



SITUATION ASSESSMENT REPORT

ON ROMA IN UKRAINE AND THE IMPACT OF THE CURRENT CRISIS

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ABBREVIATIONS AND ACRONYMS

ATO	Anti-terrorist operation
CPRSI	Contact Point for Roma and Sinti Issues
ECtHR	European Court of Human Rights
ECRI	European Commission against Racism and Intolerance
EOM	OSCE Election Observation Mission
ERRC	European Roma Rights Centre
EU	European Union
HCNM	OSCE High Commissioner on National Minorities
IDP	Internally displaced persons
NGO	Non-governmental organization
ODIHR	OSCE Office for Democratic Institutions and Human Rights
OSCE	Organization for Security and Co-operation in Europe
SMMU	OSCE Special Monitoring Mission to Ukraine
TAHCLE	ODIHR Training against Hate Crimes for Law Enforcement
UN	United Nations
UCHR	Office of the Ukrainian Parliament Commissioner for Human Rights
UN CEDAW	UN Committee on Elimination of Discrimination against Women
UN CESCR	UN Committee on Economic, Social and Cultural Rights
UNICEF	United Nations Children's Fund
UNHCR	United Nations High Commissioner on Refugees
UN OHCHR	United Nations Office of High Commissioner for Human Rights
USSR	Union of Soviet Socialist Republics
WHO	World Health Organization

EXECUTIVE SUMMARY

In the 2003 OSCE *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*, the OSCE Office for Democratic Institutions and Human Rights (ODIHR) was tasked to assume a proactive role in analysing measures undertaken by participating States to improve the situation of Roma and Sinti, including in crisis and post-crisis situations.

Since March 2014, the ODIHR Contact Point for Roma and Sinti Issues (CPRSI) has received a number of reports from Roma civil society in Ukraine detailing attacks on Roma and the difficulties they face in accessing assistance and shelter following their displacement from eastern Ukraine. ODIHR has monitored the situation since March 2014, and between 30 June and 3 July visited Ukraine to meet with representatives of the Ukrainian authorities, Roma civil society and international community, and to assess the overall situation of Roma in Ukraine, progress in implementing the national strategy for Roma integration and the impact of the current crisis on Roma.

In general, the situation of Roma in Ukraine remains problematic. The main challenges facing Roma include the lack of personal documents, difficulties accessing quality education and employment, inadequate housing conditions and misconduct by the police toward Roma. Roma in Ukraine are a heterogeneous community, and their situation varies between different regions of the country. There is a lack of official, comprehensive and accurate data available on the number of Roma in Ukraine and their socio-economic situation. Negative attitudes towards Roma persist within society, while there is limited recognition of the discrimination Roma face in many areas of life. With its adoption of the Strategy on the Protection and Integration of the Roma national minority into Ukrainian Society up to 2020 (Strategy), and the subsequent National Action Plan (NAP) on Implementation of the Strategy, the government of Ukraine has signalled its recognition of the need to address the situation of Roma through the development of specific policies. However, it failed to integrate a strong anti-discrimination approach in these policy documents or to respond to the specific needs of Roma women. In addition, the documents do not provide strategic objectives, clear indicators, a budget or effective mechanisms for their implementation and evaluation that ensure the effective participation of Roma. Roma were not involved or consulted in the drafting the Strategy or the NAP.

Recent political developments in Ukraine have further negatively affected the situation of Roma, in particular of those displaced from Crimea and eastern Ukraine. ODIHR received reports of two attacks on Roma in the Kiev region that took place at the end of February 2014, as well as reports suggesting that Roma in eastern Ukraine were pressurized by separatists, including in the run up to so-called “referendums” held in Donetsk and Luhansk on 11 May 2014, and were also victims of threats and acts of violence as a result of the breakdown of law and order in eastern Ukraine. There is no accurate data available about the number of displaced Roma, but reports from Roma civil society suggest that their number has increased following the deterioration of the situation in eastern Ukraine.

Displaced Roma face particular challenges due to the lack of civil registration and valid residence registration documents confirming their displacement from eastern Ukraine. In the absence of a clear legislative framework regulating the protection and assistance for displaced persons, as well as effective co-ordination mechanisms, support has largely depended on the good will and capacity of local authorities. The level and type of assistance and shelter provided to displaced Roma varies. There is limited awareness of specific factors that contribute to the vulnerability of Roma, and insufficient outreach activities by relevant actors

to address the situation of displaced Roma, in particular Roma women. In many cases, Roma are not aware of the assistance schemes available to them and do not know where to find information about available shelter. More attention needs to be paid to protecting the right to education of displaced Roma children.

RECOMMENDATIONS

To the Ukrainian authorities

- Collect comprehensive gender disaggregated official data on the number of Roma in Ukraine, as well as on their socio-economic situation. The data should be collected on the basis of voluntary self-identification and used to inform the development of national and regional policies targeted at improving the situation of Roma in the country.
- Review and amend the national Strategy and NAP in close consultation with Roma civil society and in line with the 2003 OSCE *Action Plan on Improving the Situation of Roma and Sinti in the OSCE*. The revised Strategy and NAP should recognize the discrimination that Roma face in all areas of life (including in education, employment, housing and health) and should pay particular attention to the needs of Roma women. Clearly-defined objectives, indicators and a realistic budget should also be included in the Strategy.
- Create an effective interministerial co-ordination mechanism for the implementation of the Strategy and NAP, and ensure the close participation of Roma, including Roma women, in the implementation and evaluation of the Strategy and NAP.
- Maximize ownership of Roma in all policies affecting them at the national and local levels.
- Provide civil registration documents and, in particular, birth certificates to all Roma without documents. Documents should be provided by law and without discrimination, and procedures to obtain documents should be simplified to remove obstacles and avoid burdensome processes.
- Ensure that all Roma children have access to quality education and abolish the practice of segregating Roma children in Roma-only classrooms or schools.
- Build trust and understanding between the police and Roma, including by implementing training programmes on anti-discrimination and community policing, and conduct awareness-raising activities on the situation of Roma to counter prejudices among law enforcement officials. Ensure that all instances of violence against Roma, including between February and August 2014, are effectively investigated by the Ukrainian authorities and that those responsible are prosecuted.

With regard to displaced Roma in Ukraine

- Promote a tolerant environment for displaced persons and refrain from any negative portrayals of displaced persons or groups.
- Recognize the particularly vulnerable situation that Roma face in displacement due to a lack of civil or residence registration documents, as well as their marginalized position in society.
- Establish a legislative framework for providing protection and assistance to all internally displaced persons (IDPs) in line with international standards, and create effective mechanisms for its implementation.
- Provide shelter and humanitarian assistance to all IDPs without discrimination, including to displaced Roma and, if required, identify durable solutions, including access to adequate housing and employment, health care and basic education, with due consideration of the specific needs of men and women.
- Facilitate the voluntary return of Roma IDPs without discrimination.
- Conduct outreach activities to Roma communities to inform them of existing assistance schemes and humanitarian support for displaced persons.
- Include Roma civil society and community representatives in consultations and needs assessments on the protection of displaced persons and ensure their active participation in outreach to their communities.
- Ensure that displaced Roma children have access to education.

I INTRODUCTION

In the OSCE *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area* (OSCE Action Plan) ODIHR is mandated “to respond effectively to crisis situations by, *inter alia*, co-operating with relevant governments, inter-governmental bodies and international organizations, in particular the UNHCR, to ensure protection of Roma communities at risk.”¹ In addition, ODIHR is tasked to “assume a proactive role in analyzing measures undertaken by participating States relating to Roma and Sinti people and offer its advice with a view to better tackling those elements of tension in particular in local contexts which may evolve, if not prevented, into open conflict situations.”² In line with this mandate, ODIHR has undertaken a range of activities, in particular with regard to Roma, Ashkali and Egyptians in the Western Balkans.³

Since March 2014, the ODIHR Contact Point for Roma and Sinti Issues has received a number of reports from Roma civil society in Ukraine, including accounts of attacks on Roma. In response to these reports and in accordance with its mandate, the CPRSI began to actively monitor the situation of Roma in Ukraine. Between 30 June and 3 July 2014, ODIHR visited Ukraine to obtain first-hand information on the situation of Roma in the current crisis in Ukraine. During the visit, ODIHR met with representatives of national authorities, Roma civil society and Roma health mediators, as well as with representatives of the international community, the OSCE Special Monitoring Mission to Ukraine (SMMU) and the United Nations High Commissioner for Refugees (UNHCR).

CPRSI previously visited Ukraine in 2012 to discuss with authorities the status of national integration policies for Roma and to offer ODIHR’s assistance in developing national policies in line with OSCE standards.

a. Methodology

The purpose of this report is to provide information about the overall situation of Roma in Ukraine and their situation between March and August 2014, with the aim of providing support to national and international actors in Ukraine.

This report is based on information gathered during the ODIHR visit to Kiev between 30 June and 3 July 2014. Owing to the dangerous security situation in parts of the country, ODIHR did not travel to the different regions of Ukraine. The report incorporates information gathered through desk research and communication with representatives of Roma communities and civil society before, during and after the visit. It also includes information received from the SMMU in response to the SMMU/ODIHR joint tasking of 16 June 2014 to SMMU field teams to monitor the situation of Roma prior to the ODIHR visit. Information gathered by monitors of the ODIHR Human Rights Assessment Mission (HRAM), deployed to Ukraine from 6 March to 1 April 2014, as well as the OSCE/ODIHR Election Observation Mission (EOM) to the 25 May early presidential elections in Ukraine, was also taken into consideration while preparing this report. The report also contains information from reports and statements made by national and international non-governmental organizations (NGOs)

¹ OSCE Ministerial Council, Decision No. 3/03, “Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area” (OSCE Action Plan), Maastricht, 1-2 December 2003, para. 114, <<http://osce.org/odihr/17554>>.

² OSCE Action Plan, *op. cit.*, note 1, para. 116.

³ For more information, please see the CPRSI page of the ODIHR website, <<http://www.osce.org/odihr/roma>>.

and international organizations, as well as information obtained from both the local and international media.

The first section of the report presents an overview of the situation of Roma in Ukraine. The second section addresses developments in the situation of Roma between March and August 2014. Both sections are structured thematically in accordance with the OSCE Action Plan,⁴ and address the following issues: racism and discrimination, socio-economic issues, Roma participation in public and political life and Roma in crisis situations.

b. OSCE commitments relating to Roma and Sinti

In 2003, the OSCE participating States adopted the *Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area*,⁵ which constitutes a comprehensive policy tool providing a set of multi-dimensional commitments and proposed measures “to eradicate discrimination against [Roma and Sinti] and to bring about equality of opportunities.” These efforts were further enhanced by the OSCE Ministerial Council decisions undertaken in Helsinki in 2008 “to provide for equal access to education and to promote early education for Roma and Sinti children”⁶ and again in Athens in 2009 “to address the rise of violent manifestations of intolerance against Roma and Sinti.”⁷ More recently, during the Ministerial Council in Kyiv in 2013, participating States committed to enhancing their efforts to implement the OSCE Action Plan with a particular focus on Roma and Sinti women, youth and children.⁸

The OSCE Action Plan defines the key policy areas to be addressed by participating States, with a particular focus on: combating racism and discrimination; ensuring equal access and opportunities for Roma and Sinti in education, employment, housing and health services; enhancing public participation; and protecting fundamental rights in crisis and post-crisis situations. The guiding principle in the implementation of the OSCE Action Plan should be that each policy and strategy is elaborated and implemented with the active participation of Roma and Sinti communities, including by ensuring the equal participation of Roma and Sinti women. As such, the design and implementation of all policies and programmes should take into account the particular situation of Roma and Sinti women.

c. Addressing the needs of Roma and Sinti in crisis and post-crisis situations

The OSCE Action Plan defines the specific role of the ODIHR Contact Point for Roma and Sinti Issues in addressing the needs of Roma in crisis and post-crisis situations. In accordance with its mandate, ODIHR should “assume a proactive role [...] and offer its advice with a view to better tackling those elements of tension.”⁹ In this regard, ODIHR is tasked with co-operating with relevant governments, inter-governmental bodies and international

⁴ OSCE Action Plan, *op. cit.*, note 1.

⁵ *Ibid.*

⁶ OSCE Ministerial Council, Decision No. 6/08, “Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti within the OSCE Area”, Helsinki, 5 December 2008, <<http://osce.org/mc/35488>>.

⁷ OSCE Ministerial Council, Decision No. 8/09, “Enhancing OSCE Efforts to Ensure Roma and Sinti Sustainable Integration”, Athens, 2 December 2009, <<http://osce.org/cio/40707>>.

⁸ OSCE Ministerial Council, Decision No. 4/13, “Enhancing OSCE Efforts to Implement the Action Plan on Improving the Situation of Roma and Sinti Within the OSCE Area, With a Particular Focus on Roma and Sinti Women, Youth and Children”, Kyiv, 6 December 2013, <<http://www.osce.org/de/mc/109801>>.

⁹ OSCE Action Plan, *op. cit.*, note 1, para. 116.

organizations to ensure the protection of Roma communities at risk,¹⁰ as well as with raising awareness among public officials, journalists and others of the situation of Roma people in crisis situations.¹¹

In addition, ODIHR's mandate is shaped by the OSCE Gender Action Plan,¹² which requires that the Office includes a gender perspective in all its activities and projects. With specific reference to crisis and post-crisis situations, the OSCE Gender Action Plan encourages the promotion of the UN Security Council resolution 1325 (2000).¹³

¹⁰ *Ibid.*, para. 114.

