

Written Comments of the European Roma Rights Centre and the
International Charitable Organization Roma Women Fund “Chiricli”
Concerning Ukraine For Consideration by the Committee on the
Elimination of All Forms of Discrimination against Women.



Challenging Discrimination Promoting Equality



Kiev-Budapest 2016

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OVERVIEW

The European Roma Rights Centre (hereafter “ERRC”) and International Charitable Organization Roma Women Fund “Chiricli” (Chiricli) hereby presents written comments on the situation of Romani women in Ukraine to the United Nations Committee on the Elimination of Discrimination Against Women (the Committee) for consideration in its review of Ukraine’s compliance with the Convention on the Elimination of All Forms of Discrimination Against Women (the Convention).

The need for a specific alternative report on the problems experienced by Romani women in Ukraine stems from the lack of information concerning the situation of Romani women in the State report which covers the period 2010-2016.

According to the 2001 census in Ukraine, 47,917 persons declared themselves Roma. Unofficial sources estimate the number of Roma to be between 200,000 and 400,000 persons; approximately half of them are female. Roma live throughout the country, however, population density varies. Roma are concentrated mainly in the following regions: Transcarpathia, Odessa, Kharkiv, Cherkassy, Donetsk, Dnipropetrovsk and Zaporizhia.

This submission is based on Chiricli’s research, conducted from April – June 2016 on the situation of Romani women in Ukraine. The research was carried out in several regions of Ukraine including Odessa, Kiev, Kharkov, Kirovohrad, Donesk region and Transcarpathia. In total, 300 Romani women of different age groups were interviewed by trained Roma mediators. We want to thank the UN Women office in Ukraine for the opportunity to hold consultations with the Romani women and public discussion of the document prepared by us.

The research found that Romani women across Ukraine face multiple discrimination based on gender and ethnicity which push them on the margins of the society. Among many challenges Romani women are with lower education, higher school dropout rate and irregular school attendance comparing to non-Romani women in the country¹. In certain cases the high number of people with incomplete secondary school education is related to early marriages². However, it is important to note that Romani girls in pursuing their education face barriers such as poverty and lower expectations of community or family members regarding the education of the girls and in some cases prohibition of the girls to go to school. The Roma boys, on the other hand, normally finish secondary school and even get high education. High unemployment rates and poor employment opportunities deprive Romani women and girls of realistic opportunities for integration and full participation in society. Lack of personal documents hinders the possibility for many Romani women and/or girls to access education, health care, employment and other related services. This is particularly worrying because Romani women in Ukraine are at often subject to a multiple and/or intersectional discrimination. Discrimination against Roma is a recognized issue by the Ukrainian government. However, the Office of the Ukrainian Parliament Commissioner for Human Rights (UCHR), has registered low number of complaints for discrimination. Hate crimes against Roma have been reported and registered in the conflict affected areas.³

In 2013, the Government of Ukraine adopted a Strategy for the Protection and Integration of Roma National Minority into Ukrainian Society until 2020 (the Strategy)⁴ and a National Action Plan (the NAP) on the Implementation of the Strategy⁵ to address the situation of the Romani communities in the country.

¹ Situation Assessment report on Roma in Ukraine and the Impact of the Current

<http://www.osce.org/odihr/124494?download=true>

² UNFPA research on early marriages <http://www.chirikli.com.ua/index.php/ua/biblioteka/item/45-dytiachyi-shliub>

³ Situation Assessment report on Roma in Ukraine and the Impact of the Current Crises

<http://www.osce.org/odihr/124494?download=true>

⁴ Decree of the President of Ukraine, No 201 of 8 April 2013, available at

In December 2013 the Cabinet of Ministers issued an order to the regional administrations to develop Regional Action Plans with indicators and budget lines. However, regional administrations are facing problems to elaborate actions plans since they lack reliable data about the number of Roma in their respective region, and they also lack knowledge and capacity to develop o indicators.

