention on the Reduction of Statelessness, Article 2.

12 1997 European Convention on Nationality, Article 2 (6) (b); 1961 Convention on the Reduction of Statelessness, Article 1 (2) (a) and (b).

13 1989 Convention on the Rights of the Child, Articles 2 and 3.

14 UNHCR, *Guidelines on Statelessness No. 4: Ensuring Every Child’s Right to a Nationality through Articles 1-4 of the 1961 Convention on the Reduction of Statelessness*, 21 December 2012, HCR/GS/21/04.

Code of Ukraine also imposes an obligation to register a birth of the child within a month of the birth. Late registrations are penalised with a fine under Art. 212-1 of the Code of Ukraine on Administrative Offenses.

In addition to increasing the risk of childhood statelessness, the penalisation of late birth registration also undermines the right to private life protected under the European Convention for the Protection of Human Rights and Fundamental Freedoms. According to the European Court of Human Rights, laws which aim to penalise parents, also “*affect the children themselves, whose right to respect for private life [...] is substantially affected. Accordingly, a serious question arises as to the compatibility of that situation with the child’s best interests, respect for which must guide any decision in their regard.*”¹⁵

The primary legislation on the procedure of birth registration is the Law of Ukraine “On State Registration of Civil Status Acts” No 2398-VI of July 01, 2010, and the Ordinance of the Ministry of Justice of Ukraine “On adopting the Rules for the state registration of acts of civil status in Ukraine” No 52/5 of October 18, 2000. The latter act lists the prerequisites for birth registration in Ukraine, including the requirement of documentation of at least one parent of a child, without which the birth registration is impossible. This provision means that the children of undocumented parents cannot get documentation themselves – in contravention of CRC Article 7. The lack of documentation may later result in the child’s statelessness. The only way around this under the present legal framework, is for the undocumented parent to first apply to establish his/her citizenship and get documentation. However, it is often impossible to do so, and the obstacles to documentation will be addressed later in this submission.

Another prerequisite for birth registration is a medical certificate confirming the fact of a child’s birth, or in the case of a birth outside of a medical institution, a document issued by specially established medical and consultative commission (Art. 13 of the Law of Ukraine “On State Registration of Civil Status Acts”). In the absence of any medical proof of the child’s birth, a court decision is required to register the birth of the child. The costs, access to lawyers and supporting evidence required to make such court applications make this process inaccessible to many.

Cumulatively, these provisions make birth registration inaccessible to some of the most vulnerable persons in Ukraine, including the Roma and asylum seekers. They also undermine the right of every child to acquire Ukrainian nationality, in contradiction to Ukraine’s international obligations under the 1961 Convention, the ECN and the CRC.

Identifying the challenges related to universal birth registration in Ukraine, and the impact this has on the child’s right to a nationality as well as access to other human rights, the CRC concluding observations on Ukraine in 2011, made the following recommendation:

‘The Committee urges the State party to adopt positive incentives so as to ensure that free and compulsory birth registration is effectively made available to all children, regardless of ethnicity and social background. In this endeavour, the Committee recommends that the State party abolish any punitive fines for the failure of parents to register their children. The Committee further calls upon the State party to intensify its awareness-raising campaigns to encourage and ensure the registration of all Roma children.’¹⁶

REPRODUCTIVE RIGHTS OF ROMANI WOMEN: DISCRIMINATORY TREATMENT, NEGLECT AND ABUSE

The health and wellbeing of new-borns and young children is to a critical extent dependent upon Romani women being able to access quality reproductive healthcare. Research conducted by ERRC and Roma Fund Chiricli, a Roma-led organisation working in Ukraine, found that pregnant Romani women face degrading and discriminatory treatment when accessing reproductive healthcare, especially when giving birth.

The right to health, including the right to reproductive health, is a fundamental human right and is indispensable for the exercise of other human rights. Every woman has the right to the highest attainable standard of health, which includes the right to dignified, respectful healthcare throughout pregnancy and childbirth, as well as the right to be free from violence and discrimination. The research was conducted over four months between

15 European Court of Human Rights, *Mennesson v. France*, Application No. 65192/11, 26 June 2014, para 99.

16 CRC Concluding Observations on the consolidated third and fourth periodic report of Ukraine (21 April 2011), CRC/C/UKR/CO/3-4, para 36.

March and June 2018; in-depth qualitative interviews were conducted with 359 Romani women from Antalovci, Beregovo, Poroshkovo, Svalyava, Uzhgorod, and Veliko-Beresniy. The research found that:

