



SPECIAL REPORT OF THE UKRAINIAN PARLIAMENT COMMISSIONER FOR HUMAN RIGHTS

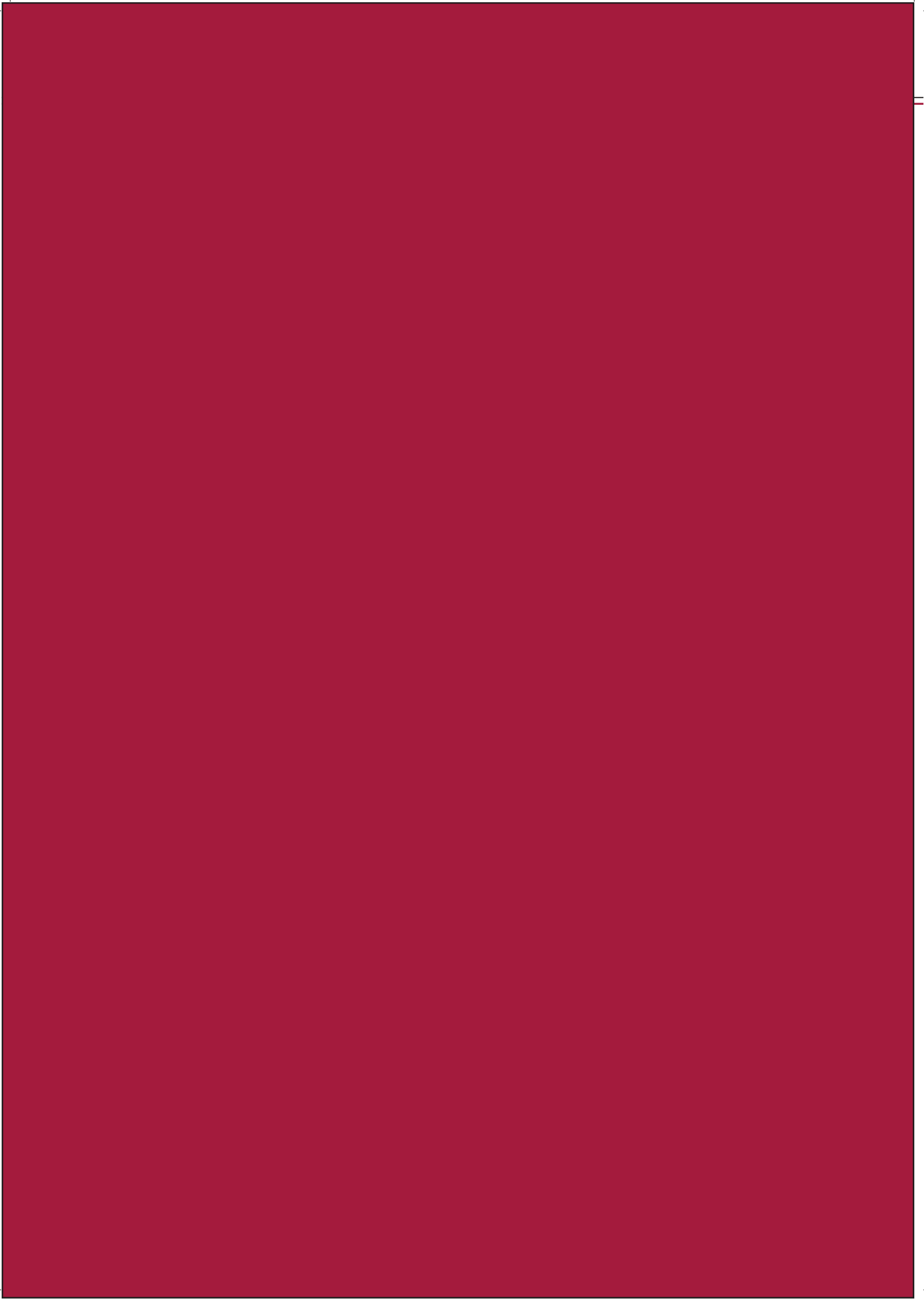
IMPACT OF THE COVID-19 PANDEMIC ON ROMA COMMUNITY IN UKRAINE

Kyiv - 2020

Special report of the Ukrainian Parliament Commissioner for Human Rights has been prepared jointly by the Council of Europe Office in Ukraine and the International Charitable Organisation Roma Women Fund "Chiricli" based on the findings of the monitoring visits to Roma-inhabited localities and the oblast state administrations, city, raion and village councils and amalgamated territorial communities aimed at the collection of information regarding the human rights and freedoms of Roma national minorities during the outbreak of the coronavirus disease 2019 caused by SARS-CoV-2.

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ACRONYMS AND ABBREVIATIONS

NGO – NON-GOVERNMENTAL ORGANISATION

MEDIA – MASS MEDIA

MINISTRY OF CULTURE – MINISTRY OF CULTURE AND INFORMATION POLICY OF UKRAINE

MINISTRY OF HEALTH – MINISTRY OF HEALTH OF UKRAINE

OSA – OBLAST STATE ADMINISTRATION

ATC – AMALGAMATED TERRITORIAL COMMUNITY

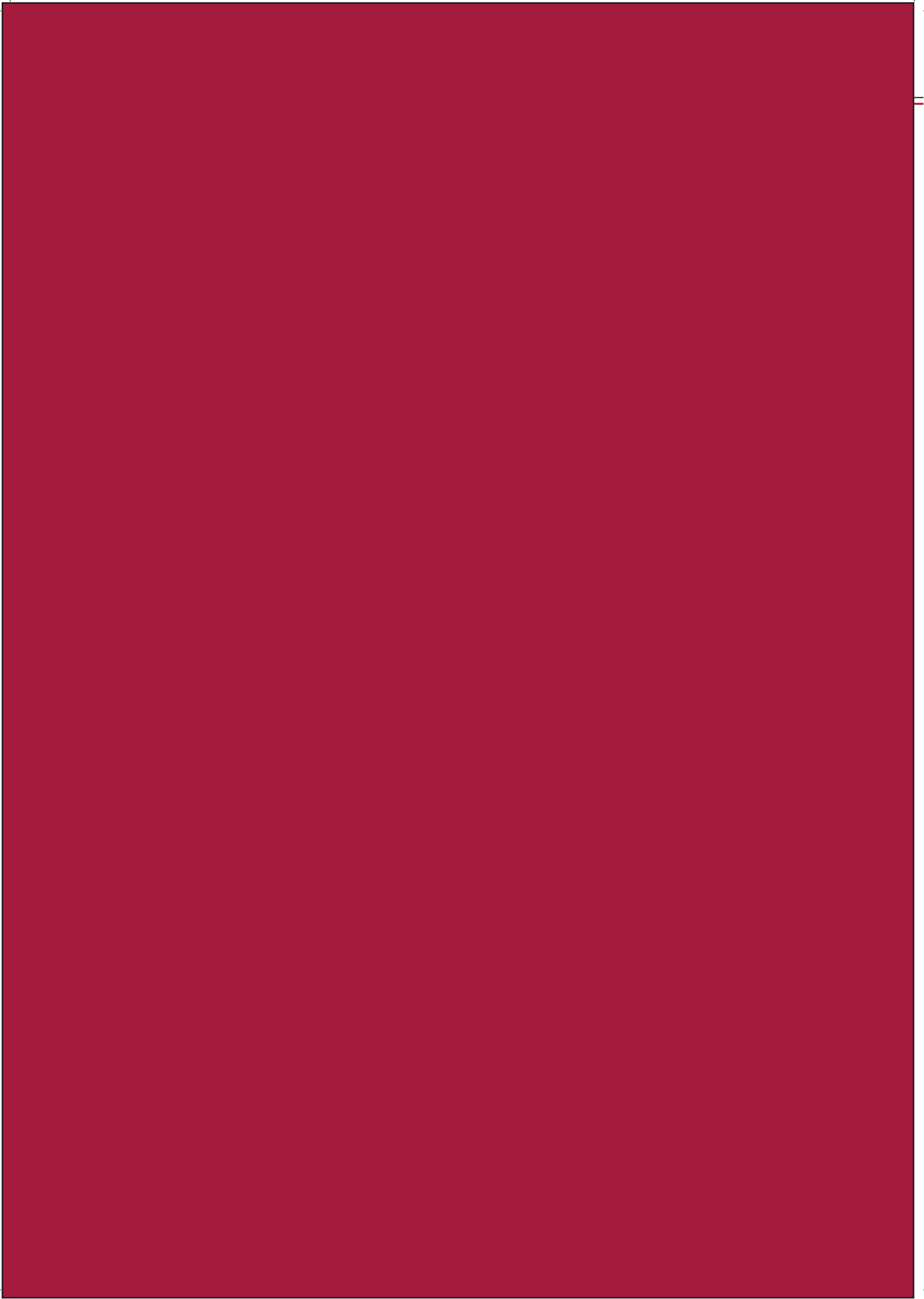
LOCAL GOVERNMENTS – LOCAL GOVERNMENTS AND AUTHORITIES

COE – COUNCIL OF EUROPE

COMMISSIONER – THE VERKHOVNA RADA COMMISSIONER FOR HUMAN RIGHTS

FOREWORD

**BY THE PARLIAMENT
COMMISSIONER FOR
HUMAN RIGHTS**





Exercising the parliamentary control over the protection of the human rights and freedoms, I especially focus on the rights and freedoms of Roma national minority that is currently the most discriminated, segregated and marginalised ethnic group in Ukraine.