The protection of national minorities, the implementation of the principle of equal rights and non-discrimination in Ukraine are guaranteed by the Constitution of Ukraine (Articles 11, 24, 26, 35, 37) and national legislation (Law of Ukraine "On National Minorities in Ukraine", "On Local Government in Ukraine", " On Legal Status of Foreigners", "On Provision of Equal Rights and Opportunities for Women and Men", "On Preventing and Combating Discrimination in Ukraine", "On Foundations of Social Protection of the Disabled in Ukraine", etc.).

On 28 September 2012 the Parliament passed the Law of Ukraine "On Prevention and Combating Discrimination in Ukraine" (with amendments made in accordance with the Law No.1263-VII as of 05/13/2014, BD, 2014, No. 27, Art. No. 915)⁶.

Nevertheless, the experts pointed out the imperfection of this law to combat discrimination and unequal treatment⁷. Although the law offers definitions of "direct discrimination" and "indirect discrimination"; there are no specific provisions against discrimination. At the same time, Ukrainian administrative and criminal law does not prescribe any liability, or specific types of responsibility for it⁸.

This submission intends to highlight key areas of human rights concerns for Romani women in Ukraine as related to the Convention. The ERRC and Chiricli hope that this report will support the Committee to formulate its Concluding Comments and Recommendations to the Ukrainian Government to ensure that the rights of Romani women are fully respected. Research undertaken by the ERRC and Chiricli provides consolidated information regarding key challenges of Romani women in Ukraine in their access to human rights. The analysis focuses on the following areas of concern:

- Lack of civil registration documents;
- Access to social and medical services;
- Employment.
- Education.

Lack of civil registration documents

One of the main problems faced by the Romani women in Ukraine is the lack of passports, birth certificates and residence registration. This includes people who lived in Ukraine until 1990 and those who then moved from another Soviet Socialist Republic to Ukraine.

ERRC and Chiricli research in the recent years has identified lack of personal identification documents as a significant problem for Romani women in many parts of Ukraine. The ERRC has worked with communities in Odessa region since 2012, assisting Roma in application for personal documents. In three cities Odessa, Kirovograd and Uzhgorod between 30% (15% women) and 40% (10% women) of Roma reported that they lack at least one of the documents which are necessary in order to access a range of services. In Mukachevo (Transcarpathia region) only 1500 out of 10 000 Roma (15%) have passports.

The Romani women are facing the following obstacles, relating to the lack of identification documents (passports and birth certificates):

- Lengthy and difficult administrative process for document acquisition;

<http://www.president.gov.ua/ru/documents/15628.html>.

⁵ News item about the approval of the National Action Plan available at http://www.kmu.gov.ua/control/ru/publish/article?art_id=246670769.

⁶ <http://zakon4.rada.gov.ua/laws/show/5207-17>

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⁸ See also <http://helsinki.org.ua/index.php?id=1398048871>

- Many women have other, more urgent priorities such as household work or childcare;
- Lack of funds to pay for relevant documents and to pay a fine;
- Higher risk of police harassment and detention for lack of personal documents;
- The lack of birth certificates;
- No personal or family housing;
- Lack of the registration and the occupants registry of a house;
- Lack of education and understanding of the importance of having passport ;
- lack of recognition of addresses for those living in a informal settlements: (“tabors”);

One of the serious problems that Romani women face while obtaining passports is registration at place of residence, which makes it impossible for Roma living in illegal settlements to obtain passports. However, according to official instruction for receiving passport, the lack of registration should never be a reason for refusal for issuing a passport. The Roma mediators⁹ working in 12 regions of Ukraine informed “Chirikli” that they never had one single case when someone was issued a passport in the absence of residents’ registration.

Obtaining of civil registration documents in Ukraine is regulated by the Family Code¹⁰ of Ukraine, the Law of State Registration of Acts of Civil Status¹¹ which both say that the registration of birth certificate should be issued following the application by parents or in case when it is not possible, the registration of birth can be performed by the relatives or representatives of the medical institution where the baby was born. Otherwise the birth certificate can be obtained through the court procedure, three witnesses are necessary to confirm the identity of the person. Without support of NGOs in doing so, this process can be particularly complex and expensive, especially for Romani women with low or no incomes.