¹¹ *Ibid.*, para. 115.

¹² OSCE Ministerial Council, Decision No. 14/04, "2004 OSCE Action Plan for the Promotion of Gender Equality", Sofia, 7 December 2004, <<http://www.osce.org/mc/23295?download=true>>.

¹³ UN Security Council, *Security Council resolution 1325 (2000) [on women and peace and security]*, 31 October 2000, S/RES/1325 (2000), <<http://www.refworld.org/docid/3b00f4672e.html>>. The resolution calls for the full and equal participation of women in decision making with regard to conflict prevention, as well as in post-conflict reconstruction, and stresses the importance of their full and equal participation and involvement in all areas for the maintenance and promotion of peace and security.

II MAIN OBSERVATIONS ON THE SITUATION OF ROMA

In 2013, the Ukrainian government developed and approved its Strategy on the Protection and Integration of the Roma national minority into Ukrainian Society up to 2020,¹⁴ and subsequently approved the National Action Plan (NAP) on Implementation of the Strategy.¹⁵ There is, however, a lack of official data on Roma and their situation in Ukraine, and only limited country-wide data on the subject. According to the official 2001 census, there are some 47,587 Roma living in Ukraine, out of a population of approximately 48.5 million people.¹⁶ Other sources, however, estimate that there are between 120,000 and 400,000 Roma in Ukraine.¹⁷ There are three main explanations for the disparity between official and unofficial figures: the fact that, in some areas, many Roma do not have personal documents and, thus, are not registered in the country; the reluctance of Roma to declare their ethnic origin for fear that they will become targets of discrimination; and the incorrect recording by the authorities of “Roma” as “Romanians.”¹⁸

Roma constitute a very heterogeneous community and live in different regions of Ukraine, where the density of the Roma population varies throughout the country. According to estimations by local Roma NGOs, the largest concentrations of Roma live in the following *oblasts*¹⁹ (regions): Transcarpathia (42,580), Donetsk (20,000), Luhansk (11,630); Odesa (10,000), Kyiv (6,400), Dnipropetrovsk (6,200), Kharkiv (6,000), Cherkassy (5,140) and Poltava (4,205).²⁰ Roma in Ukraine are divided into several sub-groups according to certain characteristics, such as the region where they live, the main language spoken, the profession of their ancestors and religion.²¹ Almost all Roma groups in Ukraine are sedentary. There are a few semi-nomadic groups living in the west of the country, although their movements within Ukraine are mostly seasonal and labour-related.

¹⁴ Decree of the President of Ukraine No 201 of 8 April 2013, <<http://www.president.gov.ua/ru/documents/15628.html>>.

¹⁵ “Утвержден план реализации Стратегии защиты и интеграции в украинское общество ромов”, the official press release, [kmu.gov.ua](http://www.kmu.gov.ua/control/ru/publish/article?art_id=246670769), <http://www.kmu.gov.ua/control/ru/publish/article?art_id=246670769>.

¹⁶ State Statistics Committee of Ukraine, Census 2001, <<http://2001.ukrcensus.gov.ua/eng/>>.

¹⁷ As estimated by the World Romani Union and local Roma NGOs. The figures are taken from a document prepared by the Council of Europe Roma and Travellers Division, *Estimates on Roma population in European countries*, <http://www.coe.int/t/dg3/romatravellers/default_en.asp>.

¹⁸ “ECRI Report on Ukraine (fourth monitoring cycle)” (ECRI Report on Ukraine), adopted on 8 December 2011, para. 22-24, 15, <<http://www.coe.int/t/dghl/monitoring/ecri/Country-by-country/Ukraine/UKR-CbC-IV-2012-006-ENG.pdf>>.

¹⁹ Russian for “region”, hereafter: region.

²⁰ Detailed figures of Roma adult population in the different regions of Ukraine is estimated as follows: Transcarpathia region – 42,580; Donetsk region – 20,000; Luhansk region – 11,630; Odesa region – 10,000; Kyiv region – 6,400; Dnipropetrovsk region – 6,200; Kharkiv region – 6,000; Cherkassy region – 5,147; Poltava region – 4,205; Zaporizhia region – 3,990; Khmelnytskyi region – 2,920; Sumy region – 2,800; Vinnytsia region – 2,260; Chernihiv region – 1,980; Kirovograd region – 1,860; Zhytomyr region – 1,817; Mykolaiv region – 1,750; Kherson region – 1,600; Ivano-Frankivsk region – 1,570; Volyn region – 1,540; Lviv region – 1,035; Chernivtsi region – 800; Rivne region – 700; and Ternopil region – 500. With regard to Crimea, the biggest Roma settlements there are in Dzhankoj (around 500-700 Roma), Voinka (around 1000 Roma) and Oktiabske (around 300 Roma). There are no sizeable populations of Roma in Simferopol and Yevpatoria.

²¹ According to information provided by Roma mediators on 25 June 2014 and on 24 June 2014 to the SMMU monitoring teams, the following sub-groups of Roma live in Ukraine: Serve, Vlachy, Kotlary, Plaschuny, Kishinev and Crimean Roma.

1. Combating racism and discrimination against Roma

Negative stereotypes and prejudices against Roma are widespread in Ukraine. This leads to discrimination and violent attacks against Roma and their property, perpetrated both by state actors and non-state actors. The OSCE Action Plan²² details measures to counter prejudices against Roma and to effectively implement policies to combat discrimination and violence, including the adoption and implementation of effective anti-discrimination legislation, as well as the development of national strategies to improve the situation of Roma.

1.1 Legal framework and policies on Roma integration

The national legal framework

General clauses on anti-discrimination can be found in the Constitution of Ukraine (Article 24),²³ and in Article 26 of the Civil Code,²⁴ which includes a general provision that states that “all people are equal in their ability to have civil rights and freedoms”. Other legislation, such as Article 3 of the Labour Code²⁵ and Article 3 of the Law on Education, also include non-discrimination provisions.²⁶

In particular, an anti-discrimination legal framework is provided in the *Law on the Principles of Preventing and Combating Discrimination*, adopted on 28 September 2012.²⁷ The Law prohibits direct and indirect discrimination, including based on ethnic origin. According to an assessment by the European Commission, the adoption of the Law is a “step in the right direction”, but the Law “lacks clear and complete definitions, [...] and institutional provisions to ensure its effectiveness.”²⁸ In particular, definitions of direct and indirect discrimination are limited and no provisions are made for cases of multiple discrimination. This especially affects Roma women, who are often discriminated against on the grounds of a combination of characteristics, including ethnic origin, sex, disability and age. The scope of the Law covers many, but not all, areas of life where protection from discrimination is required by international standards.²⁹

²² OSCE Action Plan, *op. cit.*, note 1, part III.

²³ Constitution of Ukraine, Bulletin of the Verkhovna Rada of Ukraine (BVR) (Constitution of Ukraine), 1996, № 30, p. 141, Article 49, <<http://portal.rada.gov.ua/uploads/documents/27396.pdf>>.

²⁴ Civil Code of Ukraine, Bulletin of the Verkhovna Rada of Ukraine (BVR), 2003, № № 40-44, st.356, with the latest amendments № 1170-VII of 27 March 2014, Article 26, <<http://zakon2.rada.gov.ua/laws/show/435-15>>.

²⁵ Labour Code of Ukraine, approved by the Law No 322-VIII of 10.12.71 BD, 1971, Supplement to No 50, p. 375, Article 3, <<http://zakon4.rada.gov.ua/laws/show/322-08>>.

²⁶ Law on Education, Bulletin of the Verkhovna Rada of Ukraine (BVR), 2002, N 20, st.134, Article 3, <<http://zakon1.rada.gov.ua/laws/show/2984-14/print1299680531436936>>.

²⁷ Law on the Principles of Preventing and Combating Discrimination in Ukraine, № 5207-VI, adopted on 6 September 2012, <http://search.ligazakon.ua/l_doc2.nsf/link1/ed_2012_09_06/T125207.html>.

²⁸ European Commission, Implementation of the European Neighbourhood Policy in Ukraine, Progress in 2012 and recommendations for action, 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, <http://ec.europa.eu/world/enp/docs/2013_enp_pack/2013_progress_report_ukraine_en.pdf>.

²⁹ For a more detailed analysis of the Law on the Principles of Preventing and Combating Discrimination in Ukraine, see the submission by the Equal Rights Trust, March 2014, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fCSS%2fUKR%2f17065&Lang=en>. International Covenant on Economic, Social and Cultural Rights, adopted 16 December 1966, entered into force on 3 January 1976, <<http://www.ohchr.org/EN/ProfessionalInterest/Pages/cescr.aspx>>; Committee on Economic, Social and Cultural Rights, General Comment No. 20: Non-discrimination in economic, social and cultural rights, UN Doc. E/C.12/GC/20, 2009, <<http://www1.umn.edu/humanrts/gencomm/escgencom20.html>>; International Covenant

As part of its implementation of the EU's "Action Plan on Visa Liberalisation", on 13 May 2014, the Ukrainian Parliament adopted the *Law On Amendments to Some Legislative Acts of Ukraine (on Preventing and Combating Discrimination)*,³⁰ which amended the legislative framework on anti-discrimination, in particular the above-mentioned anti-discrimination law. Among other things, the Law expanded the list of forms of discrimination, introduced provision on civil, administrative and criminal responsibilities and on the burden of proof in discrimination cases, which was shifted from the plaintiff to the defendant. However, the new law did not introduce provisions for cases of multiple discrimination. The European Commission assessed that the amendments were sufficient and met the EU requirements, but also noted the need to ensure the inclusion of procedural guarantees in the implementation phase.³¹ According to the Office of the Ukrainian Parliament Commissioner for Human Rights (UCHR), the Law contains gaps and requires the introduction of by-laws to be implemented effectively.³²

Other relevant laws include the *Law on National Minorities in Ukraine*,³³ which aims to guarantee equal political, social, economic and cultural rights and freedoms to all citizens of Ukraine, regardless of their national origin. The Law does not mention any particular national minority protected under the Law. According to Article 3 of the Law, a national minority is referred as a group of citizens of Ukraine who are not Ukrainian by nationality and who demonstrate a sense of national identity and unity. Although not formally recognized as such by the Law, the Roma community is considered to be a national minority in Ukraine, as evident from government measures to address the situation of Roma.³⁴ Also relevant is the *Law on Equal Rights and Opportunities for Women and Men*,³⁵ which provides a legal basis for the equal rights and opportunities of women and men, with the aim of eliminating gender discrimination. The Law does not, however, address cases of multiple discrimination that women from national minorities often encounter.

The National Strategy on the Protection and Integration of Roma in Ukraine

In 2012, the Ukrainian government began developing the "Strategy on the Protection and Integration of the Roma national minority into Ukrainian Society up to 2020," which was signed and approved by the President of Ukraine on 8 April 2013. The Strategy was followed

on Civil and Political Rights, adopted on 16 December 1966, entered into force on 23 March 1976, <<http://www.ohchr.org/en/professionalinterest/pages/ccpr.aspx>>.

³⁰ Law on Amendments to Some Legislative Acts of Ukraine (on Preventing and Combating Discrimination), No 1263-VII of 13 May 2014, <<http://zakon4.rada.gov.ua/laws/show/1263-18>>.

³¹ Forth Report on the implementation by Ukraine of the Action Plan on Visa Liberalisation, Brussels, COM(2014) 336 final, 27 May 2014, p. 6, <http://ec.europa.eu/dgs/home-affairs/e-library/documents/policies/international-affairs/general/docs/fourth_report_on_the_implementation_by_ukraine_of_the_action_plan_on_visa_liberalisation_en.pdf>.

³² Information provided by the UCHR during the ODIHR visit in June-July 2014.

³³ Law on National Minorities in Ukraine, No 2494-XII, adopted on 25 June 1992, with amendments of 12 December 2012, <http://search.ligazakon.ua/l_doc2.nsf/link1/find:2494-XII/T249400.html>.

³⁴ See, for example, the Strategy on the Protection and Integration of Roma National Minority into Ukrainian Society for the Period up to 2020, approved by the Decree of the President of Ukraine, No 201 of 8 April 2013, available at: <<http://www.president.gov.ua/ru/documents/15628.html>>.

³⁵ Law on Equal Rights and Opportunities for Women and Men, № 2866-IV, adopted on 8 September 2005, with amendments of 30 May 2014, <http://search.ligazakon.ua/l_doc2.nsf/link1/T052866.html>.

by the adoption of a “National Action Plan (NAP) on Implementation of the Strategy” in September 2013.³⁶

A number of organizations, including representatives of Roma civil society in Ukraine,³⁷ the Ukrainian Parliament Commissioner for Human Rights³⁸ and international NGOs³⁹, have on several occasions raised a number of issues in relation to the NAP. The main concern is that the Strategy and the NAP have been developed without the adequate participation of Roma representatives. In addition, the NAP does not define budget responsibilities and allocations, lacks concrete targets in many areas and does not outline indicators for its successful implementation. These omissions make it difficult to implement the NAP and to monitor its implementation. Moreover, owing to a lack of comprehensive official data on Roma, the Strategy and the NAP have not been developed according to a needs-based approach. Consequently, the objectives and measures therein are very broad and do not target the specific needs of Roma.

