

20 October 2011

**To: Prosecutor General of Ukraine, Mr. Pshonka Viktor Pavlovich**

**Kiev, Ukraine ul. Reznitskaya 13/15, fax: +380-44-200-76-72**

**To: Police Chief, Mogilev Anatolii Vladimirovich**

**Ministry of Interior, Kiev, Ukraine, ul. Akademika Bogomoltsa, 10,**

**fax: +380-44-256-16-33**

Dear Mr. Prosecutor and Mr. Police Chief:

The European Roma Rights Centre (ERRC), an international human rights law organisation combating anti-Roma racism and discrimination in Europe, is writing to express concern about the conduct of law enforcement following reports of unlawful fingerprinting and discriminatory verification of documents targeting Roma residents in Lviv, Lviv region, during September and October 2011.

According to reports from Ukrainian NGOs and local residents, Roma living in Lviv were subjected to a deliberate campaign to collect identifying information without any individualised evidence that they were involved in criminal activities. According to the information that the ERRC has received recently, in the process of conducting checks of public places such as markets, police officials deliberately inquired about Roma working there and proceeded to check the documents of anyone they found. Some Roma were then taken to the police stations, where they were fingerprinted and photographed; some were also beaten up. Police officers also visited the homes of Roma and checked their documents and their cars.

The actions of Lviv law enforcement officials raise serious concerns under Ukrainian legislation that limits the authority of law enforcement officials. According to the Law on Police in Ukraine, police officials can verify documents and fingerprint individuals “only if they have reasonable suspicions to believe that this individual has committed an offence.”<sup>1</sup> Furthermore, this Law obliges police officers to execute their duties in a non-discriminatory manner with respect to a person’s dignity.<sup>2</sup> The actions of the law enforcement authorities appear to violate the Constitution of Ukraine, which guarantees everyone the right to be free from inhumane and degrading treatment.<sup>3</sup> Finally, the actions in question suggest possible violations of Ukraine’s international treaty obligations, which are enshrined in the Constitution as an integral part of national law;<sup>4</sup> in particular, the European Convention on Human Rights and Fundamental

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<sup>1</sup> Law on Police N 2484-12, 19 June 1992, Article 11 paragraphs 2 and 10.

<sup>2</sup> Law on Police, Articles 3, 4 and 5

<sup>3</sup> Constitution, Article 28.

<sup>4</sup> Article 9 of the Constitution

Freedoms, the Convention on the Elimination of All Forms of Racial Discrimination and the International Covenant on Civil and Political Rights.<sup>5</sup>

In reference to the above, the ERRC respectfully requests that the Public Prosecutor of Ukraine launch an investigation into the conduct and legality of the Lviv law enforcement officials' in carrying out reportedly unwarranted, unlawful and discriminatory verification of documents and fingerprinting of Roma in Lviv.

More specifically, the ERRC calls on the relevant authorities to:

- Launch an official investigation into the legality of the police practice of arrests and fingerprinting of Roma in the city of Lviv and Lviv region;
- Take all necessary measures to hold the responsible law enforcement officials accountable for discriminatory actions against persons in Lviv that violate the laws of Ukraine, in particular the above mentioned provisions in the Constitution and Law on Police in Ukraine, as well as actions that violate Ukraine's treaty obligations, which are part of domestic Ukrainian legislation;
- Destroy the personal data unlawfully collected by Lviv law enforcement officials, in accordance with the Law on the Protection of Personal Data<sup>6</sup>;
- Review procedures and ensure appropriate training of law enforcement officials to eliminate such discriminatory practices occurring in the future; and
- Develop and establish effective monitoring mechanisms to assess compliance with existing anti-discrimination legal provisions.

We respectfully request to be informed of any and all actions undertaken by your respective offices in a timely manner.

Sincerely,

Dezuderiu Gergely

Executive Director

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<sup>5</sup> European Convention on Human Rights and Fundamental Freedoms, Articles 3, 8, 14. Convention on the Elimination of All Forms of Racial Discrimination, Articles 4 and 5. International Covenant on Civil and Political Rights, Articles 9, 10, 14 and 24.

<sup>6</sup> Art. 15 para 3 on of the Law on Protection of Personal Data from 1<sup>st</sup> June 2010 N 2273