Lack of identification documents prevents anyone from exercising almost all social and economic rights (for employment, education, medical care, social assistance and pension). The absence of a child’s birth certificate in practice deprives him or her of the right to education, which precludes his/her further socialization and social integration and makes it impossible to receive higher education and to find a job. Education is a key for the integration of Roma.

Women who have no documents cannot obtain birth certificates for their children and cannot receive child benefits, which is in some cases one of the main financial resources for women.

Example: In Transcarpathia region, a Romani woman who has 5 children, who were born in Ukraine, do not have documents and birth certificates for her children. She tried to obtain the document by herself, but that was not possible because she hadn’t any financial means to pay the penalties. Her illiteracy further aggravated her understanding of the procedure.

Access to social and medical services

The problem of access to health care is often caused by the lack of documents, identification and registration and the lack of funds to pay for medical services and purchase of medicines. The Ukrainian Constitution guarantees medical care free of charge¹², but in reality it is almost impossible to obtain free medical services. In addition, there is mistrust of Roma in the official medical institutions and the fear of stigma and discrimination by health workers is common. The language barrier additional obstacle to access health services for those Romani women not speaking neither Ukrainian nor Russian. Such cases were mentioned by the Roma mediators from Zakarpattia and Odessa region.

⁹ Roma social and health mediators in Ukraine <http://www.chirikli.com.ua/index.php/ua/biblioteka/item/43-romski-medychni-poserednyky-v-ukraini-dosiahnennia-vyklyky-mozhlyvosti>

¹⁰ Family Code of Ukraine <http://zakon4.rada.gov.ua/laws/show/2947-14>

¹¹ Law on State Registration of Acts of Civil Status <http://zakon2.rada.gov.ua/laws/show/2398-17>

¹² Constitution of Ukraine, note 2, Article 49

Poverty related health conditions are common among the Ukrainian Roma population. These are often associated with poor nutrition, poor quality of drinking water and unacceptable living conditions. According to the assessment of the needs of Roma communities conducted by the Roma mediators and WHO office in Ukraine it was identified that children surveyed the prevalence of underweight (WAZ <-2 SD) is 9.4% (of these 3.2% are severely wasted), stunting (HAZ <-2 SD) was 33.9% (of these 17.7% are severely stunted) and wasting (WHZ <-2 SD) was 4.9% (of these 1.7% are severely wasted).

The situation of the women is aggravated by the fact that Roma women can traditionally only be treated by female doctors. In addition, the lack of documents can become a serious obstacle for receiving treatment in maternity clinics. Hospitals can accept Romani women without documents, but in this case official registration of the birth of a child officially cannot be achieved¹³.

Breast cancer is a serious problem for Romani women in Ukraine. We had a number of focus groups in Roma communities and found out that most women who went through breast surgery, kept this secret even from their own families. It was found that breast cancer is a big taboo in the communities.

There are other issues found mostly in access of Roma to health care: discrimination and inadequate treatment by medical professionals, difficult socioeconomic position and financial situation compared to the majority population, physical isolation of Roma settlements and large distance from health facilities.

Discrimination against Roma by medical professionals also affects the access of Romani women to adequate health care. 40 out of 60 interviewed Romani women in Transcarpathia region for this submission said that they faced discrimination, inhuman and degrading treatment by doctors and other hospital staff, which in some cases culminated in denial of a health care treatment. For example, one interviewee recalled that in 2015 her 6-months-old son had fever but was turned away from the local hospital because the doctor did not want to accept Roma. Romani woman in Transcarpathia region was not provided adequate medical services during delivering, because she is Roma and had not money, her child died unborn.

170 interviewed women noted that doctors treat Romani women differently than non-Roma, they often hear derogatory remarks about Roma in hospitals. They also mentioned that doctors refuse to visit Romani settlements claiming they fear from the Romani communities. As one Romani woman stated: "The doctors do not come to our settlement, in some cases even when we need urgent medical assistance".

Romani women 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.