On 8 April 2013, the Decree of the President of Ukraine N 201/2013 approved the 2020 Strategy for the Protection and Integration of Roma National Minority into the Ukrainian Society. Since then the integration of Roma national minority has been a priority task for the state. However, no changes have occurred either centrally or locally to efficiently solve the issues pertinent to Roma and ensure their integration into Ukrainian society.

The spread of the COVID-19 caused by SARS-CoV-2 and the introduction of quarantine restrictions imposed by the Ruling of the Cabinet of Ministers of Ukraine N 211 of 11 March 2020, as amended, have had a major impact on all people in Ukraine. However, it is vulnerable groups, Roma national minority belongs to, that have suffered most from the negative consequences of the global pandemic.

The challenges facing Roma in access to social services, education, medical care, employment, paperwork etc., have become even more acute and revealed significant gaps in how the authorities respond to any exceptional challenges and support this category of people. Social exclusion, marginalisation and segregation of Roma have made the negative impact of the COVID-19 pandemic even more likely.

In view of the vulnerability of Roma national minority and multiple violations of their rights and freedoms, Roma Women Fund "Chiricli", a union of civil society activists who are Roma rights advocates, and the CoE Office in Ukraine have jointly prepared this Special Report.

In order to gather the information about Roma, the Secretariat of the Commissioner, Roma mediators and facilitators have jointly conducted 20 monitoring visits to Roma-inhabited localities, oblast state administrations, city, raion and village councils, ATCs, education settings, healthcare facilities, social protection institutions and regional employment centres in 9 oblasts of Ukraine. They were Volyn, Zakarpattia, Donetsk, Ivano-Frankivsk, Luhansk, Lviv, Odesa, Cherkasy and Chernihiv. Roma mediators and facilitators, people who directly work with the Roma community and can facilitate their liaison with the authorities and vice versa, have conducted 286 interviews with Roma community.

I hope that the information, we have gathered, and the takeaways, we have made, will contribute to the consolidation of efforts of the state authorities, local governments, Roma community in Ukraine, civil society and international organisations aimed at solving the issues of Roma national minority.

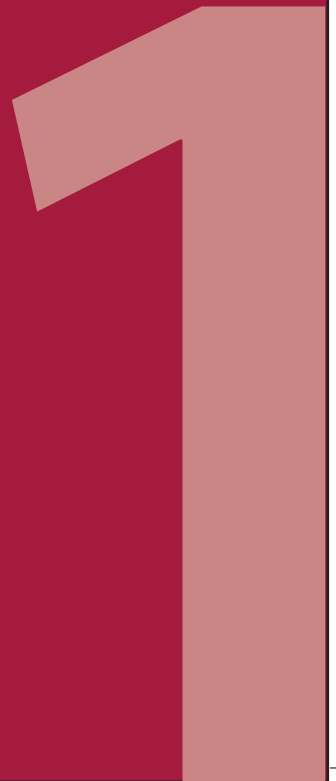
**The Verkhovna Rada Commissioner
for Human Rights
Liudmyla Denysova**

Kyiv, 2020

**WARNING ROMA
COMMUNITIES**

**ABOUT THE
COVID-19
SYMPTOMS
AND RISKS AND
INTRODUCTION
OF QUARANTINE
RESTRICTIONS**

PART





WARNING ROMA COMMUNITIES ABOUT THE COVID-19 SYMPTOMS AND RISKS AND INTRODUCTION OF QUARANTINE RESTRICTIONS

Right to access to information is envisaged and guaranteed under Article 34 of the Constitution of Ukraine. The right to access the information available to the state authorities and local governments is protected under Article 19 (2) of the International Covenant on Civil and Political Rights.¹

Article 5 of the Law of Ukraine N 2657-XII of 2 October 1992 contemplates that the right to information includes the free receipt, use, sharing, storage and protection of any information required to exercise one's rights, freedoms and legitimate interests.

Article 17 of the Law of Ukraine on Public Protection Against Infectious Diseases N 1645-III of 6 April 2000 stipulates that citizens and civic associations have a right to obtain credible information regarding the epidemic situation in Ukraine. State authorities, local governments, the State Sanitary Epidemiologic Service of Ukraine and healthcare institutions shall from time to time inform the public about the current epidemiological situation and the mitigation measures imposed, via mass media.

The rapid spread of the COVID-19 caused by SARS-CoV-2 in Ukraine and introduction of quarantine measures required a quick and efficient coverage of measures ensuring prevention of contagion spread through population.

Sources covering such information include TV, radio, online and social media.

However, many Roma families cannot get any updated or credible information on the COVID-19 because they do not have TV or the Internet.

Most of the Roma, who live in Zakarpattia oblast, lack access to information because they do not speak the Ukrainian language and are illiterate in certain cases.

This is the reason why it is important to raise Roma's awareness of the need to learn the official language.

In most cases, Roma received information about the preventive measures to be followed during the quarantine and the disease symptoms from Roma mediators, facilitators and leaders of Roma human rights organisations. *This was confirmed by Roma community members during the monitoring visits to Volyn, Zakarpattia, Donetsk, Ivano-Frankivsk, Luhansk, Lviv, Odesa and Chernihiv oblasts.*

¹ Human Rights Committee, General Remarks N 34 (2022), paragraphs 18 and 19

EXAMPLES:

Social service centres in *Chernihiv oblast* did not focus specifically on informing Roma communities or households about the COVID-19. Roma found information in mass media and on the Internet (e.g. *village of Alioshynske, Horodnia raion*).

However, there are also some positive examples of raising Roma's awareness. In *Zolotonosha (Cherkasy oblast)*, the Leisure Centre notified Roma about self-isolation rules using a Viber group chat "roma.zolo.info". In the village of *Korsunsi (Lyman raion, Odesa oblast)*, the awareness-raising campaign was conducted by medics, public social protection department of the executive committee of the *Krasnosila Village Council*, and charity foundations.

In Kharkiv, healthcare facilities and family doctors raised Roma's awareness of the quarantine recommendations. Social centres, which had been providing services for families, children and young people, visited Roma families, consulted them by phone emphasizing quarantine rules, safeguards, self-isolation, a need to contact doctor in case of sickness, etc.

In 30 raions and cities in Kharkiv oblast inhabited by Roma, local social centres for families, children and young people have been raising Roma's awareness of quarantine rules. Information is provided by phone, leaflets were handed over during the visits to Roma households. The awareness-raising campaign targeted 349 Roma families.

Roma mediators, facilitators and activists have played an important role in raising Roma's awareness of the outbreak. In *Uzhhorod, Zaporizhzhia and Odesa*, young Roma people conducted awareness-raising campaign in Romani language in Roma localities.

Having support of the CoE Project “Protecting national minorities, including Roma, and minority languages in Ukraine” and as part of an awareness-raising campaign, in May 2020, the Ministry of Culture and the Ministry of Health have jointly prepared the Coronavirus (COVID-19) Counteraction Recommendations² and translated them into 13 languages of national minorities, which are referred to in the European Charter for Regional and Minority Languages, including Romani language. Recommendations were later disseminated among the Roma population and in healthcare facilities.

During monitoring visits of the Secretariat of the Commissioner, Roma mediators and facilitators to Roma-inhabited localities and oblast state administrations, city/raion/village councils, and ATCs, they had a focus on the role of family doctors in raising Roma’s awareness of the required preventive measures and the COVID-19 symptoms.

The Commissioner has found out that family doctors did not consistently raise Roma’s awareness. During the monitoring mission to Lysychansk (Luhansk oblast), Roma said that family doctors had not told them anything about prevention of and combating the infection spread. Similar situation was in Kreminna (Luhansk oblast).

