

WRITTEN COMMENTS

of the European Roma Rights Centre and Chiricli, Concerning Ukraine

For Consideration by the Human Rights Committee at its 108th Session.
(8-26 July 2013).



CHALLENGING DISCRIMINATION PROMOTING EQUALITY

TABLE OF CONTENTS

| | |
|---|----------|
| Introduction | 3 |
| Non-Discrimination, Prohibition of National, Racial or Religious Hatred and Rights of Minorities - Articles 2, 20, and 27 | 4 |
| Violence Against Roma | 4 |
| Failure to Effectively Protect Roma From Violence and to Fully Investigate and Prosecute any Racist Incidents Highlighted by the European Court of Human Rights | 5 |
| Anti-Roma Speech | 6 |
| Prohibition of Discrimination – Articles 2, 16, 24, 25 and 26 | 6 |
| Access to Personal Documents | 6 |
| Discrimination Against Roma in Education | 8 |
| Discrimination Against Roma in Other Areas | 9 |
| Recommendations | 9 |

INTRODUCTION

The European Roma Rights Centre (ERRC)¹ and Chiricli² respectfully submit written comments concerning Ukraine for consideration by the Human Rights Committee at its 108th Session.

Regular monitoring of the human rights situation of Roma in Ukraine has been undertaken by the ERRC and Chiricli. On the basis of this, it is evident that the measures adopted and undertaken by the Ukrainian government to date have not been sufficient to ensure the effective implementation of the International Covenant on Civil and Political Rights (the Covenant). Indeed, the effects of measures have often been counter to the spirit and letter of the Covenant.

The present document does not aim to address all issues relevant to the implementation of the Covenant or its provisions in Ukraine, nor is the document a comprehensive summary of all human rights issues facing Roma in Ukraine. With this submission, the ERRC and Chiricli aim to present the results of research in several areas of relevance to the Covenant in order to complement the information provided in the State Report. The information reflects the current priorities of the submitting organisations in their work in Ukraine.

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).³ However, unofficial estimates suggest that the number of Roma in Ukraine is between 120,000 and 400,000.⁴ Nationwide, comprehensive data on the socio-economic situation of the Roma in Ukraine do not exist. Nationwide statistics are in general based on the census results. However, the majority of Roma do not disclose their identity in census-taking which creates a serious obstacle for the production of reliable data.

Roma in Ukraine face everyday discrimination and social exclusion. Available data indicates that many Romani communities in Ukraine live in conditions of extreme poverty, often in segregated settlements with little or no access to basic social services such as the education system, health system and other essential services.

Ukrainian authorities have been urged to establish and implement a system of ethnic data collection to assess and redress any racial discrimination that may exist in the country. This should be in full compliance with all relevant national laws as well as European and international regulations and recommendations on data protection and the protection of privacy, as stated in ECRF's General Policy Recommendation No.1 on combating racism, xenophobia, anti-Semitism and intolerance. However, no such policy has been implemented and there is no reliable data, thus it is difficult to quantify the discrimination which Roma face.

The Ukrainian Government announced in 2013 the adoption of a Strategy on the Protection and Integration of Roma in Ukraine up to 2020. The Strategy is a positive step towards improving the situation of Roma in Ukraine. However, as yet details on the implementation and budgeting for this plan have not been announced or published. The ERRC and Chiricli look forward to the publication of the forthcoming National Action Plan for the implementation of the Strategy.

To date, measures adopted and undertaken by the Ukrainian government have been insufficient to ensure the effective implementation of the ICCPR. This submission highlights the areas in which both submitting organisations have been particularly active, and focuses particularly on the rights protected under Articles 2, 16, 20, 24, 25, 26 and 27.

In relation to Article 7, violence against Roma and anti-Roma speech and advocacy of national and racial hatred remain serious problems faced by Roma in Ukraine. The submitting organisations have documented numerous incidents of attacks on Roma, including from law enforcement officials. Racial profiling of Roma by law enforcement officials has also been reported and documented, as has anti-Roma speech from elected officials. In all cases, authorities have failed to react in a satisfactory manner to these incidents.

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 The International Charitable Organization Roma Women Fund Chiricli is an international charitable organisation working on combating discrimination and human rights abuses of Roma, and legal and social issues of the Roma community through its impact on public policy, advocacy work and strengthening the Roma community. Additional information is available at: www.chirikli.com.ua.