In addition to the above shortcomings, the Strategy and NAP fail to reflect OSCE commitments with regard to Roma and Sinti, as well as other relevant international human rights standards. In particular, the Strategy and the NAP lack a clear anti-discrimination perspective and do not integrate gender equality as a cross-cutting issue. As such, the Strategy fails to recognize the existing situation of discrimination against Roma in Ukraine, including the multiple forms of discrimination experienced in all areas of life, and does not include anti-discrimination as an integral part of state measures for Roma inclusion in Ukraine.

The adoption of the Strategy and NAP is, in general, a step forward in recognizing the need to address the situation of Roma with a specific policy. However, future amendments to the Strategy should reflect calls from Roma civil society and the international community to bring the Strategy and the NAP in line with international standards. On a positive note, the adoption of the NAP in September 2013 led to the drafting of regional action plans, which received the approval of the local authorities in eight regions⁴⁰ of Ukraine in November 2013. Since the NAP does not include clear outcomes and indicators and lacks a clearly earmarked budget, it is difficult to monitor its implementation. As such, there is a need to enhance the

³⁶ “Утвержден план реализации Стратегии защиты и интеграции в украинское общество ромов”, the official press release is available at [kmu.gov.ua](http://www.kmu.gov.ua), <http://www.kmu.gov.ua/control/ru/publish/article?art_id=246670769>. Cabinet of Ministers of Ukraine, Regulation No 701-p on Approval of the Action Plan on Implementation of the Strategy on Protection and Integration of Roma in Ukrainian up to 2020, adopted on 11 September 2013, <<http://www.kmu.gov.ua/kmu/control/uk/cardnpd>>.

³⁷ ODIHR has received calls from Roma civil society organizations to appeal to the Ukrainian authorities in order to ensure a participatory approach in the development of the Strategy and the NAP. ODIHR received an appeal from the NGO “Center for Unification and Protection of the rights of the Roma” on 18 February 2013, as well as reports from the Roma Women Fund Chiricli.

³⁸ Ukrainian Parliament Commissioner for Human Rights, Submission of to the UN CESCR, March 2014, p. 1, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=INT%2fCESCR%2fIFN%2fUKR%2f15643&Lang=en>.

³⁹ European Roma Rights Centre submission to the UN Committee on Economic, Social and Cultural Rights (ERRC submission to UN CESCR 2014), March 2014, p. 3-4, <<http://www.errc.org/article/errc-submission-to-un-cescr-on-ukraine-march-2014/4249>>.

⁴⁰ The eight regions with regional action plans are: Odesa, Transcarpathia, Donetsk, Kirovograd, Lviv, Kherson, Cherkassy and Dnipropetrovsk. According to Roma civil society, in some regions, regional action plans were adopted in co-operation with Roma civil society. Regional action plans are based on the NAP, but focus on problems facing Roma in a particular region.

capacity of the institutions responsible for co-ordinating and monitoring the implementation of the NAP.

Political developments in Ukraine in 2014 have affected the government's ability to implement the NAP. According to a representative of the Ministry of Culture, the implementation of the regional action plans should have been financed from local budgets for 2014-2015. However, due to developments in eastern Ukraine, all governmental resources were allocated to address issues arising thereof.⁴¹

Overall, the Ministry of Culture remains responsible for the implementation of the NAP, but needs to enhance its capacities to implement the NAP effectively. In this regard, the Ministry of Social Affairs' planned initiative to form an inter-ministerial working group between the Ministry of Culture and the Ministry of Social Affairs is a positive step. According to information provided to ODIHR by the Ukrainian authorities, the proposed working group would be responsible for co-ordinating the implementation of national policies on Roma integration.

On 30 July 2014, the Roma Council of Ukraine organized a meeting between the national authorities and representatives of Roma civil society from across Ukraine, during which the latter presented their analysis of the Strategy and tried to identify ways to implement the NAP. As a result of the meeting, participants prepared an appeal to the government, including a request to create an inter-agency working group to revise the NAP with the participation of Roma community representatives. They also proposed creating an advisory centre for the drafting of regional action plans, in which Roma civil society representatives would participate.⁴²

National human rights institutions

Until December 2010, the **State Committee for National Minorities and Religions** was the independent body in Ukraine responsible for issues concerning national minorities. On 9 December 2010, the President of Ukraine signed a decree dissolving the committee and reduced it to a department within the Ministry of Culture.

The **Office of the Ukrainian Parliament Commissioner for Human Rights (UCHR)**, exercises parliamentary control of the human rights situation in the country, and is tasked with preventing discrimination.⁴³ Since 2012, the UCHR made monitoring the human rights of Roma a priority activity and began visiting Roma settlements and responding to complaints from Roma in Ukraine.⁴⁴ Following field visits to Roma settlements in 2013, recommendations on improving the situation of Roma were developed and shared with local authorities in different regions of Ukraine. The action plan of the UCHR for 2014 includes

⁴¹ Information provided by a representative of the Ministry of Culture during ODIHR's visit in June-July 2014.

⁴² "Роми нагадали владі про проблеми, які намагаються вирішити самі", International Renaissance Foundation, irf.ua, <http://www.irf.ua/knowledgebase/news/romi_nagadali_vladi_pro_problemi_yaki_namagayutsya_virishiti_sami/>.

⁴³ Law on the Ukrainian Parliament Commissioner for Human Rights, No 776/97-BP, 23 December 1997, with amendment of 27 March 2014, <<http://zakon4.rada.gov.ua/laws/show/776/97-%D0%B2%D1%80>>.

⁴⁴ European Ombudsman Institute, Special Report of the Ukrainian Parliament Commissioner for Human Rights, <<http://www.eoi.at/d/Menschenrechte/Ukraine/SPECIAL%20REPORT%20OF%20THE%20UKRAINIAN%20PARLIAMENT%20COMMISSIONER%20FOR%20HUMAN%20RIGHTS.pdf>>.

activities to address the issue of the civil registration of Roma and to improve their access to education and medical and social services.⁴⁵ In addition, during the drafting of the NAP, the UCHR submitted its comments to the Ministry of Culture, although these were not taken into consideration.⁴⁶

The UCHR also receives individual complaints from Roma individuals and civil society organizations. According to information provided by the UCHR, the number of complaints received from Roma is low. For example, in 2012 and 2013, the UCHR received just three complaints from Roma individuals and about twenty complaints from Roma civil society organizations out of a total of 2,051 complaints on issues of discrimination in 2013.⁴⁷ One explanation for the low number of complaints from Roma is the low level of awareness among Roma about their rights and the available redress mechanisms.⁴⁸

Amendments introduced to the *Law on the Principles of Preventing and Combating Discrimination* on 13 May 2014 expanded the competences of the UCHR in the field of anti-discrimination. The Office is now able to do the following: file appeals in discrimination cases if deemed necessary to protect the public interest; propose changes to legislation on preventing and combating discrimination; issue opinions in cases of discrimination at the request of the court; and monitor the observance of the principle of non-discrimination in the public and private spheres.

On 4 June 2014, the post of the **Government Commissioner on Ethno-National Policy**⁴⁹ was established within the Cabinet of Ministers to support national dialogue by co-ordinating the work of different stakeholders, including government ministries, civil society and the UCHR. To this end, the Commissioner is planning to establish a National Council for National Unity.⁵⁰ The Commissioner can participate in drafting laws and other legal acts, including government programmes on policies and measures to protect and promote the rights of minorities and indigenous people.

1.2 Hate crimes against Roma

Violence against Roma and their property remains a serious problem in Ukraine. Ukrainian legislation addresses hate crimes based on racial, national or religious bias and includes both

⁴⁵ Office of the Commissioner for Human Rights (UCHR), Decree No 23/02-13 on the Action Plan for 2014 on the Implementation of the Strategy of the Commissionaire for Human Rights on Prevention and Combating Discrimination in 2014-2017, approved on 15 November 2013. Information provided by the UCHR on 4 June 2014.

⁴⁶ Information provided by the UCHR during the ODIHR visit to Ukraine in July 2014.

⁴⁷ Information provided by the UCHR on 23 June 2014 and during the ODIHR visit to Ukraine in July 2014. Щорічна доповідь Уповноваженого Верховної Ради України з прав людини про стан дотримання прав і свобод людини і громадянина [UCHR, Annual Report on the Human Rights for 2013] (UCHR Annual Report for 2013), p. 374, <http://www.ombudsman.gov.ua/images/stories/01042014-decl/dopovid_2014.pdf>.

⁴⁸ According to a study conducted by the Kharkiv Institute of Social Researches, only nine per cent of Roma know their basic rights, and 56 per cent of surveyed persons were only familiar with some of them. See "Roma rights protection in Law-enforcement activities in Ukraine," Kharkiv Institute of Social Researches, 2013 (Kharkiv ISR 2013), <http://www.irf.ua/knowledgebase/publications/dotrimannya_prav_romskogo_naseleennya_v_diyalnosti_ovs_ukraini/>.

⁴⁹ Cabinet of Ministers of Ukraine, Ordinance No. 164 On Government Commissionaire on Ethno-National Policy, <http://www.kmu.gov.ua/control/uk/npd/list?npdList_stind=21>.

⁵⁰ Information provided by the Government Commissioner on Ethno-National Policy during ODIHR's visit in June-July 2014.

general⁵¹ and specific penalty enhancement⁵² provisions for committing hate crimes. In addition, Article 161 (2) of the Criminal Code provides for criminal responsibility for deliberate actions that aim to incite ethnic, racial or religious animosity, or the direct or indirect restriction of rights accompanied with violence, deception or threats. Hate crime provisions are, however, rarely invoked by prosecutors and judges.⁵³ Ukrainian authorities tend to prosecute racist offences as ordinary offences or to reclassify them as “hooliganism.”⁵⁴

In this context, official figures of the total number of recorded hate crimes as reported to ODIHR are very low,⁵⁵ with three in 2012,⁵⁶ five in 2011⁵⁷ and five in 2010.⁵⁸ Moreover, these data include hate crimes, cases of incitement to hatred and cases of discrimination. There are no official statistics on hate crimes committed because of an anti-Roma bias. International and local NGOs have reported numerous violent attacks against Roma in Ukraine, as illustrated by the following reports. In July 2013, two men set a Roma settlement on fire in Berezniaky, Kyiv.⁵⁹ In June 2013, a Roma settlement in the Darnytskyi district of Kyiv was attacked by a group of ten and burnt down.⁶⁰ In May 2012, a Roma settlement of about 70 people in Kyiv was set on fire by unknown perpetrators who threatened to kill Roma if they did not leave the city.⁶¹ In September 2012, a group of young men in masks threw Molotov cocktails into a Roma settlement in Uzhgorod.⁶² In November 2010, in Makiyivka, Donetsk region, two brothers attacked and killed a Roma woman with a screwdriver.⁶³

It also worth noting that many hate crimes and incidents go unreported because Roma lack confidence in the police and justice systems and fear further persecutions.⁶⁴

1.3 Anti-Roma political discourse

In addition to physical attacks, Roma in Ukraine have also been targeted by an anti-Roma political discourse voiced in speeches given by political representatives. In May 2013, Sergei

⁵¹ Article 67 (3) of the Criminal Code serves as a general sentencing provision and envisages a more severe punishment if an offence is committed because of racial, national or religious enmity and hostility.

⁵² Specific penalty enhancements are prescribed for murder (Article 115), causing intended grievous bodily injury (Article 121), causing intended injury of medium gravity (Article 122), battery (Article 126), torture (Article 127) and threats to kill (Article 129) because of racial, national or religious intolerance.

⁵³ ERRC Country Profile of Ukraine (ERRC Country Profile of Ukraine), p. 17, <<http://www.errc.org/cms/upload/file/ukraine-country-profile-2011-2012.pdf>>.

⁵⁴ ECRI Report on Ukraine, *op. cit.*, note 18, para 23. UCHR Annual Report for 2013, *op. cit.*, note 47, p. 379-380.

⁵⁵ The OSCE/ODIHR report for 2013, "Hate Crimes in the OSCE Region – Incidents and Responses", is not published yet, and official figures for 2013 will be available in November 2014.

⁵⁶ The OSCE/ODIHR report for 2012, "Hate Crimes in the OSCE Region – Incidents and Responses", (ODIHR HCR 2012), <<http://hatecrime.osce.org/ukraine>>.

⁵⁷ The OSCE/ODIHR report for 2011, "Hate Crimes in the OSCE Region – Incidents and Responses", <<http://hatecrime.osce.org/ukraine>>.

⁵⁸ The OSCE/ODIHR report for 2010 (ODIHR HCR 2010), "Hate Crimes in the OSCE Region – Incidents and Responses", <<http://hatecrime.osce.org/ukraine>>.

⁵⁹ ERRC submission to UN CESCR 2014, *op. cit.*, note 39, p. 7.

⁶⁰ ERRC submission to UN Human Rights Council (ERRC submission to UN HRC 2013), June 2013, p. 4, <<http://www.errc.org/cms/upload/file/ukraine-iccpr-june-2013.pdf>>. ODIHR HCR 2012, *op. cit.*, note 56, p. 58.

⁶¹ ERRC submission to UN HRC 2013, *op. cit.*, note 60, p. 6.

⁶² ODIHR HCR 2012, *op. cit.*, note 56.

⁶³ ODIHR HCR 2010, *op. cit.*, note 58.