Instead, awareness-raising campaigns were conducted via mass media, dissemination of leaflets and interaction among mediators, facilitators and Roma people through phone calls or personal meetings. Civil society organisations were also involved in the campaign. Roma NGO Bahtalo Drom talked on the phone to almost 200 people. It notified about quarantine rules, self-isolation and actions to be taken in case of suspicion of coronavirus.

Although the institute of family doctors was created during the healthcare reform in Ukraine as a primary tier of basic medical care and advice, the expectations that family doctors would play an essential role in raising Roma’s awareness of the COVID-19 have not been met.

² URL: https://www.coe.int/uk/web/kyiv/national-minorities/-/asset_publisher/i6ydYw6ljGnc/content/recommendations-for-the-prevention-of-coronavirus-disease-covid-19-in-ukraine-in-13-national-minority-languages?inheritRedirect=false&redirect=https%3A%2F%2Fwww.coe.int%2Fuk%2Fweb%2Fkyiv%2Fnational-minorities%3Fp_p_id%3D101_INSTANCE_i6ydYw6ljGnc%26p_p_lifecycle%3D0%26p_p_state%3Dnormal%26p_p_mode%3Dview%26p_p_col_id%3Dcolumn-4%26p_p_col_pos%3D3%26p_p_col_count%3D4%26_101_INSTANCE_i6ydYw6ljGnc_advancedSearch%3Dfalse%26_101_INSTANCE_i6ydYw6ljGnc_keywords%3D%26_101_INSTANCE_i6ydYw6ljGnc_delta%3D10%26p_r_p_564233524_resetCur%3Dfalse%26_101_INSTANCE_i6ydYw6ljGnc_cur%3D2%26_101_INSTANCE_i6ydYw6ljGnc_andOperator%3Dtrue

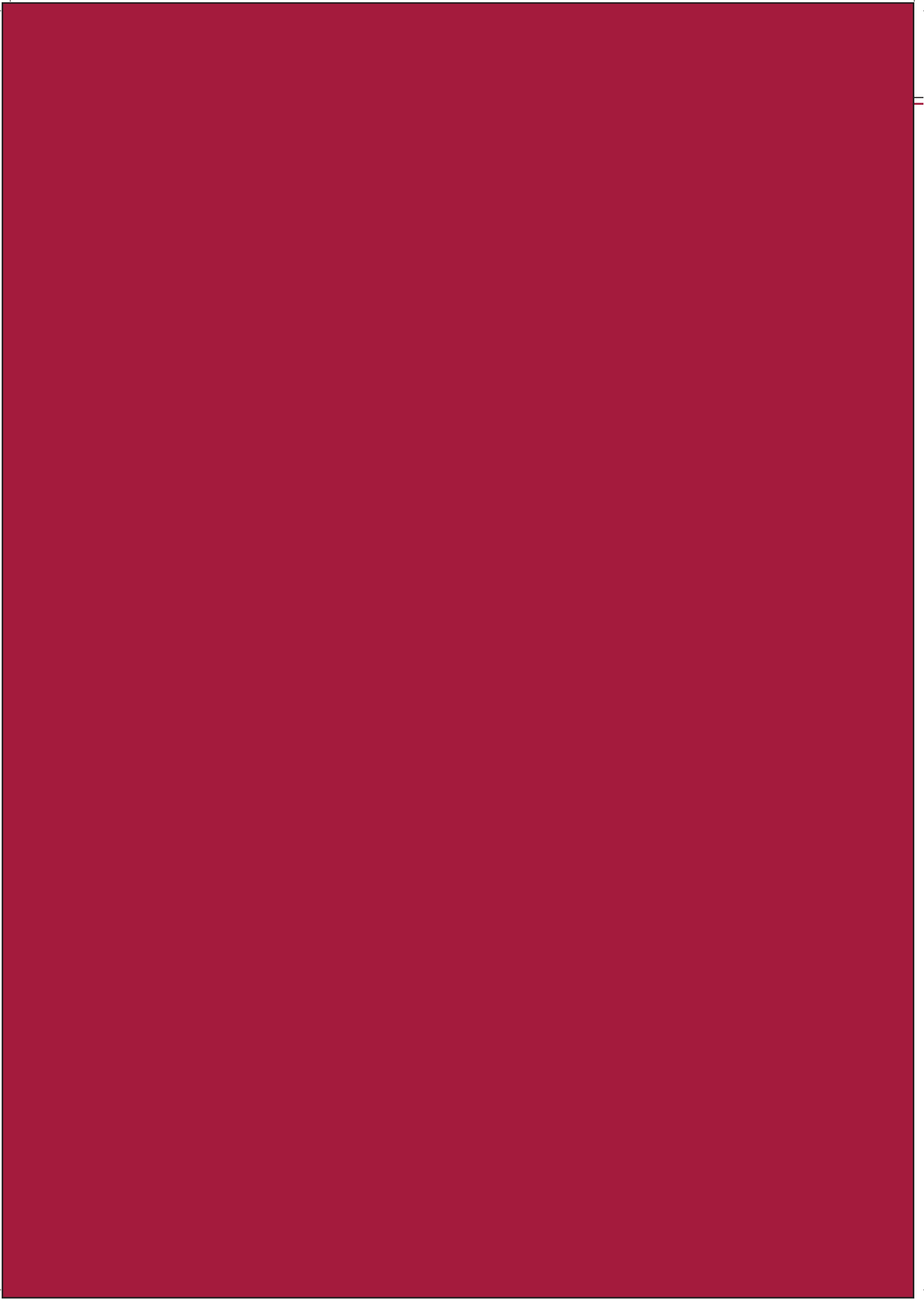


**NUMBERS
OF REPORTED
COVID-19**

**CASES AND TESTS
AMONG ROMA**

PART

2



NUMBERS OF REPORTED COVID-19 CASES AND TESTS AMONG ROMA

It is difficult to fully assess the impact of COVID-19 on Roma community. This is due to the lack of accurate statistics on the overall size of the Roma community and lack of data on medical care, preventive measures and the testing numbers for COVID-19 in nationalities.

The 2020 Strategy for the Protection and Integration of Roma National Minority into the Ukrainian Society approved by the Decree of the President of Ukraine N 201/2013 of 8 July 2013, indicates that according to the latest Ukraine-wide census (2001), Roma population is estimated at 47600 people. However, international organisations and NGOs estimate that Roma population in Ukraine is 200,000 to 400,000 people as of 2019.³

The monitoring visits revealed that local authorities did not have data on the size of Romani groups living in certain districts. Statistics on school-age Romani children was not available too.

Most of the Roma-inhabited localities are concentrated in the western and the southern regions of Ukraine, particularly in Zakarpattia oblast and the two largest known localities in Berehove and Mukachevo.

EXAMPLES:

Roma population in Mukachevo is estimated at 10,000 people. However, local authorities do not have accurate information about the numbers of Roma population and school-age Romani children.

According to the Centre of Primary Medical and Sanitary Care in Mukachevo, 1 case of coronavirus infection COVID-19 caused by SARS-CoV-2 was reported in Roma locality in Mukachevo as of 1 July 2020. The patient had a mild form of the disease, so outpatient treatment was prescribed. All contacted persons were examined.

Approximately 1500 Roma people live in the Roma-inhabited locality in the village of Nerubaiske (Bilyayivka raion, Odesa oblast). As of 30 June 2020, 83 Roma people, including 20 children, were tested for coronavirus infection. 23 people, including 5 children, tested positive. Outpatient treatment was prescribed to 22 persons and they were under the permanent control of their family doctors. 4 people were sent to the Infection Department of the Odesa oblast Hospital for in-patient treatment. 18 patients recovered and 8 people were to undergo health examination again. A mobile emergency medical team was called every time when there was a suspicion of coronavirus.

During the visit to the Holoby ATC (town of Holoby, Kovel raion, Volyn oblast) it was revealed that the community population estimated at around 8600 people, including approximately 100 Roma. The ATC leadership has no information about the number of COVID-19 cases in the community, including Roma national minority.

The Roma locality in Kramatorsk (Donetsk oblast) is inhabited by 1200 Roma people who live in 230 households. 160 households have at least 3 children and all of them are economically disadvantaged and have no official status.