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

4 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.

As to Articles 2, 26 and 27, discrimination pervades all aspects of life for Roma in Ukraine, and has been documented particularly in relation to education, health, and housing. Discrimination in all areas of life and in access to public services is exacerbated by obstacles and indirect discrimination in access to personal documents. Roma communities are disproportionately affected by these obstacles, and face discrimination from staff in document-issuing authorities, and arduous demands regarding supporting documentation. In relation to articles 24 and 25, parents frequently have difficulty in registering their children and obtaining necessary documents. Romani individuals are prevented from accessing various social services due to lack of personal documents.

Practices of segregation on the ground of ethnicity have been documented in education, and the Ukrainian government has failed to address these practices in an adequate manner. The submitting organisations have also documented discrimination in access to healthcare and housing. All of these issues are exacerbated by lack of personal documents. Moreover, there is no available statistical data concerning race and ethnicity, which hinders the exposure and tackling of discrimination on these grounds.

NON-DISCRIMINATION, PROHIBITION OF NATIONAL, RACIAL OR RELIGIOUS HATRED AND RIGHTS OF MINORITIES - ARTICLES 2, 20, AND 27

VIOLENCE AGAINST ROMA

Roma in Ukraine are subjected to violent attacks against their person and property. Article 161 of the Ukrainian Criminal Code provides for criminal responsibility for deliberate actions whose aim is inciting ethnic, racial or religious animosity as well as hatred aimed at humiliating the national honour and dignity of a person or offending citizens' feelings based on their religious views. This provision has seldom been included in convictions, as it requires proof of deliberate action on the part of the perpetrator, which is difficult to establish.⁵

The ERRC and Chiricli have compiled information on recent attacks against Roma in Ukraine, including some involving State actors, and documented significant human rights abuses targeting Roma individuals and communities. Roma throughout Ukraine report being subjected to systematic police violence and other forms of abuse. In particular, a pattern of violent police raids specifically targeting Roma neighbourhoods account for ill-treatment of Roma, including women and children, as well as for the systematic destruction of property. Roma also report that individual police officers have entered homes without authorisation; subjected them to forced labour; and in at least two instances, sexually abused Romani women.

Chiricli has been informed that on June 13 2013, a Roma settlement in the Darnitskii region of Kiev was completely destroyed in a fire. At approximately 20:00 a group of 10 people armed with batons attacked the settlement and set it on fire. The residents of the settlement lost all of their property including all of their personal documents. 40 people, including several children, have been left homeless as a result of the attack. Law enforcement authorities in Ukraine do not investigate any racial motive for attacks such as this one on Roma settlements.⁶

On 4 September 2012, at 5am a group of young men in masks threw Molotov cocktails into a Roma settlement in Uzhgorod. A Roma mediator called the police and asked them to come to the settlement. Despite the fact that four police officers patrolled the settlement, on the next night another attack on the same Roma settlement took place, when two men in masks again threw Molotov cocktails.⁷

On 31 May 2012 a Romani settlement in Kiev inhabited by 70 people was burned to the ground by unknown perpetrators. As a result, many Romani individuals lost valuable personal documents, including passports, and had to move in with friends and relatives. Sources quoted in the media claimed that law enforcement officers

5 ECRI Report on Ukraine (fourth monitoring cycle), adopted on 8 December 2011, para. 22-24, 15, available at: <http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf>.

6 This has also been reported by the Roma Monitor website, available at: <http://roma.idebate.org/news-articles/arson-attacks-roma-camps-continue-ukraine>.

7 This information was reported to Chiricli and also reported by local media. See 'В Ужгороді ромський табір закидали «коктейлями Молотова», available at: <http://zakarpattya.net.ua/News/100470-V-Uzhhorodi-romskiyi-tabir-zakydaly-kokteilyami-Molotova-FOTO>.

were ordered to remove the settlement. A police spokesperson stated publicly that preliminary information indicated that police were not involved but that an investigation remained open.⁸

On 11 January 2012, law enforcement officials used tear gas and beat residents with rubber batons during a violent police raid on a Romani settlement in Uzhgorod. Some of the victims were women, children, older people and people with disabilities in the community, according to media reports and victim testimonies.⁹

In September and October 2011, law enforcement officials reportedly beat a number of Romani people in detention in Lviv in the context of a wave of unlawful discriminatory identity checks, including fingerprinting and verification of documents targeting Roma. Romani individuals in Lviv were subject to specific measures to collect personal identifying information, in the absence of any allegation of involvement in criminal activities. Police reportedly inquired about Roma in the process of regular checks of public places, checking the identity documents of any Romani person found and taking some into police custody.¹⁰ Roma communities in Lviv continue to report similar incidents. In late May 2012, and in the same areas of Lviv, police again raided the homes of Romani families. Police officers also monitored Roma during a funeral ceremony by filming the ceremony and taking photos, stopping cars and checking only Roma.

