

HUMAN RIGHTS WATCHING GROUP

Some Aspects of Violation of National Minorities Rights (persons of Roma Nationality) in Ukraine

The formation and development of Ukraine as an independent democratic state and its European choice, involves development and implementation of its national legislation based on the norms of international law. Today, Ukraine has ratified the following international legal acts: the International Covenant on Civil and Political Rights, the European Convention on Human Rights, the International Covenant on Economic, Social and Cultural Rights, the United Nations Convention on the Elimination of All Forms of Racial Discrimination, the International Labor Organization Convention on Discrimination in the Field Education, Framework Convention for the Protection of National Minorities. An important step towards the implementation of international standards in the area of ensuring the rights of national minorities was the ratification of the European Charter for Regional or Minority Languages. Verkhovna Rada of Ukraine has adopted The Law "On National Minorities in Ukraine" in order to guarantee the right of the national minorities to freedom of development.

Ukraine is a polyethnic country with representatives of more than 127 ethnic groups living in its territory (here the data of the 2001 census is also provided). The most numerous is the Ukrainian ethnos: the title nation is over 37 million. The most numerous national minority is Russians - 8.3 million. Eight national minorities are represented by the number from 100 thousand to 500 thousand: 103.5 thousand Jews, 275.7 thousand Belarusians, 258.7 thousand. Moldavians, 204.2 thousand Bulgarians, 144.2 thousand Poles, 156.6 thousand Hungarians, 150.8 thousand Romanians, fifteen national minorities and ethnic groups - from 10 thousand to 100 thousand: Greeks, Tatars, Armenians, Germans, Romans, Azerbaijanis, Gagauzians, Georgians, Uzbeks, Mordvinians, Lithuanians, Kazakhs, Czechs. Other ethnic groups are represented by a number of less than 10 thousand

We must be frank that the Roma remain a group that is discriminated on the ethnic ground regularly in Ukraine. And those Roma who achieve some success, according to their own words, are often forced to hide their identity or if not to hide but not to articulate it.

According to official statistics of 2001, people who identified themselves as Roma were 48 thousand. For today, only the medical and educational statistics on the Transcarpathian region make up 100 thousand Roma in Transcarpathia. Roma are citizens of Ukraine, and there are certain authorities that should take care of them — with regard to such unprotected people as homeless children and the unemployed. Many Roma are asking for the help, but there is a human factor -

in some cases they are denied because of their nationality. People in social services also have certain stereotypes about Roma.

In 2013, the Strategy for the Protection and Integration of Roma National Minorities into the Ukrainian Society for the period up to 2020 was adopted. And it can be stated that it was adopted as a pure formality. One of the main topics was the fight against illiteracy and unemployment. There is no funding for solving these problems at all. In 2017, a secretariat was created. The Strategy is sabotaged by the authorities responsible for its implementation. Each region administrations should submit plans for implementation of the strategy. They submit it purely formally - without quantitative and qualitative indicators, without funding requests.

In Lviv, on the night of June 24, 2018 the attack on the Roma camp happened. As a result of the assault, one man was murdered, several Roma were injured including the child. The police arrested seven young people, according to preliminary data, members of the right-wing radical group on suspicion of an attack. However, the state has not yet provided an effective investigation into this fact and the perpetrators have not yet been punished.

In everyday life, most Roma, that often face the violations of their constitutional rights, rarely think of discrimination, and usually they are unable to protect their rights.

In the court practice of general jurisdiction, the Convention on the Protection of Human Rights and Fundamental Freedoms and other international conventions are almost not applied which impedes the implementation of European human rights standards in the national legislation of Ukraine, improvement of legal protection against discrimination. Despite the development of the democratization process in Ukraine, there are now massive violations of the rights of the Roma including humiliation of human dignity. There are widespread violations of Articles 11, 21, 24, 35, 37 of the Constitution of Ukraine, criminal legislation. A number of legal and regulatory acts aimed at protecting human rights, both from the sphere of international law and those operating within the framework of national legislation, in particular the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, the Convention on the Elimination of All Forms of Racial Discrimination, etc are not being implemented.

For the most part, discrimination in Ukraine is widespread at the institutional and everyday levels. Now there is no sphere of public life that can be said with certainty that there are effective mechanisms for preventing human rights violations, and reliable measures to combat discrimination have been introduced. The main areas where discrimination against the Roma is most often is: labor, health care, education, social and law enforcement. The main grounds for discrimination are ethnicity and color of the skin. It is also worth highlighting the

double discrimination of Roma women who are discriminated against in society as Roma, and in the Roma environment, as women (gender discrimination). Priority measures in this direction should be related to the immediate adoption of the law on combating discrimination and its rapid implementation into Ukrainian realities. Other measures to be taken in the near future are the development and implementation of comprehensive desegregation standards for school education, including all related mechanisms of support for target groups in the school system, since the right of Roma children to education in Ukraine should be fully ensured. These and other measures, the detailed description of which is described below, require a high level of interest and political will on the part of Ukrainian government officials.

We urge to the authorities of Ukraine:

1. To adopt an anti-discrimination law that would include detailed information on protection and corresponding procedures, in particular, in relation to racial or ethnic discrimination.
2. To take effective measures to prevent, detect racially motivated discrimination in the judiciary and law-enforcing spheres.
3. To ensure effective legal aid in cases of discrimination against Roma in the fields of education, employment, health care, social services and access to civil rights.
4. To ensure the safety of the inhabitants of the Roma communities and settlements, to protect their inhabitants from enforced evictions as a traditional local authorities' practice.
5. To facilitate the correction of existing statistics on the provision of social services, access to education, employment, health care, social security and justice to Roma population.
6. To develop and implement comprehensive training programs for officials of all levels in order to provide civil servants with understanding of international and national standards that prohibit discrimination, and use them at work in order to ensure that they fulfill their duties regarding the protection of Ukrainian citizens from the discrimination.
7. To disclose information on combating racial discrimination against Roma at all levels, and to formulate a clear understanding that tolerance towards racism in the country will never be acceptable.
8. To establish cooperation between the leaders of Roma communities and representatives of the Ministry of Internal Affairs in each region and in the places of compact residence of the Roma.