³ https://minorityrights.org/wp-content/uploads/2019/05/MRG_Rep_Ukraine_UKR_Apr19.pdf

According to the ATC Chairman, his repeated requests to the Kovel Department of the State Enterprise “Volyn Oblast Laboratory of the Ministry of Health of Ukraine” aimed to ensure the proper enforcement of the Volyn Region Commission on Environmental Security and Emergency Situations in terms of monitoring of the COVID-19 spread and timely updates on confirmed positive cases in the community. But they have never been answered.

As a result, the community has not enforced the control over self-isolation in households, including Roma members tested positive for COVID-19, and the disinfection of households and adjacent areas.

Findings were revealed during the monitoring visits and they have shown that Roma people, who live in makeshift shelters, are the most vulnerable to the threat of the rapid spread of the coronavirus infection. Improvised shelters usually have no social infrastructure, utilities, centralised power, heating, water supply and drainage systems.

The situation is more aggravated by the fact that most Roma families are too poor to buy individual protective items, hygienic products, food and medications.

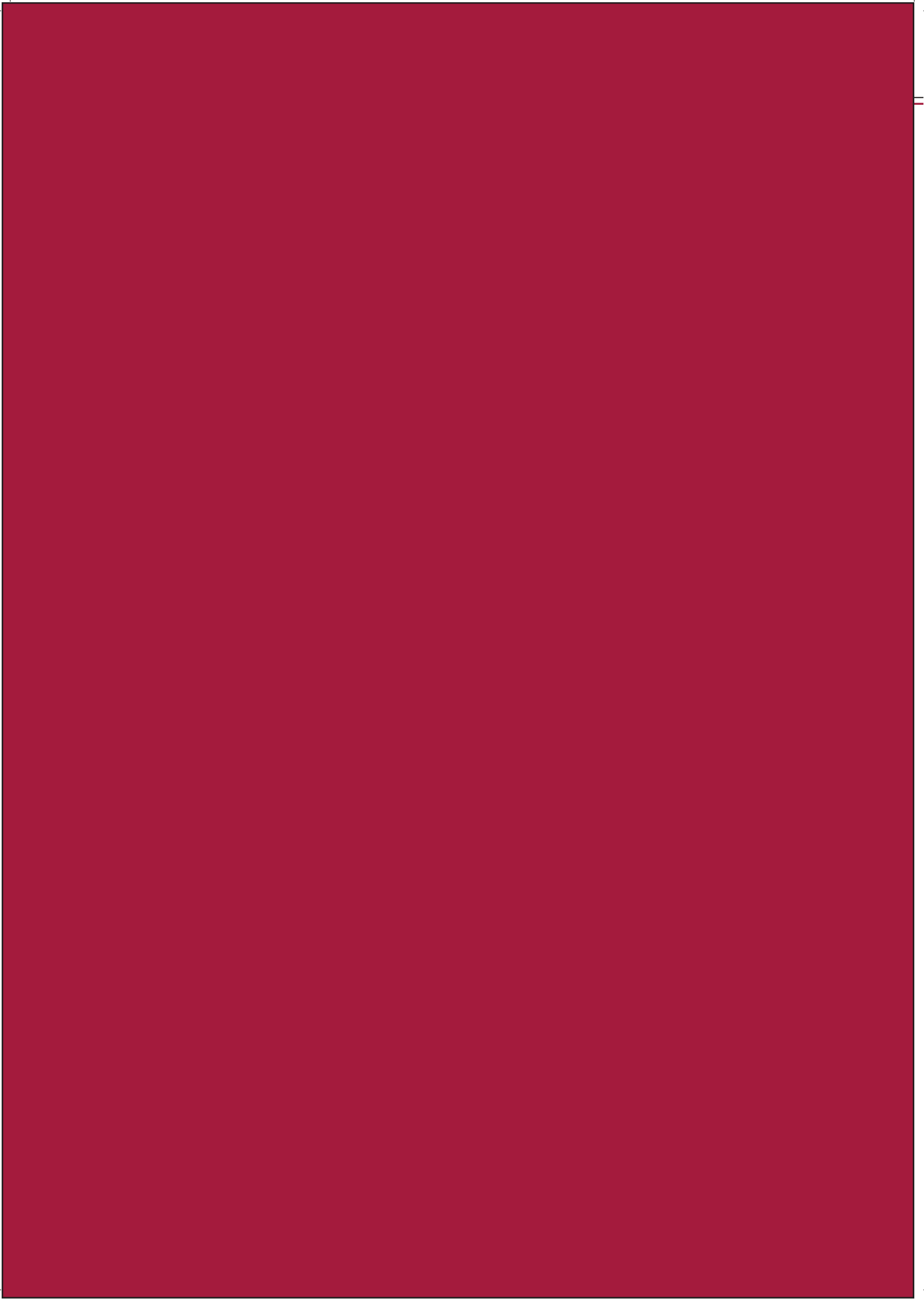
Lack of statistic data and understanding of the Roma community needs by the local authorities does not contribute to the efficient performance of measures by the local governments during the COVID-19 pandemic and may become an obstacle in reducing the disease outbreaks in Roma communities.

**ACCESS TO
MEDICAL CARE**

**AND INDIVIDUAL
PROTECTIVE
EQUIPMENT**

PART

3



ACCESS TO MEDICAL CARE AND INDIVIDUAL PROTECTIVE EQUIPMENT

The Constitution of Ukraine guarantees the right to healthcare, medical treatment and medical insurance to every citizen (Article 49). This right is ensured through state financing of the relevant social, economic, medical, healthcare and preventive programs.

The right to medical care is protected under Article 25(1) of the Universal Declaration of Human Rights and Article 12 of the International Covenant on Economic, Social and Cultural Rights ratified by Ukraine in 1973.

Article 2(2) of the Covenant envisages the rights enunciated in the Covenant are to be exercised without discrimination as to race, colour, sex, language, religion, political or another opinion, national or social origin, property, birth or another status.

The key issue is that difficulties involved in obtaining personal identification documents are an obstacle for the exercise of the fundamental freedoms and right to health by Roma national minority.

Most of Roma living in Ukraine have no personal identification documents and civil registration certificates. This is the reason why they are deprived of access to fundamental services, in particular social security, healthcare, employment and education.

Another aspect that makes obtaining personal identification documents difficult for Roma is their illiteracy and poor awareness of the importance of having personal identification documents and civil registration certificates. However, aware Roma face another problem. A birth certificate is normally required to issue a passport or any other personal identification document. In its turn, getting a birth certificate requires a relevant personal identification document which most Roma do not possess.

Due to material scrutiny and, therefore, inability to pay court fees, most of Roma cannot verify their identity at the court.

In its fifth annual report on Ukraine, the European Commission against Racism and Intolerance recommends to waive court fees if Roma seek to establish his identity to obtain personal identification documents. This is the reason why such positive actions in terms of paperwork as exempting Roma from fees for administrative/court procedures, which relate to proving the birth fact or issue of birth certificates, are essential to ensure the equality of rights and freedoms.

The importance of recommendation implementation was highlighted by the Verkhovna Rada Commissioner for Human Rights in the Commissioner's Reports on Human Rights and Freedoms in Ukraine for 2018 and 2019.

To encourage going to court to establish the birth fact, draft Law of Ukraine "On amendments to the Law of Ukraine on Court Fees was registered in the Verkhovna Rada of Ukraine (registration N 3635 of 11 June 2020). Its purpose was to eliminate the discrimination against vulnerable groups, including Roma national minority, in terms of paperwork. The draft Law contemplates exemption from the court fees for persons who file an application to verify the birth fact.

On 2 July 2020, the Commissioner submitted the proposal to the Verkhovna Rada of Ukraine and supported the Draft Law.

Roma, who does not possess personal identification documents or residence registration, cannot sign declarations with family doctors and report any symptoms of COVID-19. Due to the absence of personal identification documents, Roma's access to medical care is limited.

EXAMPLES

This situation was revealed during a monitoring visit to Roma-inhabited locality in the outskirts of Zhydachiv (Zhydachiv raion, Lviv oblast).

Interviews with Roma in Svaliava raion of Zakarpattia oblast revealed that no coronavirus cases had been reported by Roma community. No quarantine measures have been introduced. According to respondents, only volunteers informed about quarantine rules, prevention/treatment of the coronavirus disease, and proved them with individual protective aids and food packages.

Findings of the monitoring visit to Mukachevo (Zakarpattia oblast) show that a significant part of the Roma population have signed declarations with general practitioners of family medical care. But approximately 2800 Roma people have not signed. A similar situation is in Svaliava raion.

Multiple displays of discriminating practices in Roma's access to medical care (segregation in "Roma chambers" in maternity hospitals and refusal to provide services free of charge) were recorded during the quarantine. However, this was also happening in the period of the quiet epidemiological situation in the country.