The ERRC has asked the Ukrainian Government to investigate all attacks against Romani individuals and establish whether the crimes were racially motivated.¹¹ In the Kiev case, above, the prosecutor indicated that he would not be opening an investigation into the incident. In the case in Uzhgorod, national authorities indicated that investigations were ongoing but have not provided any further information about their outcomes or status. With regard to the situation in Lviv, the ERRC sent a letter of concern to the prosecutor and the Ministry of the Interior in the beginning of 2012, and an internal investigation was carried out.

FAILURE TO EFFECTIVELY PROTECT ROMA FROM VIOLENCE AND TO FULLY INVESTIGATE AND PROSECUTE ANY RACIST INCIDENTS HIGHLIGHTED BY THE EUROPEAN COURT OF HUMAN RIGHTS

In September 2012 the European Court of Human Rights delivered a judgment finding discrimination in the case of Fedorchenko and Lozenko v Ukraine. Five Romani people, including children who were three, six and 15 years old, died after a violent arson attack, which took place on 28 October 2001 in the Kremenchug region of Ukraine. Three men deliberately set a family home on fire, breaking into the house to spray it with flammable liquid. They then barred the door of the house from outside and fled. The severely flawed investigation by the Ukrainian authorities into the incident did not result in any effective outcomes, and nobody was prosecuted for the death of these five people.

The ERRC represented Mr Fedorchenko and Ms Lozenko (the parents and grandparents of the arson victims) in an application to the European Court of Human Rights (ECtHR) in 2002, claiming that among those responsible for the arson attack was a senior police officer and that the whole incident had not been properly investigated. The applicants also claimed that both the attack and the subsequent failure to investigate were linked to widespread discrimination against Roma in Ukraine. Ten years after this case was filed, the ECtHR found that Ukraine had failed to meet the procedural requirements of Article 2 of the European Convention of Human Rights (right to life) by failing to conduct an effective investigation into the deaths and in doing so also violated breached Article 14 (right to be free from discrimination).¹²

⁸ ERRC, “Slovakia and Ukraine Must Investigate Attacks against Roma”, press release, 25 June 2012, available at: <http://www.errc.org/article/slovakia-and-ukraine-must-investigate-attacks-against-roma/4011>.

⁹ ERRC, “Ukrainian Authorities Must Investigate Violent Police Raid Against Roma”, press release, 25 January, 2012, available at: <http://www.errc.org/article/ukrainian-authorities-must-investigate-violent-police-raid-against-roma/3961>.

¹⁰ ERRC, “Ukrainian Police Must Stop Targeting Roma” press release, 20 October 2011, available at: <http://www.errc.org/article/ukrainian-police-must-stop-targeting-roma/3937>.

¹¹ ERRC, “Slovakia and Ukraine Must Investigate Attacks against Roma”, 25 June 2012, available at: <http://www.errc.org/article/slovakia-and-ukraine-must-investigate-attacks-against-roma/4011>.

¹² ERRC, European Court of Human Rights Rules on Discrimination Against Roma in Ukraine Murders, 21 September 2012, available at: <http://www.errc.org/article/european-court-of-human-rights-rules-on-discrimination-against-roma-in-ukraine-murders/4054>.

ANTI-ROMA SPEECH

Article 20 (2) of the Covenant stipulates that, “Any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law.”