- 95% of interviewees live in houses with very poor conditions, without water, electricity or sewage. Many houses were built informally in segregated areas, and there were cases where two-roomed dwellings housed 15-20 people
- Approximately 90% of interviewees were segregated from non-Roma when giving birth. Romani women in Uzhgorod had to pay extra money to access a segregated maternity ward, otherwise they had to give birth in the corridors
- Doctors were abusive and aggressive in their treatment of Romani women. The vast majority of the women came home as quickly as possible because of the hostile attitude of the doctors and nurses. One woman said: *“I was discriminated against, doctors talked to me without any respect, degrading me only because I am Roma. They called me Gypsy and screamed at me frequently... I asked some questions about putting my baby near with me after delivery, but the doctors screamed at me, ‘You Gypsies want too much, this is not a show house or theatre. It’s a hospital’”*.
- The conditions in the segregated wards were much worse, with limited access to toilets, no hot water, stained bedsheets. In Uzhgorod, Romani women complained that the bedsheets were old and stained with blood: *“I got these bedsheets for me and my child. My child was sick and I had to be in the hospital with him. Two days in a row I was getting a message delivered by a nurse in a very rude way that I had to pay for the bedsheets and other basic bed accessories because I am a Gypsy, or she would call the police. I started to cry and called health mediator”*.
- In Poroshkovo, 70 women of the 83 interviewed there stated they did not have access to hot and cold running water at all: *“We only had a toilet in the corridor of the hospital on the floor where deliveries take place”*.
- In Poroshkovo, Romani women were not provided with any food meals. The nurses simply said that they had no food for Roma. Romani women there had to get food from their relatives. In Antalovci, women complained that they got very little food and there was no hot water.
- 80% had limited access to medicines, in particular analgesics or anaesthesia, during their staying at the maternity ward or hospital. In Beregovo and Svalyava, most of women were told that if they needed medicine that was not available in the hospital, they had to go and buy it themselves.

COLLECTIVE VIOLENCE, FORCED EVICTIONS AND THE IMPACT ON ROMANI CHILDREN

The acts of collective violence against Roma by far-right paramilitaries, in some cases in collusion with local authorities have left children terrified and traumatised and, in some cases, physically injured by the attackers, who have effectively engaged in ethnic cleansing with impunity.

After the riots which broke out in Loshchynivka, following the murder of a nine-year-old girl, and the calls for the eviction of the Roma community from the village in August 2016, the town’s mayor publicly stated that he shared the locals’ outrage. The Secretary General of the Council of Europe addressed a letter to the Prime Minister, expressing his concern at the remarks made, and measures taken, by the local authorities, giving the impression that all members of that community were criminals and increasing existing prejudices.¹⁷

A crowd of 150-170 locals set fire to one Roma dwelling and destroyed ten others. Video footage showed the police standing by and watching. The entire community of terrified Romani families, including many small children was evicted. On 10 August 2018 the Odesa District Administrative Court agreed that the Mayor’s decision to evict the Roma community had been illegal. The court, however, refused to find the police inaction unlawful and also rejected the application for compensation.

Between late April and June 2018, a series of five anti-Roma pogroms marked an escalation of racist violence by neo-fascist militias in Ukraine, with evidence of official collusion adding a deeply sinister element. The

¹⁷ ECRI Report on Ukraine (fifth monitoring cycle) Adopted on 20 June 2017 Published on 19 September 2017, p.17. Available at: <https://rm.coe.int/fifth-report-on-ukraine/16808b5ca8>.

ERRC expressed its deep concern at the lax response from law enforcement agencies to racially motivated violence, and has initiated legal action against law enforcement for their failure to act.

The U.S. Embassy in Ukraine called on law enforcement officers to investigate the recent attacks on Roma and tweeted the following: “No one in Ukraine should live in fear because of who they are. We urge law enforcement to investigate recent attacks on Roma. Justice and Tolerance for minority communities are key in the new Ukraine.” <https://bit.ly/2khEFm5>.

- On **April 21**, members of the neo-Nazi paramilitary group C14 filmed themselves carrying out a pogrom in the Lysa Hora nature reserve near Kyiv, where they drove fifteen families from their homes. As reported by ERRC, the C14 gang, carrying weapons, attacked the Roma. A video posted days later showed whole families with small children fleeing in terror, chased by masked men who hurled stones and sprayed them with gas canisters, before setting their tents ablaze.
- On **May 10**, in the village of Rudne in the Lviv region, a 30-strong gang of masked men descended upon Roma shacks at 2a.m., dragged people out of their beds, beat them and set their homes alight, destroying all their belongings and forcing them to flee. Police and ambulance responders were on the scene, but no arrests were made. The victims’ whereabouts are unknown.
- On **May 22**, ERRC News reported that a group of masked men armed with guns and bats forced Roma families living near the village of Velyka Berezovytsia Ternopil to flee into the forest, and then set fire to their makeshift dwellings. Shots were fired and three people were injured in the attack. The terrified seven adults and 30 children lost all their property and documents in the arson attack. Doctors at the local hospital were forced to call the police when the injured Roma came under renewed attack as they were being brought in for treatment.
- On **June 8**, members of the National Druzhyna militia, first posted threats on Facebook, then broadcast the attack and destruction of the camp on Facebook live (<https://bit.ly/2MaITbV>). The police stated that the camp was empty when the militia arrived, so there were no victims and no arrests, and they will not open any criminal proceedings related to this incident.
- On the same day Freedom House published a new report warning of the dangers posed by increasingly active extremist groups in Ukraine. According to the author Vyacheslav Likhachev, “The most disturbing element of their recent show of force is that so far it has gone fully unpunished by the authorities. Their activities challenge the legitimacy of the state, undermine its democratic institutions, and discredit the country’s law enforcement agencies.”
- On **June 23**, gangs of masked men, armed with knives and bats attacked a Roma camp on the outskirts of Lviv in Western Ukraine. The attack left one 24-year-old Romani man dead, and several others wounded including a 10-year-old boy.