EXAMPLES

This is evidenced by the facts given in the letter from the European Roma Rights Centre and International Charitable Organisation Roma Women's Fund "Chiricli" to the Commissioner.

The most common violations mentioned in the letter are the incomplete medical care, providing poor-quality hospital rooms for sick women with children, a derogatory attitude of medical staff.

During the monitoring visits, 50 women from Uzhhorod confirmed that Roma women were kept in separate wards.

The Commissioner forwarded the letter to the Healthcare Department of the Zakarpattia Oblast State Administration and pointed at discrimination against Roma women in terms of access to medical care and request to intensify the awareness-raising work among medical staff.

There are, however, positive cases of local authorities respond and take action to ensure the access of Roma national minority to medical care.

EXAMPLES

Findings of the monitoring visit have revealed that approximately 80% of Roma living in a locality in the city of Zolotonosha (Cherkasy oblast) signed declarations with family doctors. No cases, when any members of the Roma community were denied medical care because of ethnic grounds, have been revealed.

A medical office, where Roma can get advice from a family doctor, operates at the Communication Centre "Dialogue Between The Generations" in the Zolotonosha Roma community.

Almost all Roma living in the village of Korsunsi (Lyman raion), the village of Nerubaiske (Bilyayivka raion, Odesa oblast) and the village of Korolevo (Vynohradiv raion, Zakarpattia oblast) signed declarations with general practitioners of family medical care. However, a medical care unit in the Roma locality in the village of Korolevo has not been in operation since 2019 due to problems with power supply.

Area of responsibility of the Nerubaiske and Krasnosilka village councils covers field and maternity care facilities (in the village of Nerubaiske and in the village of Korsunsi, accordingly), a central hospital and a primary care hospital (in the town of Bilyayivka and village of Krasnosilka, accordingly), where members of Roma community can get services. Members of Roma national minority may also request medical care at the Odesa Oblast Hospital.

Due to material scrutiny, one of the challenges facing Roma during the spread of the coronavirus infection COVID-19 is the inability to get enough individual protection aids and hygiene items, which boosts the risk of spread of the coronavirus infection, in particular among the residents of Roma inhabited localities.

Local authorities have not sufficiently addressed this problem. Even when material support was provided, it was not efficient because it was not consistent and did not cover the actual needs.

EXAMPLES

Another example is the 4500 Roma community in the town of Korolevo, (Vynohradiv raion, Zakarpattia oblast) which was provided only with 350 protective face masks as of 11 June 2020. Another 1000 face masks were provided by the Red Cross Society in Ukraine. However, it is still not satisfactory, considering the estimated numbers of Roma in this town.

Similar problem was faced within the responsibility area of the Krasnosilka village council (Lyman raion, Odesa oblast). As of 22 June 2020, only 350 of 700 Roma were provided with face masks. This, however, does not fully cover the needs of the Roma community in individual protection aids.

Due to loss of income, 127 Roma in the town of Kreminna (Luhansk oblast) were unable to buy individual protection and hygiene aids.

Similar situation was in the village of Berezove (Lysychansk raion, Luhansk oblast). 250 Roma were unable to buy personal protection and hygiene aids due to financial scrutiny.

Local authorities have not addressed this issue. Hygienic packages and food were provided to Roma by the International Charitable Organisation Roma Women Fund "Chiricli" and NGO Bahtalo Drom. In May 2020, these organisations provided hygiene products and food to 250 Roma living in the city of Lysychansk, 100 Roma living in Chernihiv oblast and 50 Roma in Kyiv oblast.

The monitoring results have shown that providing Roma communities and especially people, who live in improvised shelters and experience hardships, with individual protective items, is not up to the standard. Local authorities have not sufficiently addressed this problem.

Most inhabitants of Roma inhabited localities received individual protective items through humanitarian assistance provided by the NGOs and international charity foundations.

When the quarantine had been imposed, the Ministry of Defence approved temporary recommendations for anti-epidemic measures during quarantine in connection with the spread of the COVID-19 caused by SARS-CoV-2. The emphasis was made on systematic disinfection of personal residential venues and public places.

EXAMPLES

The Lysychansk City Council ensured streets and houses, including Roma households, with disinfectants.

Importantly, Roma behaviour slowly changes according to the existing situation (sticking to preventing safeguards, consistent use of protective face masks, gloves, hand sanitisers etc.). This is due to the fact that Roma do not have individual protection items and lack awareness of the measures to counteract the spread of COVID-19, and the local authorities exercise insufficient compliance control, what increases the risk of a rapid outbreak of the coronavirus infection in densely populated Roma-inhabited localities.

PART

PROTECTION
OF RIGHT

TO LABOUR
AND ACCESS
TO SOCIAL
SERVICES

4



PROTECTION OF RIGHT TO LABOUR AND ACCESS TO SOCIAL SERVICES

Article 24 of the Constitution of Ukraine, Article 14 of the Convention for the Protection of Human Rights and Fundamental Freedoms, Article 1 of Protocol 12 to this Convention, and Article 2 of the Convention concerning Discrimination in Respect of Employment and Occupation (International Labour Organisation Convention No. 111) establish the principle of equality and prohibition of discrimination in the exercise of any right established by law, including the right to work.

Article 2 of the Labour Code of Ukraine N 322-VIII of 10 December 1971 also explicitly prohibits any discrimination in labour relations. It specifically prohibits infringement of the principle of equal rights and opportunities, direct or indirect restrictions of employee rights, including actual or intended going to court or other institutions to protect rights or support other employees in rights protection or any other aspects, which do not relate to the nature or conditions of work.

Roma people often experience difficulties in finding a job. This is due to financial scrutiny, poor education, absence of personal identification documents and biased attitude of employers.

Before the quarantine had been imposed, most members of the Roma national minority were engaged in informal employment, including seasonal job and overseas work. These workers were most vulnerable. This is because companies active in waste sorting and processing, as well as markets and retail trade places, where Roma people were mostly employed, became subject to quarantine restrictions and were closed. Due to this fact, many Roma people lost their jobs and experienced difficult financial situation.

Many Roma people (including Roma who live in rural areas) lost their seasonal jobs because they could not travel to the work place by public transport. Most of them have seasonal jobs outside their oblast or are engaged in informal work and not included in statistical records.

Since most of Roma people had seasonal jobs and were not employed officially, the introduced quarantine restrictions caused negative social and economic implications. When unemployed, they did not receive any social support, security, social insurance payments or compensation, which had a direct impact on their living standards, meeting their basic needs, food quality, etc. However, it is not possible to make an accurate estimate of the number of Roma people who lost their jobs during the quarantine.

The report of the Monitoring Mission on Human Rights in Ukraine “Impact of the COVID-19 pandemic on Roma rights in Ukraine” as of 3 June 2020 says that multiple Roma families lost their main income sources due to closed borders, local markets and small enterprises. Social payments remain the main source of income for many families during the pandemic, which is not sufficient to cover all their needs.

EXAMPLES

According to the Krasnosilka Village Council (Lyman raion, Odesa oblast), approximately 80 Roma people lost their jobs after the introduction of the quarantine. In the town of Kreminna (Kreminna raion, Luhansk oblast), the number was 127 people, and in Lysychansk (Luhansk oblast), it was 315, accordingly.

Interviews with Roma families, who live in the village of Alioshynske (Horodnia raion, Chernihiv oblast) and in the city of Zolotonosha (Cherkasy oblast), have revealed that most members of the Roma community

suffer from unemployment. During the interviews, Roma people reported that lack of professional education is an additional challenge in finding a full-time job and registering at the local employment centres.

However, according to the Mukachevo City Council of Zakarpattia Oblast, members of the Roma community do have access to paid jobs. Roma people, who live in the Roma-inhabited locality in the city of Mukachevo, work at the AVE Mukachevo LLC, housing and utility enterprises. Over 300 Roma people are self-employed and work in the market located in the vicinity of the Roma inhabited locality. No dismissals have been recorded during the quarantine. 3 people registered at the Mukachevo City Employment Centre to have employment assistance in the first 6 months of 2020. Over this period, the AVE Mukachevo LLC hired 8 Roma people.

Zhydachiv Raion Employment Centre (Lviv oblast) reported that no members of the Roma community were registered and sought assistance in finding a job. However, it was found out that nearly all Roma work unofficially.

