

**1 December 2011**

## **Comments by the European Roma Rights Centre**

### **Country: Ukraine**

Submission by the European Roma Rights Centre (ERRC)<sup>1</sup> on the occasion of the Revision of the European Neighbourhood Policy 2011 Action Plan by the Ukrainian Government

The ERRC has witnessed widespread discrimination towards the Romani population and substantive impediments to exercising basic human rights from the start of its work in Ukraine. From 1996 to 2011 ongoing monitoring in Ukraine revealed problems for Roma in accessing education, employment, housing and health care. Police violence, including unlawful detentions, photographing and fingerprinting, continues to be one of the main areas of concern and has been addressed by the ERRC and its local partner (the Romani Women Charitable Fund, Chiricli) on several occasions.<sup>2</sup> International bodies have also addressed the Ukrainian Government on several occasions regarding the issue of Romani minority treatment, and the government has been called upon to implement policies to improve the deplorable situation for this minority.<sup>3</sup>

The ERRC would like to use this opportunity, to draw the attention of the High Representative of the European Union for Foreign Affairs and Security Policy to certain facts, which allow us to conclude that nothing has been done by the Ukrainian Government in 2011 to address and tackle the problems of Romani community in Ukraine.

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<sup>1</sup> The European Roma Rights Centre (ERRC) is an international public interest law organisation defending the rights of Roma across Europe through litigation, advocacy, human rights education and monitoring. The ERRC has been active in Ukraine since 1996, in particular through constant monitoring, advocacy submissions and litigation. [www.errc.org](http://www.errc.org).

<sup>2</sup> ERRC, Ukrainian Police Must Stop Targeting Roma, 20 October 2011, available at: <http://errc.org/cikk.php?cikk=3937>.

<sup>3</sup> ERRC, UN CEDAW urges Ukraine to eliminate discrimination against Romani women, 22 February 2010, available at: <http://errc.org/cikk.php?cikk=3065>; ERRC, ERRC Welcomes CESCR Concluding Observations on Ukraine, 4 December 2007, available at: <http://errc.org/cikk.php?cikk=2927>; ERRC, ERRC Submission to UN HRC on Ukraine, 25 September 2006, available at: <http://errc.org/cikk.php?cikk=3712>; ERRC, ERRC Submission to UN CERD on Ukraine, 19 June 2006, available at: <http://errc.org/cikk.php?cikk=3691>.

Respect for the rights of persons belonging to national minorities remains an area of concern, according to the Implementation of the European Neighbourhood Policy in 2010 Country Report on Ukraine. In particular, the report stressed that “No progress was reported on the adoption of comprehensive **anti-discrimination** legislation, as recommended by UN and CoE monitoring bodies. Other national minorities continued to be the object of discrimination and racism including, in particular, the Roma and the Crimean Tatar communities. Further efforts are needed to increase awareness of racial discrimination and to fight it. In February 2010, an Action Plan for 2010-2012 was adopted by an Inter-agency Working Group set up to tackle xenophobia, interethnic and racial intolerance. However no steps have been taken to develop a modern legal framework to ensure the rights of minorities, and continuous efforts are needed to ensure the implementation of the CoE Framework Convention for the Protection of National Minorities and the European Charter for Regional or Minority Languages. The Ministry of Education and Science reversed the decision of the previous government to carry out school leaving tests only in Ukrainian and re-introduced the option of pupils taking these tests in national minority languages.”<sup>4</sup>

As far as the ERRC is aware, up to now nothing has been achieved in 2011 to address the problems specified by the European Commission in its Progress Report on Ukraine. The authorities have not adopted an anti-discrimination law or a legal framework to ensure the rights of minorities. This is a matter of deep concern, as the current situation for national minorities, in particular Roma, shows that without relevant legal acts and corresponding programmes and policies, one cannot expect big changes and improvements in this area in the near future.

The ERRC would like to draw the European Commission’s attention to three main areas of concern for the Romani minority. Our concerns are based on research conducted by the ERRC with the help of the local partner and a monitor in the field from June to November 2011.<sup>5</sup> These areas of concern are:

- lack of personal documents;
- lack of legal titles to land and houses; and
- segregated schooling and overrepresentation of Romani children in special schools

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<sup>4</sup> Progress reports on implementation of the European Neighborhood Policy, 25 May 2011, available at: [http://ec.europa.eu/world/enp/documents\\_en.htm#3](http://ec.europa.eu/world/enp/documents_en.htm#3).