In May 2013, Sergei Ilash, who was at that time serving as a Secretary of Yalta City Council, stated that “all Roma women who are fortune-tellers and do not have passports should be either detained or evicted from the city and no one is going to cry over them” during an address to representatives of the Yalta military. Following that statement Mr Ilash made another extremely offensive remark, equating both Roma and homeless people with animals. This statement was made during the mayoral election campaign. In June 2013 Mr Ilash was elected as Mayor of Yalta.¹³

In February 2012 the governor of Kherson region, Nikolai Kostyak, stated at a press conference that small markets, which he described in a derogatory way as ‘gypsy camps’, would no longer be present along roads in the area, and that they would be replaced by ‘civilized trading areas and markets’. The comparison between ‘gypsy’ areas and ‘civilized’ areas is offensive and is a particularly inappropriate use of language for an elected public official.¹⁴ Also in February 2012 in Kremenchug leaflets were distributed with defamatory statements that Roma are dirty and ‘they should not live in this city’. Also at this time a young Romani boy in Kremenchug was told that very soon skinheads would organize pogroms of Roma settlements.

PROHIBITION OF DISCRIMINATION – ARTICLES 2, 16, 24, 25 AND 26

Until recently there was no comprehensive anti-discrimination legislation in Ukraine. General clauses on anti-discrimination can be found in the Constitution of Ukraine (Article 24)¹⁵, in the Civil Code in Article 26, which includes a general provision, stating that “all people are equal in their ability to have civil rights and freedoms”,¹⁶ and in some other Laws, such as Law on Education (Article 3).¹⁷

On 28 September 2012 Ukraine adopted a law on the principles of preventing and combating discrimination.¹⁸ International bodies such as the European Commission considered the adoption of the law on countering discrimination as a “step in the right direction” but explicitly underlined that the law “lacks clear and complete definitions, broader scope including an explicit reference to sexual orientation and institutional provisions to ensure its effectiveness”.¹⁹ It similarly noted that the Ukrainian legislation lacks comprehensive provisions regarding the rights of disabled persons and that Roma among other groups face different forms of discrimination and, occasionally, acts of violence.²⁰

ACCESS TO PERSONAL DOCUMENTS

Lack of personal documents remains one of the most pressing and far-reaching issues for Roma in Ukraine. Romani individuals have reported direct discrimination from document-issuing authorities. The ERRC, working

13 ‘Регионал Сергей Илаш победил на выборах мэра в Ялте’, June 3 2013. Available at: <http://www.rbc.ua/rus/top/politics/pr-zayavlyaet-o-pobede-svoih-kandidatov-na-vneochednyh-vyborah-03062013155700>.

14 Available at: http://pravda.ks.ua/kherson_ks/important/14628-n-kostyak-cyganskix-taborov-na-xersonshhine-ne.html.

15 Constitution of Ukraine, available at: <http://zakon2.rada.gov.ua/laws/show/254%D0%BA/96-%D0%B2%D1%80>.

16 Civil Code of Ukraine, Article 26, available at: http://www.wipo.int/wipolex/en/text.jsp?file_id=181865.

17 See: <http://sglio.ua/s116634>.

18 List of critical issues by ERRC for Consideration by the UN Human Rights Committee at its 106th session. (15 October to 2 November 2012) report available at: <http://www.errc.org/cms/upload/file/ukraine-submission-hrc-5-october-2012.pdf>.

19 European Commission, Implementation of the European Neighbourhood Policy in Ukraine, Progress in 2012 and recommendations for action, Accompanying the document Joint Communication to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, European Neighbourhood Policy: Working towards a Stronger Partnership, Brussels, 20.3.2013, SWD(2013) 84 final, report available at: http://ec.europa.eu/world/enp/docs/2013_enp_pack/2013_progress_report_ukraine_en.pdf.

20 *Ibid.*

with Ukrainian lawyers, has noted that Roma are disproportionately affected by obstacles in accessing personal documents, and that the arduous and costly procedure amounts to indirect discrimination against Roma. A low level of literacy and lack of money to pay official costs for 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. Due to these obstacles Roma cannot afford to get these documents, or are unable to because of bureaucratic and legislative obstacles, and therefore remain without access to education, employment and other services. This cycle of exclusion repeats itself from generation to generation. Chiricli monitoring has shown that up to 40% of Roma are without passports in some regions of Ukraine.