⁶⁴ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine (OHCHR Report on Ukraine May 2014), 15 May 2014, para. 85, p. 20, <<http://www.ohchr.org/Documents/Countries/UA/HRMMUReport15May2014.pdf>>.

Ilyash, who at the time was serving as a Secretary of Yalta City Council and who was later elected as the mayor of Yalta, made offensive remarks about Roma, comparing them to animals.⁶⁵ In February 2012, the governor of Kherson region, Nikolai Kostyak, stated that small markets, which he described in a derogatory way as “gypsy camps”, would be replaced by “civilized trading areas and markets.”⁶⁶

1.4 Anti-Roma discourse in the media

As noted by the European Commission against Racism and Intolerance (ECRI), Roma in Ukraine are still often stereotyped as criminals in the media.⁶⁷ Reporting on Roma mostly focuses on criminality, violence and immigration as threats to public safety. Roma women are commonly accused of fraud, theft and stealing children. There is still limited awareness among journalists and the media of their potential to either incite or combat racism and discrimination. According to the ECRI report, racist prejudices and xenophobia also find expression on the Internet, with reports of anti-Roma hate speech on Internet forums, including those hosted by local government agencies.⁶⁸

Signs of anti-Roma discourse were also found in online resources of the Ministry of Internal Affairs of Ukraine (MIA), as monitored by the group of researchers from the Kharkiv Institute of Social Research.⁶⁹ In particular, their study found that websites of the MIA and the website of the MIA’s weekly “Imenem Zakonu” mention ethnicity when recording crimes committed by Roma and include statements portraying Roma in a negative, criminal context and citing their moral deficiencies.⁷⁰

1.5 Roma and law enforcement

Roma in Ukraine are subjected to discriminatory practices by police. This includes violence based on stereotyping, identifying them with criminals, racial profiling and fingerprinting. As reported by the European Roma Rights Centre (ERRC), in January 2011, police violently raided a Roma settlement in Uzhgorod and included the whole Roma community as suspects for the actions of a few Roma individuals.⁷¹ During September and October 2011, law enforcement officials targeted Roma residents in Lviv with identity checks, including fingerprinting, photographing and verification of documents, in spite of the absence of any allegation of involvement in criminal activities.⁷²

Roma also lack adequate protection of their rights, in particular as a result of police failure to carry out proper investigations and protect Roma. The former was highlighted by the European Court of Human Rights (ECtHR) in the case *Fedorchenko and Lozenko v. Ukraine*,⁷³ where 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

⁶⁵ ERRC submission to UN HRC 2013, *op. cit.*, note 60, p. 6.

⁶⁶ *Ibid.*

⁶⁷ ECRI Report on Ukraine, *op. cit.*, note 18, para. 56.

⁶⁸ *Ibid.*, paras. 59-60, 73.

⁶⁹ Kharkiv ISR 2013, *op. cit.*, note 48.

⁷⁰ *Ibid.*, p. 46-50.

⁷¹ ERRC, Ukrainian Authorities Must Investigate Violent Police Raid Against Roma, 25 Jan 2012, <<http://www.errc.org/article/ukrainian-authorities-must-investigate-violent-police-raid-against-roma/3961>>.

⁷² ERRC, Ukrainian Police Must Stop Targeting Roma, 20 October 2011, <<http://www.errc.org/article/ukrainian-police-must-stop-targeting-roma/3937>>.

⁷³ European Court of Human Rights, *Fedorchenko and Lozenko v Ukraine*, 20 September 2012, <

failing to conduct an effective investigation into the deaths of five Roma and that, in doing so, had breached Article 14 (right to be free from discrimination). Failure to protect also affects those Roma women who are victims of domestic violence.⁷⁴ One particular problem in this regard are the gendered responses to domestic violence among law enforcement officers in Ukraine, and the failure of officers to intervene in cases of domestic violence and provide advice and support to victims.⁷⁵ A lack of trust in the police also leads to a high level of under-reporting among Roma.⁷⁶

Another issue is the under-representation of Roma in the criminal justice system, including in the police force, in the prosecutor's office and in the judiciary. Those Roma that are employed in the criminal justice system often attempt to hide their ethnicity.⁷⁷ An expert meeting on Police and Roma and Sinti held by ODIHR in April 2014 highlighted the need to provide for the participation of Roma and Sinti in police structures, and brought to attention the issue of under-representation of Roma in police forces across the OSCE region. It was found that Roma women require particular support, as they are both under-represented in the police and have limited access to job opportunities within the police.⁷⁸

It is recommended in the OSCE Action Plan that national authorities develop training programmes to prevent the excessive use of force and to promote awareness of and respect for human rights.⁷⁹ In this regard, a Memorandum of Understanding for the implementation of the Training against Hate Crimes for Law Enforcement (TAHCLE) Programme⁸⁰ between the Ukrainian Ministry of Internal Affairs and ODIHR was signed in July 2012. According to the memorandum, Ukrainian authorities have committed to implement this training programme.

2. Lack of civil registration documents

Birth registration is an essential fundamental right that affords a person a legal identity and, consequently, the opportunity to exercise other human or social rights.

The OSCE Action Plan requires that participating States be proactive in ensuring that Roma have all the necessary documents, including birth certificates and identity documents.⁸¹ The

⁷⁴ United Nation Committee on Elimination of Discrimination Against Women, Concluding observations on Ukraine (UN CEDAW Concluding Observations 2010), CEDAW/C/UKR/CO/7*, 5 February 2010, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CEDAW/C/UKR/CO/7&Lang=En>.

⁷⁵ ERRC Submission to United Nation Committee on Elimination of Discrimination Against Women at its 45th session (ERRC Submission to UN CEDAW), p. 5, <<http://www.errc.org/cms/upload/media/04/3D/m0000043D.pdf>>.

⁷⁶ According to the ERRC's research, in Kyiv and the Kyiv region, of those who experienced violence, only four women (3.6 per cent) stated that they turned to the police to report violent incidents (ERRC Submission to UN CEDAW, *op. cit.*, note 75, p. 5). According to the research of the Kharkiv Institute of Social Researches, 51 per cent of Roma mistrust law enforcement, compared to 1 per cent trust and 6 per cent who would "rather trust than mistrust" law enforcement in Ukraine (Kharkiv ISR 2013, *op. cit.*, note 48).

⁷⁷ ECRI Report on Ukraine, *op. cit.*, note 18, paras. 83, 85.

⁷⁸ "Summary Report of the Expert Meeting: Police and Roma and Sinti - Current Challenges and Good Practices in Building Trust and Understanding," OSCE Office for Democratic Institutions and Human Rights, 8 April 2014 Warsaw, Poland, p. 14, <<http://www.osce.org/odihr/119653?download=true>>.

⁷⁹ OSCE Action Plan, *op. cit.*, note 1, para 27.

⁸⁰ The ODIHR programme is designed to improve police skills in recognizing, understanding and investigating hate crimes, including against Roma, <<http://www.osce.org/odihr/94898>>.

⁸¹ OSCE Action Plan, *op. cit.*, note 1, para 87.

acquisition of civil registration documents in Ukraine is regulated by the Family Code of Ukraine⁸² and the Law on State Registration of Acts of Civil Status,⁸³ which both prescribe that the registration of birth and the acquisition of a birth certificate be completed upon an application by the parents. In cases where this is not possible, the registration of birth may be made by relatives of the child, others or representatives of a medical institution where the baby was born. If the baby was born outside a medical institution, a medical consultative commission formed according to requirements can issue a proof of birth; otherwise, a birth certificate can be obtained through a court procedure.⁸⁴ Despite the existence of these provisions, Roma in Ukraine continue to face difficulties in obtaining civil registration documents.⁸⁵ Civil registration processes are burdensome and, in some cases, existing legal provisions and regulations contradict themselves.⁸⁶

A lack of civil registration documents, such as a birth certificate or a passport, appears to be one of the key challenges confronting Roma in Ukraine.⁸⁷ Research conducted by the ERRC in the Odesa region of Ukraine in 2011 found that out of 191 people interviewed, 42 (22 per cent) did not have personal documents.⁸⁸ In the Transcarpathia region, only 1,500 out of 10,000 Roma living in Mukachevo (15 per cent) have personal documents.⁸⁹

Some of the main obstacles to obtaining personal documents are insufficient funds to cover the costs of applying for passports, a lack of proof of registration at a permanent residence and the absence of a birth certificate.⁹⁰ In addition, the UCHR⁹¹ and Roma mediators⁹² have reported that the authorities sometimes create barriers to acquiring civil registration documents, for example, by asking the applicant to submit a document that is not required by law. Other reasons why Roma struggle to acquire civil registration documents are historical, as some missed deadlines to exchange documents following the collapse of the Union of Soviet Socialist Republics (USSR), while others did not have documents in the USSR and now cannot prove their place of birth and the time they have been resident in Ukraine, as is required in order to obtain personal documents.⁹³

⁸² Family Code of Ukraine, approved by the Law № 2947-III of 10 January 2002, <<http://zakon4.rada.gov.ua/laws/show/2947-14>>.

⁸³ Law on State Registration of Acts of Civil Status, Law № 2398-VI of 1 July 2010, <http://search.ligazakon.ua/l_doc2.nsf/link1/fin:Про+державну+реєстрацію+актів+цивільного+стану/T102398.html>.

⁸⁴ *Ibid.* Art. 13.

⁸⁵ UCHR Annual Report for 2013, *op. cit.*, note 47, p. 382-383.

⁸⁶ Explanatory Note on Improving and Simplifying the procedures for obtaining civil registration documents by Roma minority of the Charity Foundation “Rozvitok”, provided by the OSCE SMM Monitor on 27 August 2014.

⁸⁷ ECRI Report on Ukraine, *op. cit.*, note 18, para. 70.

⁸⁸ ERRC Submission on the occasion of the Revision of the European Neighbourhood Policy 2011 Action Plan by the Ukrainian Government, <<http://www.errc.org/cms/upload/file/ukraine-ec-revision-of-the-european-neighbourhood-policy-1-december-2011.pdf>>.

⁸⁹ Information provided by the SMMU monitoring team on 27 August 2014.

⁹⁰ Information provided by Roma NGOs and mediators to the SMMU monitoring teams from 16 July until 29 July 2014.

⁹¹ UCHR Annual Report for 2013, *op. cit.*, note 47, p. 382-383.

⁹² International Renaissance Foundation, “Ромські медичні посередники в Україні: досягнення, виклики, можливості” [Roma health mediators: achievements, challenges, opportunities] (IRF Roma health mediators), p. 32, Kiev, 2014, <http://www.irf.ua/knowledgebase/publications/romski_medichni_poseredniki_v_ukraini_dosyagnennya_viklik_i_mozhливosti/>.

⁹³ ERRC submission to UN HRC 2013, *op. cit.*, note 60, p. 7.

During ODIHR's visit to Ukraine in June-July 2014, representatives of different national authorities, including the Ministry of Social Affairs and the State Migration Service, mentioned that measures are in place to facilitate the process for obtaining personal documents. In particular, the Ministry of Social Affairs helps Roma obtain proof of registration at a place of residence by assigning Roma the addresses of homeless shelters. There are, however, no comprehensive government policies in place to effectively address the lack of civil registration documents among Roma. In particular, the lack of official data on the extent of this problem is an obstacle to introducing relevant measures.

As such, a lack of civil registration documents has a negative impact on all aspects of life for Roma, including in accessing basic services such as education, healthcare and employment, as well as their right to public and political participation.

3. Socio-economic issues

The OSCE Action Plan calls for participating States to take action to ensure that Roma and Sinti enjoy full social and economic rights on a par with others and, in particular, that they take steps at the grass-roots level.⁹⁴ As indicated by the Centre for Society Research, Roma in Ukraine most often face direct discrimination at the institutional level, such as in health care, education and employment.⁹⁵

3.1 Housing and living conditions

While the living conditions of Roma vary from region to region, they remain in many cases substandard. Roma settlements are often isolated and their infrastructure underdeveloped, without access to safe drinking water, sanitation facilities, electricity, heating, sewage and waste disposal.⁹⁶ In Transcarpathia and Odesa regions, many Roma families live in poor conditions and in seriously overcrowded housing in need of repair.⁹⁷

In addition, Roma often lack necessary documents relating to home ownership and, as such, are at risk of eviction. Instances of threats of eviction were registered in Khust, Transcarpathia region, in July 2013⁹⁸ and in Uzhgorod, Transcarpathia region, in August 2013.⁹⁹ In the most recent incident, which occurred on 29 July 2014 in the neighbourhood of Pasichna in the Ivano-Frankivsk region, Roma families were forced to leave their settlement by the police.¹⁰⁰ In such cases, Roma either lack documents showing proof of ownership of their homes, despite having lived in them for several years, or lack proof of ownership of the

⁹⁴ OSCE Action Plan, *op. cit.*, note 1, part IV.

⁹⁵ Kharkiv ISR 2013, *op. cit.*, note 48, p. 11-12.

⁹⁶ UN Committee on Economic, Social and Cultural Rights, Concluding Observations on Ukraine (UN CESCR Concluding Observations 2014), E/C.12/UKR/CO/6, 23 May 2014, para 18, p.7, <http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=E%2FC.12%2FUKR%2FCO%2F6&Lang=en>.

⁹⁷ ERRC submission to UN CESCR 2014, *op. cit.*, note 39, p. 7.