Right to social protection is guaranteed under Article 46 of the Constitution and includes the right to support in case of full, partial or temporary loss of the caregiver; unemployment due to the reasons beyond one's control; for the elderly people; and other cases prescribed by law. Right to social protection is guaranteed by the social insurance and social security system. Pension payments are one of the social security types that shall maintain people's standard of living, that would be at least equal to a minimum standard of living. This right is guaranteed under Article 22 of the Universal Declaration of Human Rights and Articles 7, 9 and 10 of the International Covenant on Economic, Social and Cultural Rights.

Law of Ukraine on Social Services N 2671-VIII of 17 January 2019 establishes the organisational and legal basis for social services intended to prevent difficult circumstances and eliminate or mitigate the implications of such circumstances on individuals or families.

Most Roma people in Ukraine live in extreme poverty and experience challenges in accessing social services. For many Roma families, social payments are the only source of income during the pandemic; however, this implies having personal identification documents.⁵

⁵ URL: <http://www.un.org.ua/images/documents/4933/BN%20C19%20Roma%20UKR.pdf> page 5

Interviews with members of Roma communities revealed that any efforts related to getting or restoring the personal identification documents had to be postponed. That was due to the suspension of administrative services and legal aid services provided by civil society organisations.

EXAMPLES

For example, 25-years-old Roma woman from Donetsk oblast said that she has never had any personal identification documents in her entire life but now she plans to obtain a passport. She has 2 minor children but cannot apply for social aid without a passport.

Due to the response of the regional office of the Commissioner in Donetsk oblast, the Council of Europe Office in Ukraine, Roma mediators and facilitators, the woman obtained her first personal identification document. That was a passport of a citizen of Ukraine.

Visits to Roma households in the village of Alioshynske (Horodnia raion, Chernihiv oblast) have revealed that the most of the large families have only one source of income, which is social aid for children, large families and poor families.

EXAMPLES

This is evidenced by the large Roma family K. which four children. While the father lost a job because of the quarantine, the mother is a housewife and looking after the children. Social aid remained the only source of income for this family.

In order to provide them an opportunity to make their own living and not depend on social payments by the state, it is necessary to make more effort in providing employment opportunities for Roma people.



PART

5

CHILDREN'S RIGHT
TO EDUCATION

CHILDREN'S RIGHT TO EDUCATION

Article 53 of the Constitution of Ukraine envisages that everyone has a right to education. No one may be deprived of their right to education. Right to education is also guaranteed under Article 26 of the Universal Declaration of Human Rights and Article 13 of the International Covenant on Economic, Social and Cultural Rights.

Article 7 of the Law of Ukraine on Complete Secondary Education N 463-IX of 16 January 2020 states that there shall be no restrictions in access to complete secondary education. Right to complete secondary education is guaranteed regardless of age, sex, race, skin colour, health status, disability, specific educational needs, citizenship, nationality, political, religious or other beliefs, origin, family, social and financial status, difficult circumstances, conviction record, and any other circumstances and signs.

Roma's access to education is one of the key issues in the list of legal, social and economic problems. Roma's level of education among is quite low. Basic secondary education is the most common standard of education. In many cases, non-attendance of school is the result of a poor financial situation.

Another prominent barrier to access to education is lack of access to alternative pre-school training programs, discrimination at schools and in admitting to educational settings, lack of an inclusive school education system, and low level support of Roma families by social care centres.

The monitoring visits have revealed that remote learning, which had been introduced during the quarantine, became a challenge for the whole education system but also made a particular impact on Roma children. Schools and pre-school establishments had been closed for a long time, what made the access of Roma children to education even more difficult and created additional challenges for family members (mostly mothers) due to home education.

Initiatives aimed at active encouragement of education for Roma children (various development programs, education centres, individual or collective lessons, etc.) have also been suspended during this period.

REMOTE LEARNING HAS BECOME A LITMUS TEST TO INDICATE THE CHALLENGES IN ROMA'S ACCESS TO EDUCATION:

- children from poor Roma families do not have access to online learning because they do not have relevant technical resources such as the Internet access, computers or smartphones;
- children cannot rely on their parents' support in doing their homework due to lack of literacy and education of many adult Roma;
- for many large Roma families with children of different age, organisation of home studies using different learning programs concurrently has become a challenge for children's access to education;
- many Roma children need individual lessons or study in small groups to "keep up". Televised lessons did not satisfy the above-mentioned needs and children's needs in education;
- due to additional household tasks, many Roma girls had to do housework for the family. They were not able to combine housework and studying. In most cases, the family would opt for housework rather than studies;

- education establishments and education management systems were unable to offer any alternative forms of education for Roma children.

The monitoring visits to the city of Zolotonosha (Cherkasy oblast) have revealed that most of the school-aged children from the Roma community studied in the secondary school based in their locality. 82 Roma children study in general schools of the city of Zolotonosha.

According to the Zolotonosha City Council, Roma children had no issues in connection with remote learning during the quarantine as e-learning was taking place on Zoom, Skype, Viber and other applications. Individual consultations were arranged for Roma children when the quarantine had been eased.

Volodymyr Bambula, Roma leader of the city of Zolotonosha, says that remote learning for children, introduced during the quarantine, has become a serious challenge because most of the children are from poor families and do not have relevant equipment, smartphones and the Internet access. Most of the families have TVs at home but most of the parents were unable to control the learning process during the lessons broadcasts on TV. That was because they lacked literacy or were at work.

Such a situation is common for most of Roma families.

EXAMPLES

35-years-old Roma woman from Zakarpattia oblast is a mother of 4 children. 2 of them attend primary school. She said that her family did not have permanent Internet access and a computer, so her children were not able to study remotely. She was not able to help her children with studies because she was illiterate.

According to the Education Department of the Krasnosilka Village Council (Lyman raion, Odesa oblast) 8 children were not able to study remotely due to the lack of resources in their families. Those resources were computers, smartphones and the Internet access.

In the city of Lysychansk (Luhansk oblast), 130 school-age children had access to remote learning and were able to exercise their right to education. But 280 children could not exercise the right due to the lack of computers, smartphones and the Internet access.

Local authorities have not taken actions to address this situation. They have not implemented the School Bus Program before the quarantine, although children studied at 4 different schools and the distance to each school was more than 5 km.

During visit to the Roma inhabited locality in the outskirts of Ivano-Frankivsk, it was revealed that remote learning for children was not possible there. Younger children did not attend pre-school establishments.

In Nizhyn raion of Chernihiv oblast, most of Roma children did not have access to remote learning because they did not have the Internet access.

In the urban-type settlement Ivankiv (Boryspil raion, Kyiv oblast), 6 children of different age in one family were using the same mobile phone for remote learning.

Unfortunately, official responses of the local authorities do not clarify how the learning process of Roma children was organised during the quarantine. They contain mostly generic information about absence of violations of the Roma children's right to education. These responses do not provide any information about measures to ensure implementation of the right.

EXAMPLES

In the village of Berezove (Lysychansk raion, Luhansk oblast), local authorities announced that children could attend schools located up to 5 km away and there were spots available in these schools. That does not indicate whether Roma children actually studied there.

The current problems related to the education of Roma children have not been caused specifically by the remote learning. They existed before but the pandemic made them more obvious.

It is a matter of the fact that many Roma children do not get any education at all.

EXAMPLES

In the town of Korolevo (Zakarpattia oblast), there is no official information available about the school-age children living in a Roma inhabited locality. According to the Roma mediator, this group comprises approximately 1000 children. Area of responsibility of the village council covers 2 general schools attended by 27 Roma children. This means that over 95% of Roma children are not involved in the learning process. The capacity of the Korolevo School № 1 is just 65%. The school reported that it had not received any enrollment applications for 2019-2020 school year from Roma children living in the Roma inhabited locality.

Parents themselves do not fully concern about appropriate learning conditions for their children. The monitoring visits to Roma households have not revealed any place equipped for learning. In most cases, the learning process was controlled by the teacher.

Definitely, the current situation, related to the Roma children's right to education, increases the gap in the quality of Roma children's education and urges the local authorities to seek potential mechanisms to organise various forms of studies for them.

**IMPACT OF
THE COVID-19
PANDEMIC**

**AND QUARANTINE
RESTRICTIONS
ON ROMA WOMEN**

PART

6



IMPACT OF THE COVID-19 PANDEMIC AND QUARANTINE RESTRICTIONS ON ROMA WOMEN

Upon the ratification of the Convention on the Elimination of all Forms of Discrimination Against Women (CEDAW) in 1979, Ukraine has become legally obliged to implement it. Every four years, it is to submit a report on the actions taken to fulfil obligations under the instrument.