The ERRC has been working with communities in Odessa oblast in applying for personal documents, including birth certificates and internal passports, and addressing administrative and legal obstacles which prevent individuals from accessing these documents. Preliminary research in Roma communities in 2011 revealed that 42 out of 191 people interviewed did not have personal documents. The reasons for the absence of personal documents are varied, and solutions are often complicated by bureaucratic and administrative obstacles. Some Roma missed deadlines for exchanging documents following the collapse of the Soviet Union and were unaware of these deadlines. This in turn has had negative consequences for their children. Some did not have certain documents during Soviet times and now cannot prove their birthplace, or length of residence in Ukraine, as is required in order to obtain personal documents. Others lack registration of their place of residence, which is a prerequisite for obtaining a passport.

The ERRC has been engaged directly with three communities in mapping document issues and offering assistance and support to those lacking personal documents through a community paralegal project. A detailed survey²¹ of 25 households in one community carried out in April and May 2013 revealed that out of 38 children, do not have birth certificates. Eighteen out of 27 adults who participated in this survey do not have passports. The survey shows that seven families lack registration documents for their houses, a situation which is often greatly complicated by the lack of other personal documents.

The impact of lack of personal documents is broad. Children have difficulties in registering for school and attending school due to lack of birth certificates; families cannot access social assistance without the correct documents; adults cannot formulate work contracts without passports; and individuals without personal documents face harassment from law enforcement officers because these individuals are not able to give proof of identity. All of these issues have been documented by the ERRC in Odessa oblast. Research carried out by Chiricli found the same problems with personal documents and land/housing documents in Donetsk, Lviv, Kiev and Zakarpathia regions. Through the project on social mediators in Ukraine, implemented by Chiricli, it became obvious that problems with health and accessing healthcare often stem from the fact that Roma do not have personal documents and are thus precluded from realising their basic human rights.²²

In supporting applications for personal documents in 2013 the ERRC has seen that the process is time-consuming, difficult, and expensive, and the demands placed on applicants are often not directly prescribed by the laws on acquiring personal documents. On applying for personal documents, applicants have been requested by document-issuing authorities to provide a large number of related documentation. Applicants have been asked to provide proof of school attendance, which is particularly worrying in communities where children have been unable to attend school due to lack of documents. There is inconsistency between various document-issuing authorities, and applicants are requested to provide different supporting documentation, depending on which local office they are applying to. One 27-year-old Romani man was asked to provide evidence of school education, despite being illiterate and having had no formal education. The applicant was also asked to provide proof that he had not served time in prison. The applicant has also been required to travel to document-issuing authorities on five occasions to provide various documents. Information available to applicants on the application procedure is unclear as it very often involves submitting many supporting documents which are not mentioned in the Law directly, but are being asked for by document-issuing authorities.

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

22 Starting from April 2010, with the help of the Open Society Institute and the Council of Europe, this project initially aimed at resolving the problem of poor health status and access to healthcare of Roma population in Ukraine.

DISCRIMINATION AGAINST ROMA IN EDUCATION

Although the Ukrainian Law on Education establishes guarantees and sets basic standards for education, the ERRC and its partners have documented several instances of discrimination in education and failure to provide adequate education to Roma children. The Law on Education²³ sets basic standards as to primary and secondary education and proclaims that every citizen of Ukraine has a right to have education. Article 3 of the Law guarantees to everyone education free of charge irrespective of race, nationality, gender, place of residence, social and material status, etc. The Law on Education contradicts Article 53 of the Constitution which states that everyone (and not only citizens as is stated in the Law on Education in Article 3 para. 1) on the territory of Ukraine has the right to education.

ERRC research has documented the situation in two schools in Ukraine in 2013, one providing segregated education and the other a special education school with overrepresentation of Roma children.

A segregated school visited by the ERRC in May 2013 teaches only Romani children from the nearby settlement. 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.

There is another school building located approximately five kilometres away, which belongs to the same school. However, 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. Parents and children report being unhappy with the standard and quality of teaching at the segregated school. Parents report that after several years of school attendance, children remain illiterate, or with very low literacy levels. Over 90% of Roma children in the area are attending the inferior Roma-only school. Ethnicity and social status both appear to be the main factors in maintaining segregation.²⁴ According to Ukrainian law education is free.²⁵ However, informal payments are required from parents in order to secure attendance in the non-segregated school.

The ERRC also visited a special education school in May 2013. The school is designed for those with learning problems, and teaches an adapted curriculum²⁶ 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. Roma children study together in classrooms with children who have been diagnosed with health issues which have a marked impact on learning capacity.