⁹⁸ Over 300 people were threatened with eviction if they did not vacate the land on which they were living.

⁹⁹ Forty Roma families were warned by representatives of the city authorities that they should move out of their homes immediately.

¹⁰⁰ SMMU, Daily Report of 6 August 2014, <<http://www.osce.org/ukraine/122446>>. SMMU, Daily Report on 4 August, <<http://www.osce.org/ukraine-smm/122234>>.

land on which their homes are situated.¹⁰¹ The document acquisition process in relation to land and housing is time-consuming, complex and can also be expensive.

Moreover, Roma women who are victims of domestic violence face obstacles in their access to shelters and centres for victims, owing to official registration requirements, age limits and the fact that these centres lack appropriate funding and are not available in all regions, as highlighted in a report by the UN Committee on the Elimination of Discrimination against Women.¹⁰²

As representatives of the Ministry of Social Affairs mentioned during ODIHR's visit in June-July 2014, in their work on social integration, Roma are categorized as homeless people, which gives them access to shelters and residence centres for re-integration, among other benefits. These measures address only emergency situations but do not provide long-term solutions to solving the problem of housing Roma on a large scale.

3.2 Access to health care

In terms of healthcare, Roma appear to be one of the most vulnerable groups in Ukraine.¹⁰³ Two major obstacles in accessing medical services are the lack of personal documents and the high cost of medical care. Although the Ukrainian Constitution guarantees medical care free of charge,¹⁰⁴ in reality, it is almost impossible to access quality medical services for free. In addition, many Roma are not aware that, in accordance with the law, medical facilities are obliged to accept them without charge and that many diagnostic and treatment procedures are available for free to people on lower incomes.¹⁰⁵

Roma women who are victims of domestic violence rarely seek medical support after violent attacks, often because doctors refuse to provide medical assistance once they learn that the victim is Roma, stating that they do not want to interfere.¹⁰⁶ At the same time, interviewees in research conducted by the ERRC/ Roma Women Fund Chiricli have acknowledged that there has been some level of positive change with respect to medical care and medical assistance, with several Roma women indicating their satisfaction with the way they are treated in hospitals and other medical facilities.¹⁰⁷ In this regard, during the ODIHR visit in June-July 2014, representatives of the Ministry of Social Affairs mentioned the success of the ROMED project to train Roma health mediators from Ukraine, supported by the Council of Europe and co-ordinated by the Roma Women Fund Chiricli. The project of Roma health mediators in Ukraine, co-ordinated by the Roma Women Fund Chiricli and supported by the Open Society Foundation, began in 2010 and currently includes 55 Roma mediators working in 12 regions of the country.¹⁰⁸

¹⁰¹ The ERRC research in Odessa region in 2011 showed that out of 191 people interviewed, 53 people (28 per cent) did not have documents certifying their property rights. The situation is similar in Donetsk, Lviv, Kyiv and Transcarpathia regions (ERRC Submission to UN HRC 2013, *op. cit.*, note 60).

¹⁰² UN CEDAW Concluding Observations 2010, *op. cit.*, note 74, para 29, p. 5-6.

¹⁰³ ECRI Report on Ukraine, *op. cit.*, note 18, para 154, p. 38.

¹⁰⁴ Constitution of Ukraine, *op. cit.*, note 23, Article 49.

¹⁰⁵ ERRC submission to UN CESCR 2014, *op. cit.*, note 39, p. 8. Law on Fundamentals of Ukrainian Legislation on Health of 19 November 1992 № 2801-XII with amendments of 15 April 2014, Article 8, <<http://zakon4.rada.gov.ua/laws/show/2801-12>>.

¹⁰⁶ ERRC submission to UN CEDAW, *op. cit.*, note 75, p. 6.

¹⁰⁷ *Ibid.*

¹⁰⁸ The aim of the project is to improve the access of Roma to medical and social services. Fifty-five mediators work in 12 regions, namely: Odesa, Transcarpathia, Zaporizhia, Kharkiv, Kherson, Luhansk, Donetsk,

3.3 Unemployment and economic issues

No official statistics exist on the current rate of unemployment of Roma, but according to the estimates of Roma NGOs, only 38 per cent of Roma are employed,¹⁰⁹ while according to the preliminary results of ERRC's monitoring in 12 regions, only 14,9 per cent of those interviewed were in regular employment.¹¹⁰ The main obstacles to regular employment are a lack of personal documents and an insufficient level of education. In addition, many Roma face difficulties due to discrimination from employers and the failure of the state to introduce policies aimed at increasing the employment levels among Roma.¹¹¹ For this reason, most Roma in work are self-employed, earning money by selling goods in markets or collecting scrap metal.

The employment situation of Roma women is even more problematic, as they are disadvantaged in the labour market. In particular, Roma girls are often prevented from accessing education due to higher rates of illiteracy among them, as well as owing to the persistence of traditional stereotypes regarding the roles and responsibilities of women in the family, in Roma community and in society at large.¹¹²

According to the ECRI, few Roma are employed in the public sector. Those Roma who do find work in this sector tend to conceal their ethnic origin for fear that they will be refused employment or promotion.¹¹³

Currently, there are no government programmes in Ukraine aimed at improving the employability and marketable skills of Roma or at strengthening incentives to seek employment, as recommended in the OSCE Action Plan and commitments.

3.4 Access to education

According to the UN Committee on Economic, Social and Cultural Rights (UN CESCR), Roma children continue to experience segregation in education,¹¹⁴ as well as ethnic bullying when they attend mixed schools.¹¹⁵ Reports suggest that rates of illiteracy among Roma are persistently high. Few Roma attend pre-school, and the proportion of Roma that completes secondary education appears to be significantly lower than that of the overall population.¹¹⁶ According to information provided by a representative of the Ministry of Education of Ukraine during ODIHR's visit to Ukraine, the school dropout rate of Roma children increases after primary school. Poverty¹¹⁷ and a lack of documents are significant barriers to education

Dnipropetrovsk, Kirovograd, Kyiv, Lviv and Crimea. For more information, see IRF Roma health mediators, *op. cit.*, note 92.

¹⁰⁹ ECRI Report on Ukraine, *op. cit.*, note 18, p. 37, para 144. UN CESCR Concluding Observations 2014, *op. cit.*, note 96, p. 5, para 12. According to unofficial statistics, the number of Roma in Ukraine is estimated to be between 120,000 and 400,000. See *op. cit.*, note 17.

¹¹⁰ ERRC submission to UN CESCR 2014, *op. cit.*, note 39, p. 8.

¹¹¹ ERRC Country Profile of Ukraine, *op. cit.*, note 53, p. 14. Information provided by Roma civil society on 14 May 2014 via e-mail enquiry.

¹¹² UN CEDAW Concluding Observations 2010, *op. cit.*, note 74, para 24, p. 5; Information provided by Roma civil society on 14 May 2014 via e-mail enquiry.

¹¹³ ECRI Report on Ukraine, *op. cit.*, note 18, p. 37, para 145.

¹¹⁴ UN CESCR Concluding Observations 2014, *op. cit.*, note 96, para 25, p. 9. In the Zakarpattia and Odessa regions, there are schools attended exclusively by Roma children. Information provided by Roma civil society on 24 June 2014 and 25 June 2014 to the SMMU monitoring teams.

¹¹⁵ ECRI Report on Ukraine, *op. cit.*, note 18, para 140, p. 36.

¹¹⁶ ERRC Submission to UN HRC 2013, *op. cit.*, note 60.

¹¹⁷ UN CESCR Concluding Observations 2014, *op. cit.*, note 96, para 17, p. 6.

for Roma children. An additional barrier is a lack of knowledge of the Ukrainian language. Some children cannot read, write or speak in Ukrainian, and often only understand Romani, Russian, Hungarian or Moldovan languages when they start school.¹¹⁸

According to information provided by the Ministry of Education during ODIHR's visit, the topic of the Roma Genocide is taught in schools as part of the curriculum on history.¹¹⁹ Reportedly, there are also classes on the history and culture of Roma in schools in Ukraine. According to the authorities, lessons in the Romani language have been offered in schools for the past ten years.

During its visit, ODIHR was informed by the authorities of the efforts of educators and NGOs to facilitate access to education at the local level, as well as to provide material support, including stationery, to Roma children. However, these efforts appear to rely largely on the goodwill of individual teachers rather than on co-ordinated government action.¹²⁰

4. Participation in public and political life

A lack of proper identification documents, as well as discrimination, prevents many Roma from taking part in public and political life, as highlighted by the ECRI.¹²¹ In particular, there are no institutional policies and programmes in place to promote the active role and participation of Roma communities in government decision-making processes in Ukraine.

There are no official data available on the extent of Roma participation in elections in Ukraine. However, according to Roma civil society in the country,¹²² those Roma who do possess civil registration documents participate in elections regularly. However, some Roma have limited awareness of their right to vote and to be elected, as well as of the electoral process.¹²³ In 2010, Roma Women Fund Chiricli with the support of ODIHR implemented a project on raising awareness of the rights to vote among Roma communities in Odessa and in the towns of Koncovo and Beregovo in the Transcarpathia region.

According to the ODIHR EOM to the 28 October 2012 parliamentary elections in Ukraine, some candidates from smaller national minorities were elected from parties' proportional lists. There is no information as to whether Roma were among those elected. At the same time, the Crimean Tatar, Hungarian, Romanian and other minorities were not able to win

¹¹⁸ ERRC Country Profile of Ukraine, *op. cit.*, note 53, p. 20.

¹¹⁹ As reported by the Ukrainian government, Ukraine observes 2 August every year as the Roma and Sinti Genocide Remembrance Day. The date was officially established as a national day of commemoration on 8 October 2004 by Parliamentary Resolution No. 2085-IV "On the Commemoration of the International Day of the Roma Holocaust". The Resolution also recommends that the government support research into the Roma genocide in Ukraine, facilitate the construction of memorials to victims of the Roma genocide and provide support to families of the victims and to Roma communities in general. See OSCE Office for Democratic Institutions and Human Rights, Holocaust Memorial Days in the OSCE Region An overview of governmental practices, December 2012, p. 103-104, <http://tandis.odihhr.pl/hmd/pdf/Holocaust_Memorial_Days_2012.pdf>.

¹²⁰ ECRI Report on Ukraine, *op. cit.*, note 18, para 139.

¹²¹ *Ibid.*

¹²² Information provided by Roma civil society representatives on 16 May 2014 via phone enquiries, and on 2 July 2014 during a meeting in Kiev.

¹²³ This applies to the most vulnerable Roma communities in Ukraine, who are poor and have a low level of education.

seats through majoritarian elections in their respective regions of settlement, despite fielding candidates.¹²⁴

Due to their general vulnerability, poverty, social exclusion and often lower levels of education, Roma voters have been easy targets for attempts to exert undue influence during elections in Ukraine, including vote-buying and other forms of pressure.¹²⁵

5. Conclusions

The general situation of Roma in Ukraine remains problematic. Roma continue to face particular challenges in accessing quality education, housing and civil registration documents, as well as in their relation with the police.

There is no comprehensive official data available on the situation of Roma in Ukraine and limited awareness of the racism and discrimination that they face. While the need for a targeted policy approach to address Roma inclusion was recognized by the Ukrainian authorities with the adoption of the Strategy and NAP, these documents lack strategic objectives and targeted measures to account for the real needs of Roma. In addition, clear indicators and an effective mechanism for its implementation and evaluation are missing, since no adequate budget is provided for its implementation.

It is, therefore, recommended that the Strategy and NAP be amended in close consultation with Roma civil society and relevant actors, and that amendments proposed by the UCHR, as well as relevant OSCE and other international human rights standards, be taken into account.

Particular attention should be paid to addressing discrimination against Roma, including multiple forms of discrimination, in all areas of life. The state should also include an anti-discrimination approach as an integral part of its measures for Roma inclusion in Ukraine.

In addition, the Ukrainian authorities should place special emphasis on ensuring access to quality education for all Roma and on combating the segregation of Roma in schools, and assigning them to special classes. The processes of civil registration and, in particular, birth registration for Roma need to be facilitated by ensuring the non-discriminatory application of existing laws, as well as by introducing legislative amendments to avoid potential contradictions and unnecessary obstacles. In this regard, the provision of legal support and outreach to Roma communities to facilitate the process of obtaining documents is crucial.

Relations between the police and Roma need to be addressed by providing training for law enforcement and prosecution officials against all forms of harassment or discriminatory behaviour by the police, to raise awareness of the situation of Roma and to counter prejudices. In addition, policies to build trust and understanding between Roma communities and the police should also be developed.

Moreover, the revised Strategy and NAP should pay special attention to gender issues and address the particularly vulnerable situation of Roma women. Roma women must be empowered to participate in any further policy development of their concern and be able to

¹²⁴ ODIHR Final Report on Ukrainian Parliamentary Elections on 28 October 2012, Warsaw, January 2013, p. 23, <<http://www.osce.org/odihr/elections/98578>>.

¹²⁵ *Ibid.*, p. 22-23. ODIHR Final Report on Ukrainian Presidential Elections on 17 January and 7 February 2010, Warsaw, April 2010, p. 21, <<http://www.osce.org/odihr/elections/ukraine/67844>>.

participate on an equal basis with men in the design and implementation of government policies and programmes on Roma.