<sup>5</sup> For more information please contact Darya Alekseeva, ERRC lawyer at [darya.alekseeva@errc.org](mailto:darya.alekseeva@errc.org) or Vladimir Kondur, ERRC monitor in Ukraine at [konrom@bigmir.net](mailto:konrom@bigmir.net)

The Romani minority often have significant problems accessing quality education, housing, health care and employment because they lack identification documents. Out of 191 people interviewed by the ERRC's monitor in Odessa oblast of Ukraine from June to November 2011, 53 people (28%) did not have documents certifying their property rights for land or house, 42 people (22%) did not have personal documents and 30 children of school age did not attend school.

Research carried out by Chiricli, the ERRC's partner in Ukraine, has also indicated the same problems with personal documents and land/housing documents in Donetsk, Lviv, Kiev and Zakarpatye oblast. During the project on social mediators in Ukraine,<sup>6</sup> it became obvious that problems with health and accessing healthcare very often stemmed from the fact that Roma don't have personal documents and are thus precluded from realizing their basic human rights.<sup>7</sup>

The lack of Government action addressing issues related to legalization of property titles over lands and houses leaves Roma at high risk of being evicted as illegal occupants.

Education for Romani children is another problematic area. Research conducted by the ERRC monitor from June to December 2011 in Odessa oblast indicated that many Romani children either do not attend school due to their lack of personal documents, attend segregated schools or attend special schools for mentally disabled children.

In the village of Korsunsi, Odessa oblast, only 3% of the 40 Romani children (12 children) of school age living there are attending school according to the research conducted by the ERRC monitor. The majority are not attending school for various reasons: either because of the lack of the documents, the lack of a school in close proximity or because of serious financial constraints (most of the Roma live in extreme poverty).

In the city of Izmail (Odessa oblast) in the special school for mentally handicapped children (School no. 5) Romani children constitute 33% of the total number of pupils (80), according to the director of the school. Once children are placed in special schools, there is no further testing on an ongoing basis to reassess the pupils; thus there is no record of any improvement or opportunity to integrate back into mainstream schooling. Most of the Romani children can't read, write or speak in Ukrainian, and often they cannot read and write in the

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<sup>6</sup> Starting in April 2010, with the help of Open Society Institute, Hungary, and the Council of Europe, this project was initially aiming at resolving the problem of poor health status and access to health care of Roma population in Ukraine.

<sup>7</sup> For more information on the project please contact Zemfira Kondur at [kondurzola@yahoo.com](mailto:kondurzola@yahoo.com)

Romani language by the time they start school. Romani children are very likely to be admitted to special schools, even though they don't require special education.

Segregated schooling continues to be one of the problematic areas in Ukraine for Romani minority, according to our research. In the village of Nerubaiskoe (Odessa oblast) there is a segregated school where only Romani children are studying. One of the teachers in his interview noted that: "There are only Romani children studying in our school, around 100. We have four classes in the school, where children from seven up until 15 are studying, where they study a curriculum, not different from mainstream schools. Romani children have problems studying in mainstream schools, because they create conflicts and also non-Romani parents don't want Romani children in one class with their children".<sup>8</sup> Segregated schooling has always been an area of concern and remains so, as the current research shows.<sup>9</sup>

The ERRC would like to strongly emphasise that the current situation of the Romani minority in Ukraine calls for immediate action and effective improvements. In particular, the ERRC urges the Ukrainian Government to:

- Adopt an comprehensive anti-discrimination law as a matter of priority;
- Address the lack of personal documents and facilitate access to property titles for land and houses, simplifying the procedure for Roma to obtain these documents, to address this widespread problem; and
- Ensure that Romani children are enrolled in 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.

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<sup>8</sup> Interview with the teacher at school in the village Nerubaiskoe conducted by the ERRC monitor in Ukraine on 5 October 2011

<sup>9</sup> ERRC, Romani Children Face Problems in Accessing Quality Education in Ukraine, 18 August 2008, available at: <http://errc.org/cikk.php?cikk=2977>.