Example:

In the children's department of Savelovskaya Central Hospital appealed for help young Roma woman who was posted with the child in the so-called "Roma Wards" where the conditions are much worse (the stench of sewage, inadequate sanitary conditions). The doctors place only citizens of Roma nationality to this wards. When the patient asked to transfer her child in any other wards, she was rudely denied.

Example 2:

Roma woman turned to the hospital because of the need for abortion. Before the operation the doctor asked the patient's nationality (ethnicity) and to learn that she is Romani during operations acted in breach of protocol and some necessary manipulation were missed. There was no provision of medical services provided in full. In related comments nurse replied that "for gypsy it's more than enough."

¹³ This information was gathered from the Roma health mediators, working in 12 regions of Ukraine.

Access to employment

No official statistics exist on the current rate of unemployment of Roma, but according to the estimates of Roma NGOs, only 38 % of Roma are employed¹⁴

In 2013 Roma mediators coordinated by Chirikli started to monitor the situation regarding employment for Roma in 12 regions of Ukraine and preliminary results show that the majority of Roma are unemployed. Out of 1456 Romani individuals who participated in this monitoring, only 217 (or 14.9%) had full-time employment. For many Roma only seasonal work or informal work is available¹⁵.

The Romani women are even more disadvantage position; they have little or no possibility for official employment because of the lack of adequate education, experience or documents. In addition to the discrimination based on ethnicity Romani women face gender-based discrimination by employers. For this reason, most of the Romani women are self-employed, earning their living by selling goods, collecting scrap metal, fortune-telling or begging.

Those Roma who do find work in public sector tend to conceal their ethnic origin for fear that they will be refused employment or promotion¹⁶.

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

Example:

A Roma woman is registered at the employment center. The workers, i.e. social inspectors issued direction for woman to work in a "Regional Center" as a nurse, but unfortunately she was refused to take the job. The formal reason for the refusal was referring to the fact that this position is already occupied, and the real reason for the refusal was that the ethnicity of the person. After 3 days the director of this institution hired a non-Roma woman.

Access to education

According to the UN Committee on Economic, Social and Cultural Rights (UN CESCR), Roma children continue to experience segregation in education, as well as ethnic bullying when they attend mixed schools. 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.

Although education is free in accordance with the Law on Education¹⁷, many schools require an unofficial monthly contribution from parents to cover running costs; for poorer Romani parents this monthly contribution is unaffordable. Some settlements are situated far from schools; children have to walk about 30-40 min., in some cases. For instance, in Kyivska oblast children have to walk from one village to another every day. Romani students who attempt to enrol in integrated schools are often refused without clear reason and it is evident that these schools limit the number of Romani students that they accept.

The issues of school segregation and discrimination have been emphasized by most of interviewed women; the education for Romani girls was reported as a specific issue. Also there is an issue with the pre-school

¹⁴ 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

¹⁵ Publication of Roma Mediators work <http://www.chirikli.com.ua/index.php/ua/biblioteka/item/43-romski-medychni-poserednyky-v-ukraini-dosiahnennia-vyklyky-mozhlyvosti>

¹⁶ ECRI Report on Ukraine, op. cit., note 18, p. 37, para 145.

¹⁷ The Law on Education, available at: <http://zakon0.rada.gov.ua/laws/show/1060-12>

education for Romani children, especially young girls, because of the economic issues in the families. According to interviews conducted in Kiev region, Uzhgorod and Kirovograd the 20 interviewed families out of 32 preferred to give pre-school education up to high education to girls than boys.

School dropouts are considerable high in secondary school, in particular among Romani girls. In primary school (age 6-10), 73% of the Romani boys and 75% of Romani girls attend school¹⁸. In secondary school Romani students (age 11-15), the proportion of the early school leaving increase and the gender gap widens –only 65% of boys and 59% of girls attend school. One of the factors responsible for the dropouts and the gender gap are discrimination at school, school segregation and practices such as early marriages. Romani girls in traditional communities are expected to marry earlier comparing to boys.