Finally, the capacity of those authorities responsible to implement the Strategy and NAP, including the Ministry of Culture, should be strengthened to ensure the effective implementation of measures for Roma integration. In this regard, the initiative of the Ministries of Culture and Social Affairs to form an inter-ministerial working group on the implementation of national strategies for Roma integration is a positive step and should be supported by all relevant bodies.

III DEVELOPMENT OF THE SITUATION OF ROMA FROM MARCH UNTIL JULY 2014

On 21 March 2014, as a result of the deteriorating security in the country and at the request of the government of Ukraine, the OSCE Special Monitoring Mission to Ukraine (SMMU) was deployed to help reduce tensions and foster peace, stability and security in the country, as well as to monitor and support the implementation of OSCE commitments.¹²⁶ From early April 2014, the security situation in eastern Ukraine deteriorated significantly, in particular in the Luhansk and Donetsk regions, leading to direct confrontations between the Ukrainian armed forces and groups opposed to the Ukrainian government. On 14 April 2014, the then interim President Turchynov signed Decree № 405/2014 on the commencement of an anti-terrorist operation (ATO) in eastern Ukraine.

At the time of the ODIHR visit in June-July 2014, the security situation in eastern Ukraine remained tense, as the military confrontation between the two sides continued. In the course of and as a result of these developments in Ukraine, the situation of many people in Ukraine, including Roma, was negatively affected. A high number of people, including Roma families, had to leave their homes. Displacement in Ukraine began before a so-called “referendum” in Crimea on 16 March, and had subsequently increased at the time of the ODIHR visit, in particular in eastern Ukraine. According to UNHCR estimates, as of 20 May 2014, internal displacement had affected some 10,000 people,¹²⁷ growing to an estimated 190,000 internally displaced persons (IDPs)¹²⁸ by 20 August 2014, 92 per cent of whom were displaced from eastern regions of Ukraine and 8 per cent from Crimea.¹²⁹ By 28 August 2014, the UNHCR estimated that the number of displaced persons inside Ukraine had risen to 260,000.¹³⁰ These developments demanded a quick response from authorities to adequately address the needs of IDPs. In addition to moving within Ukraine, some people have left the country, in particular for the Russian Federation, Belarus and Poland.¹³¹ ODIHR did not monitor the situation of people leaving Ukraine, however.

1. Combating racism and discrimination against Roma

The political developments in Ukraine have negatively affected the situation of Roma. Since March 2014, there have been numerous reports of threats against and attacks on Roma Ukraine.

¹²⁶ OSCE Permanent Council, Decision No. 1117 on 21 March 2014, On Deployment of an OSCE Special Monitoring Mission to Ukraine, <<http://www.osce.org/pc/116747>>.

¹²⁷ UNHCR Briefing Notes of 20 May 2014, <<http://www.unhcr.org/537b31b49.html>>.

¹²⁸ The term “internally displaced persons” (IDPs) is used in this report to refer to the population of Ukraine that was forced to leave their homes in Crimea and eastern Ukraine because of the security situation in these parts of the country, as defined by the UN Guiding Principles on Internal Displacement (E/CN.4/1998/53/Add.2). The Ukrainian authorities refer to the population displaced from the temporarily occupied territories and the territory of the ATO zone. The term “forced migrants” was proposed in the draft law No. 4998-1 of 19 June 2014; however, the law was vetoed by the Ukrainian President on 16 July 2014. International actors in Ukraine, including UN institutions and the SMMU, use the term “IDPs”.

¹²⁹ UNHCR External Update on the Situation of Displaced Persons of 22 August 2014 (UNHCR External Update of 22 August 2014), <<http://reliefweb.int/report/ukraine/ukraine-unhcr-external-update-situation-displaced-persons-22-august-2014>>.

¹³⁰ UNHCR, “Number of displaced inside Ukraine more than doubles since early August to 260 000,” unhcr.org, 2 September 2014, <<http://www.unhcr.org/540590ae9.html>>.

¹³¹ UNHCR External Update of 22 August 2014, *op. cit.*, note 129.

1.1 Threats and violence against Roma

ODIHR began receiving reports of anti-Roma incidents in Ukraine in February 2014, and since then the number of reports has increased. The types of incidents reported include threats and physical violence against Roma that have taken place in different parts of Ukraine, as highlighted by both civil society representatives¹³² and international organizations.¹³³ On 27 February 2014, in Pereyaslav-Khmelnytskyi in the Kyiv region, a Roma man was attacked by a group of people in the city centre.¹³⁴ According to a Roma representative, the alleged motivation for the attack was the perceived “apolitical position” of Roma.¹³⁵ On 28 February 2014, a group of about 15 people attacked four Roma houses in Korosten in the Kyiv region, stating that they also planned to attack other Roma households.¹³⁶ Again, the alleged motivation for the attack was the “apolitical position” of Roma with regard to developments in Ukraine.

In mid-April, there was an escalation of violence against Roma in eastern Ukraine. On 18 April 2014, armed men in combat gear targeted seven Roma households on the outskirts of Sloviansk in the Donetsk region, demanding that the inhabitants hand over their gold, money and other valuables and telling the Roma to leave immediately.¹³⁷ Arseniy Yatseniuk, the Ukrainian Prime Minister, condemned these acts of violence against Roma on 19 April.¹³⁸ Allegedly, these attacks were organized by supporters of the self-proclaimed mayor of Sloviansk, Vyacheslav Ponomaryov, on his orders.¹³⁹ On 22 April, further anti-Roma violence took place in Sloviansk.¹⁴⁰ On 29 April, a Roma man was shot and seriously injured while trying to defend his house from an attack. The man was in a serious condition at the time this information was received.¹⁴¹

Prior to the so-called 11 May “referendums” in Donetsk and Luhansk regions, Roma families in these regions were allegedly visited by separatist groups and received threats to participate in the “referendums” and to vote in support of separatists.¹⁴² Following the “referendums”, the situation of Roma community deteriorated; in the general situation of chaos in the region, the Roma community has been an easy target of threats and acts of violence. In Donetsk,

¹³² ERRC, International Renaissance Foundation, Chiricli, Joint Statement on Violence Against Roma in Ukraine (Joint Statement on Violence against Roma), <<http://www.errc.org/article/joint-statement-on-violence-against-roma-in-ukraine/4278>>.

¹³³ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine of 15 April 2014 (OHCHR Report on Ukraine April 2014), <http://www.ohchr.org/Documents/Countries/UA/Ukraine_Report_15April2014.doc>; OHCHR Report on Ukraine May 2014, *op. cit.*, note 64.

¹³⁴ Joint Statement on Violence against Roma, *op. cit.*, note 132; OHCHR Report on Ukraine April 2014, *op. cit.*, note 133, p. 18-19; Information provided by Roma civil society on 6 March 2014 via e-mail.

¹³⁵ Information provided by Roma civil society on 6 March 2014 via e-mail.

¹³⁶ *Ibid.*

¹³⁷ Euro-Asian Jewish Congress, “Anti-Semitism and xenophobia in Ukraine: the Chronicle”, *Electronic information bulletin*, #4 (80), April 2014 (EAJC Chronicle), <<http://ejc.org/page690>>.

¹³⁸ The Prime-Minister issued a statement condemning any biased violence and instructed law enforcement agencies to detect the perpetrators and prosecute them, including those involved in riots against Roma. See the Official statement of the PM Arseniy Yatseniuk, <http://www.kmu.gov.ua/control/uk/publish/article?jsessionid=5A485F31BB96BD5A6B2BA02D8BE1E147?ar t_id=247226782&cat_id=244276429>.

¹³⁹ Vyacheslav Ponomaryov commented that “attacks on gypsies” did not take place but, rather, the city was cleansed from drugs. EAJC Chronicle, *op. cit.*, note 137. Information provided by the SMMU on 22 April 2014.

¹⁴⁰ Information provided by Roma civil society on 17 May 2014 via phone enquiry. EAJC Chronicle, *op. cit.*, note 137.

¹⁴¹ Joint Statement on Violence against Roma, *op. cit.*, note 132.

¹⁴² Information provided by Roma civil society on 27 May 2014 via phone enquiry.

separatists allegedly forced Roma businesses to register in their name, while in Luhansk, separatists allegedly forced Roma to support them and participate in military activities on their side.¹⁴³

All the above mentioned instances of violence against Roma should be effectively investigated and those responsible should be prosecuted, in line with relevant OSCE commitments.

At the time of the ODIHR visit in June-July 2014, the UCHR confirmed that there had been single incidents of violence against Roma, but did not observe any systematic targeting of Roma.

1.2 Anti-Roma political discourse

Following the violent attacks on the Roma community in Sloviansk,¹⁴⁴ which were allegedly organized by supporters of Vyacheslav Ponomaryov, the separatist leader and self-proclaimed mayor of Sloviansk, Ponomaryov reportedly commented that attacks on “Gypsies” did not take place but, rather, that the separatists had “cleansed the city from drugs.”¹⁴⁵

During the election campaign for the 25 May early presidential elections in Ukraine, the campaign rhetoric was reported to be tolerant towards national minorities by the ODIHR EOM.¹⁴⁶

In June 2014, a representative of the “Udar” political party in Lviv, a party led by the current mayor of Kiev, Vitali Klitschko, in a speech called on the police to clean the city from beggars, “in particular Roma”, as published on the official “Udar” party website.¹⁴⁷

1.3 Anti-Roma discourse in the media

The rise of the number of IDPs, including Roma IDPs, and associated challenges have resulted in anti-Roma discourse in the media. As reported by the UN OHCHR, Roma were blamed on social media and in print media for causing an outbreak of measles in Kharkiv in June.¹⁴⁸ During ODIHR’s visit in June-July 2014, Roma mediators also mentioned incidents when Roma IDPs have been negatively portrayed in media reports, in particular with regard to a group of displaced Roma staying in a city park in Kiev.¹⁴⁹

¹⁴³ *Ibid.*

¹⁴⁴ For details, see the section 1.1 Threats and violence against Roma.

¹⁴⁵ EAJC Chronicle, *op. cit.*, note 137.

¹⁴⁶ ODIHR/OSCE Election Observation Mission, Statement of Preliminary Findings and Conclusions on Early Presidential Elections in Ukraine on 25 May 2014 (EOM Statement), 26 May 2014, p. 11, <<http://www.osce.org/odihr/elections/ukraine/119078?download=true>>.

¹⁴⁷ “ДЕПУТАТ ПРОСИТЬ РОЗІБРАТИСЬ З ЖЕБРАКАМИ У ЛЬВОВІ”, *lviv-udar.com*, 26 June 2014, <<http://lviv-udar.com/archives/7772>>.

¹⁴⁸ Office of the United Nations High Commissioner for Human Rights, Report on the human rights situation in Ukraine of 15 July 2014 (OHCHR Report on Ukraine July 2014), p. 28, <http://www.ohchr.org/Documents/Countries/UA/Ukraine_Report_15July2014.doc>.

¹⁴⁹ Example: “В Киев приехал табор цыган-беженцев,” *from_ua.com*, 24 June 2014, <<http://from-ua.com/news/313025-v-kiev-priehal-tabor-cigan-bezhencev-kramatorskie-romi-bolee-dobrozhelatelnie-video.html>>.

1.4 Roma and law enforcement

Between March and August 2014, one case whereby law enforcement officials did not protect Roma victims of an attack was reported to ODIHR. In particular, the police did not respond to an incident in which a group attacked four Roma houses in Korosten in the Kyiv region (mentioned in section 1.1 above).¹⁵⁰ In addition, according to Roma civil society, law-enforcement agencies have not accepted complaints or conducted investigations in the Donetsk region since mid-April.¹⁵¹

A confrontation between internally displaced Roma and police was witnessed by the SMMU in Vysokyi (located 3 km north of Kharkiv) on 26 June 2014.¹⁵² The police insisted that some 100 Roma IDPs, who were settled in a camp, were not IDPs, even though some of the Roma were able to prove that they had lived in Sloviansk (located within the ATO zone), and reportedly tried to evict them from their accommodation by threatening to “plant narcotics” on the group.¹⁵³

2. Internal displacement of Roma

At the time of the ODIHR visit in June-July 2014, no centralized registration and data management systems were in place to assist displaced persons, and no single agency had a comprehensive overview of the number of displaced people and their needs. Instead, three different agencies have been responsible for providing assistance to IDPs: the Ministry of Social Affairs and its regional bodies, the State Emergency Service and the State Migration Services. At the time of the visit, the Ministry of Social Affairs has been responsible for the registration of the displaced population in Ukraine, as well as for social protection issues, such as social benefits or employment opportunities.¹⁵⁴ A specially created State Co-ordination Centre has provided a help-line for all displaced persons in Ukraine that is advertised on TV. A special government website has been set up to provide information on the availability of shelters for displaced people.¹⁵⁵ At the local level, however, the assistance provided has depended on the willingness, preparedness and practice of local authorities in a given location.

On 19 June 2014, the Ukrainian Parliament adopted a draft law *On the legal status of persons forced to leave their residence due to the temporary occupation of the Autonomous Republic of Crimea and Sevastopol and circumstances related to the anti-terrorist operation on the territory of Ukraine*,¹⁵⁶ which was supposed to define procedures for granting state aid and protection to “forced migrants”.¹⁵⁷ However, the Law was criticized by the UCHR,¹⁵⁸ civil

¹⁵⁰ OHCHR Report on Ukraine April 2014, *op. cit.*, note 133, p. 18-19.