In May 2013 in Uzhgorod the parents of two children, aged 11 and 12, who were trying to enrol in 5th class, were refused enrolment and the children were sent to an assessment committee. This happened despite the fact that the children had successfully completed the 4th class in another school. The parents of these children reported to Chiricli that they director was unwilling to enrol the Romani children due to their ethnicity.

Difficulties with education begin with kindergarten enrolment. In May 2013 parents reported to ERRC that informal payments are also requested in kindergarten and many Roma families, are unable to pay.²⁷ As a result, Romani children miss out on the first stage of formal education, which introduces children to key concepts and methods in formal education and prepares them for school attendance.

Children also face obstacles in attending school due to lack of personal documents, even though the right to free general primary and secondary education is guaranteed by the Ukrainian Constitution.²⁸ However, the Law on Education limits the right to education to citizens,²⁹ which may render a significant number of Romani children unable to enrol in primary or secondary education in practice, if they or their parents lack the necessary documentation.

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

24 ERRC field interview, Odessa region, May 2013.

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

26 This is referred to as *упрощенное образование*, meaning 'simplified education'.

27 ERRC field interview, Odessa region, May 2013.

28 Article 56, Constitution of Ukraine.

29 Law on Education in Ukraine Article 6 para 1.

DISCRIMINATION AGAINST ROMA IN OTHER AREAS

Housing

ERRC research has shown that there are two main difficulties faced by Roma in the area of housing. The first difficulty is in relation to documents which prove ownership. Many Roma do not possess legal titles for their houses or the land on which the house is built, and so are at risk of eviction as illegal occupants. Those who lack these documents lack official registration. Chiricli research has shown that in five regions of Ukraine approximately 9,000 people, or 40% of households, lack the required documentation to prove ownership of land. Lack of registration is itself an obstacle for obtaining other personal documents; it is not possible to obtain an internal passport³⁰ without proof of a registered place of residence in Ukraine. The second set of problems relate to inadequate living conditions. Most of the houses that were visited by the ERRC lack basic amenities, such as heating, water and gas, while some of the settlements are situated close to garbage dumps.³¹ Such poor living conditions negatively impact the health of the Romani residents.

Healthcare

In April and May 2013 Chiricli documented two situations in which ambulances failed to respond to emergency calls from Roma communities. In both instances the individuals in need of medical assistance only received it after the intervention of Roma health mediators. Both patients were seriously ill and in need of medical attention. In the city of Uzhgorod the family of a sick 12-year-old child reported that an ambulance refused to take the child to hospital. When the child was finally admitted to hospital, after the intervention of the health mediator, she was found to have an infectious disease and high fever, which was causing her to experience seizures. Under the Law on Urgent Medical Care, which came into force on 1 January 2013, in the Ukraine all citizens (regardless of nationality) and other persons are entitled to free, available, timely and quality emergency medical care.

RECOMMENDATIONS

- Join the Roma Decade and develop a National Action Plan for Roma, following on from the publication of the National Roma Integration Strategy;
- Ensure that the National Action Plan for Roma follows both an evidence-based and a rights-based approach, and that Romani civil society is involved in this process, and furthermore that the Plan addresses access to education, health care, housing, and employment.

Violence and anti-Roma speech

- Ensure proper, effective, and timely investigation and prosecution of alleged unlawful police actions with racial motive;
- Investigate and prosecute to the fullest extent of the law all perpetrators of violence and hate crimes against Roma;
- Provide anti-discrimination training for law enforcement officers, with an emphasis on vulnerable minorities;
- Publicly condemn all forms of use of racist and xenophobic speech against members of the Romani community, in particular when coming from public and elected actors.

Access to personal documents

- Address the lack of personal documents and facilitate access to property titles for land and houses, inter alia, through necessary legislative changes. Simplify the procedure for Roma to obtain these documents.

³⁰ This is an essential identification document. An international passport, required for foreign travel, is a separate document.

³¹ Information obtained through interviews conducted by the ERRC monitor through June-November 2011. As of May 2013 ERRC visits have shown that there has been no improvement in the living conditions in these areas.

Ending school segregation and discrimination

- Ensure that Romani children are enrolled in mainstream schools, according to the Law on Education in Ukraine and ensure that they are not denied access to education due to a lack of personal documents;
- Ensure that schools have anti-discrimination policies and practices in place and that all Romani school children have equal access to education in a desegregated school environment.