In its Concluding observations on the 8th periodic report of Ukraine of 3 March 2017, the Committee on the Elimination of All Forms of Discrimination Against Women provided recommendations to Ukraine on combating the discrimination against Roma women and girls.⁶

In particular, the Committee raised concerns, the women, including females from rural areas who belong to disadvantaged groups and are Roma, are unaware of their rights under the Convention. They lack the information necessary to claim these rights.

The Committee recommended to enhance women's awareness of their rights and the remedies available to claim violations of their rights under the Convention. It also suggested to ensure that information on the Convention, the Optional Protocol and the Committee's general recommendations are provided to all women, including Roma women and rural women.

Most of Roma women in Ukraine face multiple discrimination on the basis of sex, ethnicity and social status in areas of healthcare, education, documents, social security etc.

The reasons for this include lack of documents, illiteracy, poor awareness of their rights, stereotypes and biased attitude.

Main types of aid required by Roma women are the aid in getting personal identification documents and social payments, facilitation of liaison with local authorities and police, legal advice, humanitarian and psychological aid.

Negative social implications of the COVID-19 caused by SARS-CoV-2 were particularly hard on Roma women who suffered more than men from the economic crisis and social impacts of the pandemic.

Quarantine restrictions brought up new challenges for women related to the support of their families, care for children, elderly and sick family members, and providing food to the families.

⁶ URL: CEDAW/C/UKR/CO/8. Concluding observations on the 8th periodic report of Ukraine. Committee on the Elimination of All Forms of Discrimination Against Women (March 3, 2017): <https://digitallibrary.un.org/record/1286284?ln=en>

Women suffered more than men from the increased burden of children care and care for sick family members. The reason was that schools and kindergartens were closed and the restrictions for in-patient treatment and medical care in general were imposed. Rapid gender assessment of the situation and needs of women in the context of COVID-19 in Ukraine was conducted between 21 March and 12 April 2020 by the UN.⁷

The pandemic implications limit women's capabilities in labour. This is because informal labour opportunities (markets and retail trade) are the main sources of income for Roma women and are unavailable during the quarantine. *This was confirmed by 700 women interviewed by Roma mediators and facilitators in Donetsk, Zakarpattia, Zaporizhzhia, Luhansk, Odesa and Chernihiv oblasts.*

In particular, isolation causes high risks of gender-based and domestic violence against Roma women and girls.

Roma women rarely contact the police, centres for medical and social rehabilitation of domestic violence victims, and call centres for prevention and combating of domestic violence to protect their rights.

This is based on the Roma traditions defining the woman's role and status in the Roma community, and poor awareness of Roma women of their rights and remedies.

Traditional Roma communities undervalue women. Woman cannot express her opinion, manage budget, study and work. Instead, she is to give birth to children and perform household duties.

Lack of trust in state institutions is another factor that affects the vulnerability of Roma women.

In view of the above-mentioned, it is necessary to intensify the work of the entities active in preventing and combating domestic violence during the quarantine period. They are to raise the Roma people awareness of the mechanism of protection against domestic and gender-based violence, and of places they can go to find help.

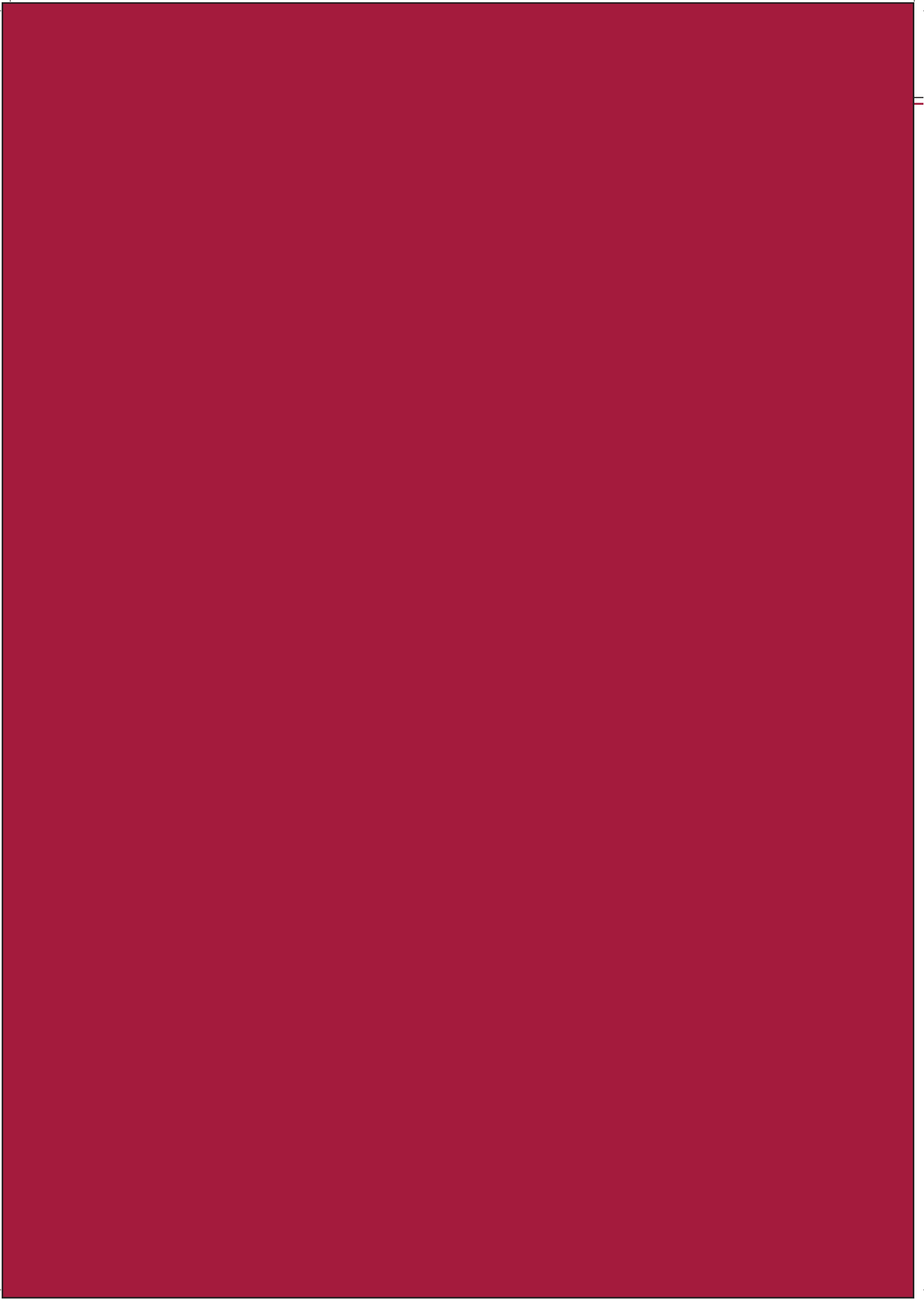
⁷ URL <http://www.un.org.ua/en/information-centre/news/4909-covid-19-exacerbates-vulnerabilities-and-heightens-economic-social-and-health-risks-for-women-and-girls> 19

**DISPLAYS OF
XENOPHOBIA**

**AND HATE SPEECH
TARGETING ROMA
DURING THE
COVID-19 PANDEMIC**

PART





7. DISPLAYS OF XENOPHOBIA AND HATE SPEECH TARGETING ROMA DURING THE COVID-19 PANDEMIC

The key factors, which cause marginalisation of Roma and xenophobic attitude towards them, include hate speech in mass media, social media and on official websites of certain authorities.

During the COVID-19 pandemic, Roma face high risks of being subject to hate speech. When, for example, journalists are covering the coronavirus spread, they mention sometimes that some of the COVID-19 positive cases include members of Roma ethnic minority. It aggravates the vulnerability of Roma, drives xenophobic attitude against them and may cause violence against them.

There are recorded cases of hate speech against Roma by public healthcare officials.

EXAMPLES

During an online brief on the performance of the medical task force, Director of Healthcare Department of Odesa Oblast State Administration mentioned the ethnicity and place of residence of the patients with COVID-19 caused by coronavirus SARS-CoV-2, when he was talking about the epidemiological situation in the village of Nerubaiske, Bilyayivka raion, Odesa oblast.⁸

The Commissioner sent a request to the Ministry of Health of Ukraine on the patient origin disclosure prevention that might lead to ethnic-based bias towards them.