¹⁵¹ Information provided by the Roma civil society on 15 August 2014.

¹⁵² SMMU, Daily Report of 27 June, <<http://www.osce.org/ukraine-smm/120473>>.

¹⁵³ *Ibid.* Information provided by Roma mediators during the ODIHR visit in June-July. OHCHR Report on Ukraine July 2014, *op. cit.*, note 148, p. 28, para. 137.

¹⁵⁴ Decree of the Cabinet of Ministers N 588-p of 11 June 2014, on Social security of citizens of Ukraine, who moved from the temporarily occupied territories and regions of the antiterrorist operation, <<http://www.kmu.gov.ua/kmu/control/uk/cardnpd>>.

¹⁵⁵ Ukrainian government website with information on accommodation to IDPs, <<http://migrants.gov.ua/>>.

¹⁵⁶ Law On the legal status of persons forced to leave their residence due to the temporary occupation of the Autonomous Republic of Crimea and Sevastopol and circumstances related to the anti-terrorist operation at the territory of Ukraine, N 4998-1, of 19 June 2014, <http://search.ligazakon.ua/l_doc2.nsf/link1/find:4998-1/JG3UU1AI.html>.

¹⁵⁷ The term for reference to displaced persons proposed in the draft Law.

society¹⁵⁹ and the UNHCR,¹⁶⁰ as it did not incorporate international standards for the protection of IDPs and did not clearly define the responsibilities of state bodies to provide assistance to displaced people. Consequently, on 16 July 2014, the President vetoed the draft law.

Despite the above efforts, the government has struggled in the current environment to provide assistance to all displaced people, including displaced Roma.

Data on displaced Roma and their concerns by region

There is no official information provided by government sources on displaced Roma. According to information received from local Roma civil society organizations and Roma mediators, some Roma families have left Crimea and eastern Ukraine, in particular the Donetsk and Luhansk regions. The majority of Roma families from the Donetsk and Luhansk regions have moved to the Kyiv, Kharkiv and Dnipropetrovsk regions and others to the Kherson, Odesa and Lviv regions, while a large number have reportedly moved to stay with relatives in the Russian Federation. In the absence of external support, many Roma are forced to rely on assistance from relatives. Allegedly, most of the Roma families who left their homes plan or are willing to come back when the situation is safe and stable. The overall number of displaced Roma is about 6000, as assessed by a Roma civil society organization.¹⁶¹ At the same time, as reported by Roma mediators, many Roma families have had no other option but to return to their homes in the Donetsk region because they could not find accommodation or employment in other regions of Ukraine or in the Russian Federation.¹⁶²

The main sources of information about the displacement of Roma are representatives of Roma civil society and Roma mediators. However, their figures are also incomplete. The data provided below includes information provided by Roma civil society organizations and Roma mediators during meetings with ODIHR, as well as from e-mail and phone communications. It also includes data released by the SMMU and the UNHCR. The data provided below cannot be considered representative of the whole picture, in particular owing to the fact that the situation in eastern Ukraine changes on a daily basis.

Kyiv region

According to information provided by a local NGO, some Roma families left Korosten, the Kyiv region, after they suffered attacks on 28 February.¹⁶³ A few cases of Roma IDPs coming to Kyiv city or Kyiv region were reported by Roma NGOs. Twenty-eight Roma IDPs from the Luhansk region came to Pereyaslav-Khmelnytskyi and, with the help of Roma mediators, were given accommodation in a small house that lacks water facilities. However, as a result of the negative response of neighbours and regular visits by the police to the house, the Roma

¹⁵⁸ “Работу над законом о внутренних мигрантах продолжат,” unnc.com.ua, 20 June 2014, <<http://www.unnc.com.ua/ru/news/1356765-robotu-nad-zakonom-pro-vnutrishnikh-migrantiv-prodovzhat-i-kushnir>>.

¹⁵⁹ “Закон «о вынужденных мигрантах» принят «для галочки» — координатор переселенцев из Крыма”, 21 June 2014, <<http://investigator.org.ua/news/130419/>>.

¹⁶⁰ UNHCR External Update on IDPs situation of 10 July 2014, <<http://reliefweb.int/report/ukraine/ukraine-unhcr-external-update-situation-displaced-persons-10-july-2014>>. Information provided during the ODIHR visit in June-July 2014.

¹⁶¹ Information provided by a Roma NGO from Ukraine on 26 August 2014 via e-mail.

¹⁶² Information provided by Roma mediators on 15 August 2014 and on 26 August 2014 by e-mail.

¹⁶³ See also Joint Statement on Violence against Roma, *op. cit.*, note 137, and OHCHR Report on Ukraine April 2014, *op. cit.*, note 133, p. 18-19.

IDPs had to leave the house and rent accommodation in another place at their own expense. In another case reported in Kyiv city, 55 Roma IDPs from Sloviansk settled in the city park “Pobeda” in tents bought at their own expense on 19 June.¹⁶⁴ Authorities contacted the group and promised to provide accommodation in other cities. However, on 29 June 2014, Roma left the park for an unknown destination.

Lviv region

Lviv region in western Ukraine is one of the regions in which IDPs have settled. With the help of community activists, the UNHCR has helped 10 Roma families register with the regional social protection department so that they can access assistance programmes.¹⁶⁵ Another 31 Roma IDPs residing in private accommodation in different parts of Lviv city have decided not to be registered by the social protection department out of a fear of stigmatization.¹⁶⁶ As mentioned by Roma mediators, the United Nations Children's Fund (UNICEF) and the charity organization Caritas have been involved in facilitating the provision of assistance at the local level. The UNHCR has signed an agreement with the Lviv Oblast State Administration to provide financial assistance to the most vulnerable IDPs who have moved to the Lviv region.¹⁶⁷ There is no information on whether Roma families have benefited from this programme, however.

Dnipropetrovsk region

According to a report from the UNHCR, Roma IDPs have not faced difficulties registering with the local authorities and receiving assistance in Dnepropetrovsk.¹⁶⁸ In co-operation with the NGO Humanitarian Solidarity, the International Renaissance Foundation (IRF) has been providing assistance to four Roma families to move from Sloviansk to the Dnipropetrovsk region.¹⁶⁹

Zaporizhia region

As mentioned by Roma mediators during the ODIHR visit in June-July 2014, between 250 and 270 Roma IDPs from Makiyivka, Donetsk region, were given accommodation with the local Roma community. These Roma IDPs did not want to register with local authorities, either because they feared prosecutions or because they planned to return home soon. Those Roma IDPs who did register received food and clothing from the Ukrainian Red Cross Society.

Odesa region

According to information provided by Roma mediators, over the past few months, some Roma living in the Odesa region left either to western Ukraine or to their relatives in the Rostov and Voronezh regions of the Russian Federation.¹⁷⁰ As compared to other regions, the number of Roma IDPs settling in Odessa is relatively small. Reportedly, 20 Roma, including

¹⁶⁴ Information provided by Roma civil society on 23 June 2014. SMMU, Daily Report of 24 June, <<http://www.osce.org/ukraine-smm/120158>>.

¹⁶⁵ Information provided by the UNHCR on 13 June 2014 via e-mail enquiry.

¹⁶⁶ UNHCR, Profiling and Needs Assessment of Internally Displaced Persons (IDPs) 21 July 2014, p. 30, (UNHCR Profiling IDPs of 21 July), <<http://unhcr.org.ua/attachments/article/971/IDP.pdf>>.

¹⁶⁷ “Internally displaced persons in Lviv oblast will get target-focus assistance from the UNHCR,” unhcr.org.ua, 18 June 2014, <<http://unhcr.org.ua/en/2011-08-26-06-58-56/news-archive/1277-internally-displaced-persons-in-lviv-oblast-will-get-target-focus-assistance-from-the-unhcr>>.

¹⁶⁸ UNHCR Profiling IDPs of 21 July, *op. cit.*, note 166, p. 24.

¹⁶⁹ Information provided by the IRF on 26 May 2014 via phone enquiry.

¹⁷⁰ Information provided by Roma mediators during the ODIHR visit in June-July 2014.

children, arrived in Odesa in June 2014, and local authorities did not provide any assistance, citing a lack of funding.¹⁷¹

Kherson region

During the ODIHR visit to Ukraine in June-July 2014, a Roma mediator reported that Roma IDPs from Crimea and the Donetsk region had recently arrived in the Kherson region, considered by IDPs to be a transfer zone. Reportedly, the Roma IDPs were not provided with any support from the local authorities.

Donetsk region

According to information provided by numerous interlocutors, some Roma families have left the Donetsk region, either to go to other parts of Ukraine or to stay with relatives in the Russian Federation. According to the SMMU,¹⁷² representatives of the Roma community who left Sloviansk at the end of May 2014 reported that more than 250 people from the Roma community in Sloviansk had left. According to the estimates of a local Roma NGO, as of 29 July 2014, around 3,000 Roma in total had fled the Donetsk region.¹⁷³

Roma mediators reported that, despite the further deterioration of the security situation, many Roma families had returned to their homes because they could not find accommodation or employment in other regions of Ukraine or in the Russian Federation.¹⁷⁴

Luhansk region

According to information provided by Roma civil society on 26 May 2014, about 50 Roma families left Luhansk for the Russian Federation because they faced life-threatening conditions in Luhansk. In particular, there were reports of separatists forcing Roma to vote in support of them in the “referendum” and to participate in military activities. It is important to note that there is an overall lack of information on Roma from Luhansk owing to security concerns that prevent local and international organizations from monitoring the region.

Kharkiv region

At the time of the ODIHR visit in June-July 2014, Roma mediators reported that the Kharkiv region had received the highest number of Roma IDPs in Ukraine, and that more than 400 had recently arrived in the region. In particular, Roma mediators raised concerns that the authorities were reluctant to provide assistance, and that such assistance was instead provided by Roma NGOs, Roma mediators and volunteers of the Ukrainian Red Cross Society.¹⁷⁵ A case of police intimidation of Roma IDPs was also reported.¹⁷⁶ In response to this report, the local authorities informed the UCHR that they had offered Roma two sites on which to stay, but that the Roma IDPs had rejected the offer.¹⁷⁷ In addition, the local authorities reported to the UCHR that they had allocated additional space for displaced Roma to resettle in the districts of Chuguyiv, Vovchansk, Kharkiv and Loziv in the Kharkiv region. According to UCHR, this information has been confirmed by volunteers and Roma.¹⁷⁸

¹⁷¹ Information provided by Roma mediators during the ODIHR visit in June-July 2014.

¹⁷² SMMU, Daily Report of 7 June, <<http://www.osce.org/ukraine-smm/119606>>.

¹⁷³ Information provided by the Roma NGO on 15 August 2014 by e-mail.

¹⁷⁴ Information provided by Roma mediators on 15 August 2014 and on 26 August 2014 by e-mail.

¹⁷⁵ UNHCR Profiling IDPs of 21 July, *op. cit.*, note 166, p. 13.

¹⁷⁶ SMMU, Daily Report of 27 June, <<http://www.osce.org/ukraine-smm/120473>>. OHCHR Report on Ukraine July 2014 *op. cit.*, note 148, para. 148.

¹⁷⁷ Information provided by the UCHR on 29 July 2014 via e-mail enquiry.

¹⁷⁸ *Ibid.*

Since early June 2014, a Roma civil society organization and a volunteer initiative have registered 486 displaced Roma from Donetsk and Luhansk regions in the Kharkiv region, 138 of which are children aged between 2-months and 5-years-old.¹⁷⁹ As of 26 August 2014, the above-mentioned Roma civil society organization¹⁸⁰ had contacted about 650 Roma in the Kharkiv region.

Crimea

According to information provided by interlocutors, shortly before the 16 March “referendum” in Crimea, a few Roma families moved live with their relatives in the Russian Federation,¹⁸¹ as well as to Kherson.¹⁸² However, these families reportedly returned having struggled to find either accommodation or employment. One interlocutor reported that around 15-20 people had moved from Crimea to Odesa.¹⁸³

Major concerns of displaced Roma

During ODIHR’s visit, Roma representatives and mediators mentioned the following main concerns and challenges facing displaced Roma:

- Inability to register as displaced persons due to their lack of necessary civil registration documents, such as personal identification and residence registration documents;¹⁸⁴
- Inability to register as IDPs due to their lack of proof of registration at a place of previous residence in the ATO zone;
- Inability to receive state assistance or social payments due to their inability to register as IDPs;
- Reluctance of authorities to provide support, or the provision of insufficient support by authorities;
- Negative attitudes of local Roma and non-Roma communities, as well as from non-Roma IDPs;
- Incidents of intimidation, including by police;
- Problems locating accommodation capable of housing larger families of displaced Roma;
- A lack of awareness about protection and assistance schemes provided by authorities.

During the ODIHR visit in June-July 2014, Roma mediators reported that displaced Roma did not know where to find assistance. It was reported that assistance was mostly provided by Roma NGOs, volunteers or Roma mediators, and that hardly any assistance was provided by the authorities or the international community.

On 2 July 2014, Roma NGOs and mediators established a co-ordination group to facilitate the provision of assistance to displaced Roma. Local NGOs and Roma mediators are working in places to support displaced Roma, including in co-operation with the Ukrainian Red Cross Society. In addition, as of July 2014, the World Health Organization (WHO) has included the

¹⁷⁹ Information provided by a Roma NGO on 25 July 2014 by e-mail.