This series of violent attacks designed to destroy shacks and camps and force the Roma living in them to leave the area, have drawn attention to the wider problem of appalling living conditions faced by many more Roma. Despite the lack of comprehensive studies on housing and living conditions of Roma across the whole of Ukraine, and differences across regions, overall Roma have less access to adequate shelter and basic utilities than the ethnic majority population, and very many live in ‘undocumented houses’. Discrimination and forced evictions by local authorities, as well as collusion with far-right militias in expelling Roma, and residential segregation is testimony to a long-standing crisis that has profound consequences for the health and welfare of Romani children and their families.

SCHOOL SEGREGATION, UNEQUAL ACCESS, OBSTACLES AND LOW EDUCATIONAL OUTCOMES

Research and reports by NGOs including ERRC, Roma Education Fund, and local partners confirm findings and recommendations by international bodies such as ECRI that there is an urgent need to increase the school attendance of Roma children, combat segregation and prejudice in the school system and improve the educational outcomes of Roma children, with the appointment of Roma school mediators forming part of these efforts.

As ECRI noted, in its 2017 Report, while increasing the educational level of Roma is one of the commitments of the Strategy for the Protection and Integration of the Roma Ethnic Minority in Ukraine up to 2020, the strategy has no budget and remains largely unimplemented; and “Roma children experience numerous problems in education, including segregation, lack of access to preschool, high dropout rates and bullying.”¹⁸

Reports continue to indicate a low level of education among the Roma population in Ukraine: 24% have no education at all, 37% have not completed compulsory education and only 1% has higher education; 23% are illiterate and 34% do not speak Ukrainian. Other reports indicate that over 90% of Roma children drop out of school, only completing five or six years of education, and only 6% have completed secondary education or professional training. Many Romani children do not speak Ukrainian and have no access to pre-school education. When they start compulsory school, they are already at a disadvantage.¹⁹

ERRC research identified the many obstacles Romani children face in accessing education, and shown that Romani children often study in fully segregated and sub-standard schools, are not permitted to register in integrated schools, and are overrepresented in so-called ‘special education’ schools which have adapted curricula for children diagnosed with special education needs.

Some schools refuse Romani students as they lack personal documents, such as birth certificates. Many Romani-only schools actively encourage Romani children to enrol in a segregated rather than a mixed school; this involves teachers going directly to Romani families to enrol their children in a segregated school. Although education is free in theory, many schools require an unofficial monthly contribution from parents to cover running costs; for poorer Romani parents this monthly contribution is unaffordable. In some areas, a lack of transport to schools is an obstacle. Some parents are too poor to provide warm clothes for their children and keep them home during the winter months causing the kids to fall further behind and drop out. Finally, Romani students who attempt to enrol in integrated schools are often refused without clear reason and it is evident that these schools limit the number of Romani students that they accept.

The ERRC echoes the strong recommendation from ECRI that the authorities adopt an effect strategy facilitate access to preschools, and put an end to racial segregation of Romani children in education, as a pernicious practice which is “highly detrimental and deprives Roma children of the chance to escape the cycle of poverty resulting from low education levels.” ERRC also recommends that effective measures are taken to combat stigmatisation, bullying and abuse against Romani children in schools, as this has been identified as one of the main reasons causing children to drop out of school.

A variety of progressive educational initiatives supported by the International Renaissance Foundation (IRF), Roma Educational Fund (REF) and the leadership of certain local schools and NGOs demonstrate the effectiveness of pre-school language instruction, Roma teaching assistants and free lunches. These interventions are delivering clear results but need to be scaled up and taken on by the authorities. Currently these programmes rely on foreign donors; without state funding and ownership they cannot be sustainable in the long term. Also, any gains made by Romani children who received pre-school language and skills training are quickly lost if children are placed in segregated schools; many children who attend integrated schools are likely to fall behind if they do not receive parental or mentor support with out-of-classroom studies and homework.

As previously mentioned, a key factor in Romani children’s continued exclusion is statistical and data invisibility. The deficit of reliable, disaggregated data on their life circumstances means that there cannot be a holistic understanding of the impact of acute poverty, isolation and discrimination on the lives of Romani children in Ukraine. This is especially the case for the most excluded and marginalised, many of whom live in ‘undocumented dwellings’, without access to clean water, electricity and sanitation; where the precarious living conditions are further complicated by the lack personal documentation, which makes life a struggle to secure basic human rights.

18 ECRI Report on Ukraine. Available at: <https://rm.coe.int/fifth-report-on-ukraine/16808b5ca8>.

19 Equal Rights Trust (ERT) (2016), Alternative report submitted to the 90th session of the Committee on the Elimination of Racial Discrimination in relation to the combined 22nd and 23rd periodic reports submitted by: Ukraine.