The research showed that out of 300 interviewed women 240 have incomplete secondary education and in 90 cases it was related to early marriages. In the case of the 570 men, 342 men had incomplete secondary education. In comparison to the 2001 official census¹⁹ we estimate that in all regions of Ukraine there are about 154 illiterate women and 50 illiterate men per 1000 of Ukrainian population. Young Romani mothers are in particular worsened position due to various factors such as age, lower education, institutional discrimination, lack of provision of protection by the state of their rights as minors

Example:

Three children of Roma woman were not included in the group after school day, arguing the lack of places in the group and a great burden on teacher. Moreover, only Roma children were denied as «unnecessary» children in the group. It is the large Roma family (8 children) that lives in a studio apartment, where there are no conditions to prepare homework for children. The mother and father of the children are at work until 17.00-18.00 pm. and are not able to provide other care than day care at school.

The situation of Internally Displaced Roma

The subsequent conflict in the East of Ukraine, gave rise to serious concerns about human rights violations. Displacement of Roma communities as internally displaced persons (IDPs) has increased dramatically since the beginning of June 2014.

The monitoring results show that, while Roma are generally in a vulnerable position even in times of stability, in times of crisis they are exceedingly vulnerable. Romani women are particularly vulnerable among the displaced, especially when they are pregnant or have to take care of their children. According to the monitoring results, about 9000 Roma people had to leave their houses in the East of Ukraine since the crisis started. With the arrival of internally displaced Roma from the Eastern regions to other regions of Ukraine the negative attitude towards Roma intensified. About 55.6% displaced Roma interviewed by “Chiricli” were not registered as IDPs fearing consequences, such as confiscation of their property by the police or other authorities. Some fear detention and mistreatment for no reason and lack of necessary documentation such as passports and residents’ registration in the ATO area. Non-registered IDPs could not receive social assistance, child benefits or pension from the state and experienced difficulties in re-registration of their documents.

That is why the assistance to Roma IDPs in Ukraine has mostly been from Roma civil society organizations and private donors. In this context it is important to ensure the ability of displaced Roma to access

¹⁸ WHO Ukraine office statistic.

¹⁹ <http://2001.ukrcensus.gov.ua/rus/results/general/education/>

adequate accommodation, social and medical assistance. The situation requires concentration of resources and coordination between government institutions, international organizations and NGOs.

RECOMMENDATIONS

The ERRC and Chiricli urge the Committee to recommend to the Ukrainian government the following measures as necessary to be implemented in the shortest time possible in order to redress the worrying situation of Romani women in Ukraine:

To ensure protection from discrimination for Romani women in maternity wards and medical establishments;

To ensure access to free medical services for vulnerable individuals, in particular disadvantaged Romani women;

To ensure provision/ support for acquiring of identity documents, including birth certificates for vulnerable Romani women;

To establish accessible mechanism for reporting discrimination based on ethnicity and gender;

To ensure equal access to quality education for Roma children, in particular Romani girls;

To take preventive measures for school dropouts among Roma pupils, in particular Romani girls;

To develop and implement measures to improve literacy among the adult Roma population, reduce dropout rates among students of Roma children;

To establish women's groups to improve self-awareness and empower young Roma women, who face many forms of discrimination. In addition, to provide young Roma women practical assistance with employment, education;

To develop special employment programs for Romani women;

To improve housing conditions and infrastructure in Roma settlements;

To provide support for Roma women victims of domestic violence;

To collect comprehensive gender disaggregated official data on the number of Roma in Ukraine as well as on their socio-economic situation in cooperation with Roma NGOs if necessary;

To review and amend the NAP and regional Action Plans in close consultation with Roma civil society and in line with the international standards (with clear measures, results and indicators);

To conduct regional thematic visits on education, employment, housing and health, civil registration documents and, in particular, passports and birth certificates, Romani women's and youth issues;

To institutionalize the Roma health and social mediators;

To provide proper information to IDPs, including Roma displaced persons, about the procedure for obtaining a certificate of registration as an IDP and its practical value;

To build trust and understanding between the police, local and national authorities and Roma, through providing training programmes on antidiscrimination, mediation, conducting awareness-raising campaigns like DOSTA!, Roma Pride or other.