¹⁸⁰ Information provided by a Roma NGO on 26 August 2014 by e-mail.

¹⁸¹ Information provided by a Roma NGO on 15 May 2014 via phone enquiry.

¹⁸² Information provided by Roma mediators during the ODIHR visit in June-July 2014. .

¹⁸³ Information provided by a Roma NGO on 14 May 2014 via phone enquiry.

¹⁸⁴ The lack of documents is either because some Roma do not possess identity documents or because the documents were lost in the process of displacement.

Roma NGO, Roma Women Fund Chiricli, as a local partner for the provision of health services.¹⁸⁵ Finally, the UNHCR has reflected the special needs of Roma communities in their assessments on displaced persons.¹⁸⁶

3. Lack of civil registration documents

The ODIHR visit in June-July 2014 highlighted that Roma who do not have personal documents are particularly vulnerable, especially if they are forced to leave their homes. It was found that Roma IDPs who do not have personal documents were not able to register with local authorities and, thus, were not eligible for state assistance to IDPs. This, in turn, has prevented them from accessing any available social services, accommodation, education, medical facilities and employment. In addition, those Roma who do not possess personal documents have not been able to leave Crimea shortly before and after the 11 March “referendum”.¹⁸⁷

Political developments in Ukraine have also affected the process of obtaining personal documents. In April 2014, the Law on Restoring Confidence in the Judiciary in Ukraine¹⁸⁸ was adopted, which, *inter alia*, sets out the legal and institutional framework for the special inspection of judges in courts of general jurisdiction. According to one interlocutor, fearing lustration, judges have since become more formal in their approach, and now run thorough and lengthy checks, increasing the time it takes to obtain documents.¹⁸⁹ At the same time, it was also reported that young Roma men were reluctant to apply for personal documents, as they were afraid of being conscripted to fight in parts of Ukraine.¹⁹⁰

4. Socio-economic issues

The issues of forced displacement have affected housing conditions, access to health and the employment possibilities of Roma who have had to leave their homes. The issue of access to education of displaced Roma children is especially relevant with the approach of the academic year in schools and universities. These developments require a quick response from authorities to adequately address the needs of internally displaced people.

4.1 Housing and living conditions

The housing and living conditions of displaced persons in Ukraine, including Roma, have been affected by developments in the country since February 2014. At the time of the ODIHR visit in June-July 2014, state assistance to displaced persons was not effectively co-ordinated. As a result, many IDPs, including Roma, have experienced difficulties in finding accommodation, have been faced with reluctance from authorities to provide assistance or have received substandard accommodation. At the time of the ODIHR visit, many displaced Roma had been accommodated either with their relatives or in local Roma communities. There have been reports of Roma IDPs being settled in tents, abandoned camps or in old houses without electricity or water supply. In addition, Roma IDPs have faced stigmatization

¹⁸⁵ World Health Organization, UN Office for the Coordination of Humanitarian Affairs, Overview of local partners by region,

<http://reliefweb.int/sites/reliefweb.int/files/resources/ukr_3w_health_20140715%20v7.pdf>.

¹⁸⁶ UNHCR Profiling IDPs of 21 July, *op. cit.*, note 166.

¹⁸⁷ Information provided by Roma civil society on 14 May 2014 via phone enquiry.

¹⁸⁸ Law of Ukraine on Restoring Confidence in the Judiciary in Ukraine, No 1188-VII, adopted on 8 April 2014, entered into force on 11 April 2014, <<http://zakon4.rada.gov.ua/laws/show/1188-vii>>.

¹⁸⁹ Information provided by Roma civil society on 14 May 2014 via phone enquiry.

¹⁹⁰ Information provided by Roma civil society on 14 May 2014 via phone enquiry.

from both the local community and non-Roma IDPs, who are not willing to be settled together with Roma IDPs.¹⁹¹

Many IDPs, including Roma, have raised concerns about their land and property rights. Roma mediators have reported that some Roma men chose to remain in eastern Ukraine despite the deteriorating security situation, as they feared their families would lose their property once they abandoned it.¹⁹²

In addition, the situation of legal uncertainty arising from the change in the authorities exercising *de facto* control over Crimea has affected the land and property rights of Roma, some of whom who have no documents to prove their ownership of land or property.¹⁹³

In other cases, Roma families have stayed in the Donetsk region because they lack the resources to leave, have large families or have disabled and elderly family members. Their living conditions are especially difficult since the water, electricity and food supply has been interrupted in many parts of the Donetsk region.

4.2 Access to health care

At the time of ODIHR's visit in June-July 2014, IDPs had formal access to the public health system. However, the system does not cover the cost of medications, and many cannot afford to buy the necessary medications. In addition, Roma mediators reported that the substandard living conditions of Roma IDPs made them more vulnerable to diseases, and one person was reported to have died due to health problems during displacement. Some Roma IDPs arriving from eastern Ukraine reported that they experienced psychological trauma.

The crisis situation has added an additional burden to Roma IDPs who do not possess personal documents, as this means that they do not have access to health services. It puts the most vulnerable groups of Roma IDPs, including the elderly, children, nursing mothers, and anyone who is in need of medical attention, in a particularly difficult situation.

4.3 Access to education

According to UNICEF field monitoring conducted on 16 May 2014, children's access to education has been disrupted in many area and towns of Ukraine.¹⁹⁴ In Odesa, some Roma parents were reportedly afraid to send their children to school in April-May 2014.¹⁹⁵

The children of Roma IDPs who do not possess personal documents might, potentially, be most affected in their access to education when the new school year starts on 1 September. As mentioned by representatives of the Ministry of Education during the ODIHR visit, official instructions have already been sent to all educational institutions in the regions to ensure that all children have access to education, including those without documents, close to the place of their temporary or permanent residence. At the same time, some accommodation

¹⁹¹ Information provided by Roma mediators during the ODIHR visit in June-July 2014.

¹⁹² Information provided by Roma mediators during the ODIHR visit in June-July 2014.

¹⁹³ ODIHR/HCNM Joint Report on Human Rights and Minority Rights Situation in Ukraine, The Hague/Warsaw, May 2014, p. 54-55, para 103, available at: <<http://www.osce.org/node/118476>>.

¹⁹⁴ UNICEF, Humanitarian Situation Report #9 of 16 May 2014 (UNICEF Situation Report 9), p. 2, <<http://reliefweb.int/sites/reliefweb.int/files/resources/UNICEF%20Ukraine%20SitRep%20%239%20-%2016%20May%202014.pdf>>.

¹⁹⁵ Information provided by the Roma NGO on 14 May 2014 via phone enquiry.

centres and self-organized, temporary settlements are far from schools, and there may be a shortage of available places in schools in the areas where IDPs are concentrated.

4.4 Unemployment and economic issues

An overall economic downturn in Ukraine has been observed due to the fall of the Hryvnia (Ukraine's national currency).¹⁹⁶ This situation has affected local businesses, including those of Roma people, making it more difficult to earn a living.¹⁹⁷ Roma families were forced to leave their homes and close or abandon their local businesses, which were often their only source of income, especially in the case of those Roma who do not have personal documents. In turn, without personal documents, Roma IDPs are prevented from registering with the State Employment Centre to access employment. According to the Ministry of Social Affairs, which, among others, is the agency responsible for providing support in accessing to social services, all IDPs have had problems in obtaining employment, including Roma.

Access to social benefits for many IDPs has been disrupted.¹⁹⁸ To resume access to pensions for IDPs from the Donetsk and Luhansk regions, the Pension Fund of Ukraine simplified the procedure for transferring pensions to other regions. At the time of the ODIHR visit, the transfer of other social payments took more time.¹⁹⁹

Roma from regions accommodating a large number of IDPs have expressed concerns about population increases in those regions, resulting in more competition in the labour market and, thus, increased difficulties in finding a job. In particular, Roma from Crimea were concerned about their employment status and right to work, which are closely connected to citizenship and residency status, as well as their access to social benefits. Since all the Ukrainian banks have stopped working in Crimea,²⁰⁰ it has become more difficult for Roma from Crimea to receive pensions and social benefits, as they now must travel outside Crimea to other parts of Ukraine to withdraw money from cash machines.

5. Participation in public and political life

Incidents of violence and intimidation against some communities, including Roma, have contributed to an atmosphere of insecurity among minorities in the country.²⁰¹ According to information provided by local interlocutors, some Roma families in Luhansk and Donetsk regions reportedly received visits from armed separatist groups, who pressurized them to support the separatists in the "referendums".²⁰²

During the early presidential elections in Ukraine on 25 May 2014, the Roma community informed the ODIHR EOM that at least half of their community had been prevented from voting due to a lack of identity and registration documents and, in some areas, a language barrier.²⁰³ According to the EOM, Crimean Tatars and other minorities on the Crimean

¹⁹⁶ Index of the Ukrainian currency rate, <<http://index.minfin.com.ua/chart/?1&USD>>.

¹⁹⁷ Information provided by the Roma NGO on 14 May 2014 via phone enquiry.

¹⁹⁸ UNICEF Situation Report 9, *op. cit.*, note 194, p. 2.

¹⁹⁹ UNHCR Profiling IDPs of 21 July, *op. cit.*, note 166, p. 6.

²⁰⁰ "НБУ запретил банкам работать в Крыму", *economics.lb.ua*, 6 May 2014, <http://economics.lb.ua/state/2014/05/06/265585_ukrainskie_banki_prekrashchayut_rabotu.html>.

²⁰¹ EOM Statement, *op. cit.*, note 146, p. 12.

²⁰² Information provided by a civil society organization on 27 May 2014 via e-mail enquiry.

²⁰³ OSCE/ODIHR Election Observation Mission, Final Report on 25 May Early Presidential Election in Ukraine, 30 June 2014, Warsaw, p. 21, <<http://www.osce.org/odihr/elections/ukraine/120549>>.

peninsula, as well as the rest of the population of Crimea, voted in significantly reduced numbers.²⁰⁴

6. Conclusions

The political developments in Ukraine since February 2014 have had a negative impact on the situation of Roma in the country. In particular, there have been several cases in different parts of Ukraine where Roma communities have experienced threats and violence. In the east of the country, Roma have allegedly come under pressure from separatists in the run up to and after the 11 May “referendums” in the Donetsk and Luhansk regions. Following these “referendums” and the breakdown of law and order in both the Donetsk and Luhansk regions, the Roma community has become an easy target of crime.

With the deteriorating security situation in the east of Ukraine, Roma, among others, have been forced to leave their homes to find shelter elsewhere, including in other parts of Ukraine and abroad. However, it is not known how many Roma have been displaced from the east of Ukraine and Crimea out of an estimated 260,000 displaced persons as of 28 August 2014.

The current developments create a challenging environment for the authorities, especially in terms of adequately addressing the needs of internally displaced persons and setting-up the necessary co-ordination mechanisms and legal framework to do so. At the time of ODIHR’s visit to Ukraine, no effective co-ordination mechanism between the national and regional authorities had been put in place to assist displaced persons at the local level. Consequently, assistance rendered to displaced persons depended largely on the capacity and/or willingness of the municipal authorities to register IDPs and provide them with essential shelter and social benefits.

In this context, Roma displaced persons are particularly vulnerable owing to their overall marginalization in Ukrainian society and a prevailing negative attitude towards them. The lack of civil registration or residence registration documents among many Roma has posed an additional barrier to their ability to register as IDPs and receive humanitarian assistance. This has created a situation in which authorities have refused to register Roma as displaced persons from eastern Ukraine because they were unable to provide proof of their identity or residence in the ATO zone. According to reports, Roma have been denied support in some cases. In other cases, Roma have been told to seek assistance in other municipalities owing to a shortage of shelter and other provisions.

In this context, it is important to ensure the ability of displaced Roma children to access education when the new school semester starts in September.

At the time of ODIHR’s visit, there was a lack of awareness among the authorities of the specific situation of Roma and factors that heighten their vulnerability during displacement. In particular, no procedures or guidance have been provided on how to facilitate assistance to persons who lack civil registration or residence registration documents and who are, therefore, unable to register as displaced persons.

In particular, there is little co-ordination and outreach by authorities to Roma communities about the existing assistance schemes or help-lines available to IDPs, while Roma civil

²⁰⁴ EOM Statement, *op. cit.*, note 146, p. 12.

society organizations working to support displaced Roma were also unaware of IDPs assistance provided by the authorities or the international community. As a result, there is little awareness among Roma on where to obtain information on available humanitarian assistance, including shelter. This is why, in many cases, displaced Roma turn to local Roma representatives or Roma civil society organizations for help.

The increase in the number of IDPs from eastern Ukraine demands a quick and adequate response by the authorities to assist displaced persons and support their access to shelter and social and medical assistance. Above all, there is a need to manage assistance provided to IDPs and to establish effective co-ordination mechanisms that are supported by legislation and in line with international standards. In this regard, particular attention should be paid to ensuring that assistance is provided to displaced vulnerable groups, including Roma, as well as to factors that might pose obstacles to their ability to access assistance in the place of displacement.

It is crucial that, in the context of the current crises in Ukraine, the national and regional authorities promote a tolerant environment for displaced persons and refrain from portraying any persons or groups negatively. Given that Roma face discrimination in many areas of life, particular attention should be paid to avoiding their further marginalization in crisis situations and to adequately addressing their specific vulnerabilities during displacement.

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