It has become a major incident when the mayor of Ivano-Frankivsk delivered a hate speech against Roma national minority and asked the police to forcibly move Roma from Ivano-Frankivsk to Zakarpattia oblast.⁹ According to the mayor, Roma did not respect quarantine restrictions. However, that was not a reason to infringe the legal provisions on the equality of rights and freedoms and the right to freedom of movement and choice of place to live.

The Commissioner sent an official letter to the Ivano-Frankivsk mayor, where the Commissioner demanded public apologies for such violations of Roma's rights and highlighted the need to strictly follow the anti-discrimination regulations by public officials. The mayor apologised and reported that he would be following the Commissioner's recommendations in future.

Most of the Roma, interviewed during the monitoring visits, were concerned about hate speech. They believe that the number of hate speech-related incidents may grow if the media indicate the ethnicity of the people tested positive for coronavirus. This is in view of the existing prejudice towards Roma, attacks and hate speech incidents happened before.

⁸ URL: <https://www.ukrinform.ua/rubric-regions/3018825-u-romskomu-tabori-na-odesini-spalah-koronavirusu.html>

⁹ URL: <https://www.radiosvoboda.org/a/news-martsinkiv-romy/30572045.html>



PART

8

CONCLUSIONS AND
RECOMMENDATIONS



CONCLUSIONS AND RECOMMENDATIONS

The analysis of the official data, collected by regional representatives of the Commissioner during the monitoring, and comments of Roma human rights NGOs and Roma national minority members show that the standard of Roma's fundamental rights and freedoms in Ukraine has decreased and this is a result of the outbreak of the COVID-19 pandemic and quarantine restrictions.

The governmental actions and measures, taken by local authorities, did not consider impact on vulnerable groups, including Roma national minority.

Roma people face the threat of the rapid spread of the COVID-19 caused by SARS-CoV-2 in their localities. Besides, they experience additional challenges. This is because of preventive measures and restrictions which do not consider the way Roma people do business, work and live, their mentality, social and cultural traditions. In addition to poor living standards, lack of appropriate access to medical care, education, social services, information, paperwork and employment may aggravate the disease outbreaks in Roma communities, localisation of such outbreaks and contributes to further marginalisation and stigmatisation of Roma.

Lack of proper access to medical, educational, social services, information, documentation, employment, and inadequate living conditions can make it difficult to contain disease outbreaks in Roma communities, or localize them if they occur, and further marginalize and stigmatize Roma in society.

In particular, long-lasting quarantine restrictions may be a cause of panic, depression and increased aggression. If so, Roma will likely become victims of offensive attitude, collective discontent, social isolation, bullying and ungrounded segregation.

RECOMMENDATIONS

The Verkhovna Rada Committee on Human Rights, Deoccupation and Reintegration of the Temporarily Occupied Territories in Donetsk and Luhansk Oblasts and the Autonomous Republic of Crimea, National Minorities and Interethnic Relations shall, in the first half of 2021, hear the reports of the Minister of Health of Ukraine and the Minister of Education and Science of Ukraine regarding the current status of Roma communities in the conditions of the spread of the acute respiratory disease COVID-19 caused by coronavirus SARS-CoV-2.

RECOMMENDATIONS FOR THE CABINET OF MINISTERS OF UKRAINE:

1. Prepare and submit a draft law to the Verkhovna Rada of Ukraine to amend the Law of Ukraine on Court Fees N 3674-VI of 8 July 2011, to exempt Roma from court fees related to the procedures of verification of the fact of birth or issue of birth certificates;
 - Prepare and approve the Strategy of Protection and Integration of Roma National Minority in the Ukrainian Society After 2021 up to 2030;
 - Prepare and submit a draft law to the Verkhovna Rada of Ukraine to introduce tax benefits for traditional businesses/crafts run by Roma, such as concerts, blacksmithing, shoe-making and repairs, willow weaving, trade, social services in communities, etc., and also introduce a simplified procedure for employment of Roma at such enterprises or in crafts;

- establishment of benefits or quotas when entering higher education institutions and obtaining higher education for members of the Roma national minority at the expense of the state (starting from the next 2021/2022 academic year).
2. To ensure the development and adoption of a new Strategy for the protection and integration into Ukrainian society of the Roma national minority for 2021-2030;
 3. Further measures to counter the COVID-19 shall be prepared with due regard for such measures and delivered in the languages of ethnic minorities, including Romani language (included by amending the Cabinet of Ministers Ruling N 392 of 20 May 2020 “On the introduction of quarantine to prevent the spread in Ukraine of COVID-19 acute respiratory disease caused by SARS-CoV-2 coronavirus”);
 4. In the first half of 2021, chairpersons of Volyn, Zakarpattia, Luhansk, Odesa, Chernihiv and Cherkasy oblasts shall report on the current status of Roma communities in conditions of the spread of COVID-19 the acute respiratory disease caused by the SARS-CoV-2 coronavirus.

RECOMMENDATIONS FOR THE MINISTRY OF HEALTH OF UKRAINE:

1. Develop a mechanism for access to healthcare services for members of the Roma national minority, who do not possess personal identification documents, birth certificates and declarations with family doctors;
2. Together with local authorities and local governments to ensure:
 - ensure the dissemination of information regarding the COVID-19 pandemic, quarantine measures and preventive safeguards in Roma inhabited localities in accessible manner and in Romani language;
 - in case of symptoms, provide free testing for inhabitants of Roma localities during the quarantine to prevent the spread of COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus.

RECOMMENDATIONS FOR THE MINISTRY OF ECONOMY, TRADE AND AGRICULTURE OF UKRAINE:

1. Prepare and submit to the Cabinet of Ministers of Ukraine a draft Law of Ukraine “On amendments to certain legislative acts of Ukraine to create and maintain jobs for Roma community”.
2. Ensure the involvement of employers’ associations and Roma NGOs in the development of an online platform based on the state employment service to provide services related to job search (including seasonal jobs), advance training and re-training, employment and work opportunities for Roma community.

RECOMMENDATIONS FOR THE MINISTRY OF SOCIAL POLICY OF UKRAINE:

1. Develop a mechanism for additional state financial aid to Roma children who attend primary and secondary education establishments; =
2. With oblast state administrations jointly analyse the crucial humanitarian needs of Roma communities to plan and deliver humanitarian packages and other types of support;
3. Strengthen the entities, active in preventing and combating domestic violence, to raise the awareness of women, including Roma females, of their rights and remedies. =

RECOMMENDATIONS FOR THE MINISTRY OF EDUCATION AND SCIENCE OF UKRAINE:

1. Enhance awareness-raising campaigns to encourage ethnic minorities, including Roma, to learn Ukrainian language.
2. Solve the issue of Roma's children access to education remotely or using alternative accessible methods considering the existing limitations of Roma's access to communication technologies;
3. Encourage illiterate adults or poorly literate Roma to attend evening classes. In this regards, measures shall be taken to identify such persons and make them aware of such opportunity;

THE NATIONAL POLICE OF UKRAINE shall immediately respond, in accordance with applicable law, to any displays of hate speech against Roma and properly investigate any crimes committed against Roma on hate ground.

THE STATE MIGRATION SERVICE OF UKRAINE and stakeholders from the state authorities and local governments shall jointly make active efforts to issue documents to members of Roma national minority so that the entire Roma population of Ukraine has personal identification documents by 2024.

THE STATE SERVICE ON ETHNIC POLICY AND FREEDOM OF CONSCIENCE local authorities and governments shall jointly estimate the numbers and needs of Roma national minority and incorporate these findings in the new Strategy of Protection and Integration of Roma National Minority into the Ukrainian Society.

RECOMMENDATIONS FOR LOCAL AUTHORITIES AND GOVERNMENTS:

1. Take measures to make Roma aware in an understandable form of the pandemic of COVID-19 acute respiratory disease caused by the SARS-CoV-2 coronavirus, quarantine and preventive measures;
2. Conduct awareness-raising campaigns among the local people to prevent any displays of discrimination against Roma, and publicly condemn any incidents of hate speech, violence and aggressive comments about Roma;
3. Establish cooperation with representatives of Roma communities, including by involving Roma mediators in ensuring the implementation of the recommendations of this report;
4. In order to strengthen the position of the Roma community in the formation and decision-making to consider the possibility of introducing the position of advisor and the appointment of specialists from among Ukrainian citizens of Roma origin.

ROMA COMMUNITY IN UKRAINE WILL, BOTH DIRECTLY AND THROUGH ROMA MEDIATORS AND FACILITATORS, CONTRIBUTE TO THE IMPLEMENTATION OF THESE RECOMMENDATIONS BY THE AUTHORITIES AND LOCAL GOVERNMENTS.

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