BRIEFING NOTE

IMPACT OF COVID-19 PANDEMIC ON HUMAN RIGHTS OF ROMA IN UKRAINE

3 June 2020

Introduction

1. OHCHR/Human Rights Monitoring Mission in Ukraine (HRMMU) has been monitoring the human rights situation in Ukraine since its deployment in 2014, in line with the realization of the 2030 Agenda for Sustainable Development and UN commitment to leave no one behind. Amidst the global COVID-19 crisis, HRMMU has been assessing the human rights impact of COVID-19 and related prevention and response measures with a special focus on vulnerable groups, including minorities. This note aims to highlight human rights concerns affecting Roma that have emerged or are exacerbated as a result of the pandemic, and to make recommendations for addressing these concerns and mitigating risks related to the pandemic. This note exclusively covers the Government-controlled territory of mainland Ukraine.

2. Between 1 and 17 April 2020, HRMMU has conducted 30 interviews with representatives of Roma civil society organisations, NGOs focusing on Roma issues as well as independent human rights defenders working on Roma rights, covering 15 regions of Ukraine: Volyn, Donetsk, Zakarpattia, Zaporizhzhia, Luhansk, Lviv, Mykolaiv, Kherson, Odesa, Poltava, Sumy, Ternopil, Kharkiv, Cherkasy, and Kyiv city. UNHCR and UN-Women contributed to this document by providing their expertise and support to HRMMU.

Background

3. While there are no reliable statistics on the overall number of Roma men, women and children in Ukraine, recent estimates vary between 200 000 to 400 000 people. These numbers usually fluctuate throughout the year due to seasonal migration of large groups of Roma in and out of Ukrainian territory as well as internal migration within Ukraine.

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1 HRMMU was deployed on 14 March 2014 to monitor and report on the human rights situation throughout Ukraine and to propose recommendations to the Government and other actors to address human rights concerns.
2 Territory of the Autonomous Republic of Crimea, and the city of Sevastopol, Ukraine, temporarily occupied by the Russian Federation, as well as territory controlled by self-proclaimed ‘Donetsk people’s republic’ and ‘Luhansk people’s republic’ is not covered in this note.
3 Due to COVID-19 quarantine measures, interviews were conducted via telephone or online.
4. While many Roma families and individuals in Ukraine do not face particular economic or housing concerns, a significant number live in informal settlements, often facing harsh conditions. Each settlement constitutes a separate community with their own set of traditions, hierarchy and economy. Most of these settlements are concentrated in western regions of Ukraine – especially in Zakarpattia region, including the two largest known settlements in Berehove and Mukacheve with up to 7,000 residents each. A number of informal settlements are also found in southern regions and near large cities throughout the country. Settlements often lack access to on-site water and sanitation, and are over-crowded. A range of instances of forced eviction across the country have left residents of these informal settlements in constant fear of such events being repeated. They face negative attitudes and at times hostility from members of the general public.

5. The right to non-discrimination of the Roma minority is protected by the general anti-discrimination provisions of Ukrainian legislation and complemented by the National Strategy on the Protection and Integration of Roma into Ukrainian Society (hereinafter – Roma Strategy). While the Roma Strategy has contributed to improve the participation of Roma civil society in the Government’s policy making, its implementation suffered from a lack of funding, most of the expected results were not achieved, and the situation of Roma has not significantly improved since the strategy was put in place.

6. A major concern documented by HRMMU has been the violent (sometimes lethal) attacks against Roma and subsequent impunity for the perpetrators. The most visible, bold and brutal examples have been the 2018 attacks by extreme right-wing groups against Roma settlements, in one case resulting in the killing of a Roma man. While law enforcement has identified the perpetrators in most of these attacks, HRMMU notes with concern that they have still not been brought to account. Lack of progress in such cases undermines justice and the

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5 HRMMU interviews 31 March, 2 and 6 April 2020.
6 A non-discrimination clause is included in a number of legislative acts regulating different social, economic and cultural spheres of life, and derives from Article 24 of the Constitution of Ukraine of 28 June 1996 and has been further elaborated in the Law of Ukraine ‘On the principles of prevention and combating discrimination in Ukraine’ No. 5207-VI of 6 September 2012.
7 The Strategy covers the period from 2013 to 2020. For the text (in Ukrainian) see zakon.rada.gov.ua/laws/show/201/2013
9 This outcome was mentioned in an official statement of the Ombudsperson on 8 April 2020. See www.ombudsman.gov.ua/ua/all-news/pr/8-kv%D1%96nya-m%D1%96zhnarodni-den-rom%D1%96v/ . Similar findings were reflected in the report of Minorities Rights Group Europe “Roma in Ukraine – A Time for Action: Priorities and Pathways for an Effective Integration Policy”, published in 2019. See https://minorityrights.org/wp-content/uploads/2019/05/MRG_Rep_Ukraine_EN_Apr19.pdf
10 A wave of attacks against Roma settlements occurred between April and August 2018.
11 An individual, known for participating in an attack in Kyiv on 21 April 2018 received a notice of suspicion that was later withdrawn due to procedural errors. A new notice of suspicion was never issued, which has allowed this individual to avoid accountability. In another case of an attack against a Roma settlement on 23 June 2018 (resulting in the killing of one Roma man and injuries to his relatives), out of 14 identified perpetrators. Three have been charged with murder and hooliganism. None have been charged with hate crimes; court hearings on the merits are continuing.
right to remedy for Roma men, women and children who have suffered from such attacks and perpetuates an environment in which further attacks could take place.

7. While the string of bold attacks by extreme right-wing groups against Roma settlements faded out in August 2018, organisations affiliated with these groups have continued to carry out violent actions targeting Roma and other similarly vulnerable communities. On 23 October 2018, members of the Kyiv Municipal Guard (KMG) threatened and forcefully expelled all Roma and homeless people from Kyiv central railway station. The police were present but did not intervene in any of the numerous incidents that day. A similar raid was conducted by KMG on 9 August 2019. On 30 April 2020, unknown perpetrators attacked a tent that was used as a temporary home for one Roma family in Kyiv. The incident is being investigated by the police with initial classification as a hate crime.

The impact of COVID-19 on the human rights of Roma: issues of concern

1. Right to health

“*There is no telling what might happen if the coronavirus gets into Roma settlements, with such density of population and lack of means for basic hygiene, it will be a disaster*” – Head of a charity fund in Zakarpattia.

8. The right to health is enshrined in article 25(1) of the Universal Declaration of Human Rights and article 12 of the International Covenant on Economic, Social and Cultural Rights (ICESCR), which Ukraine ratified in 1973. Article 2(2) of the Covenant specifies that State parties must guarantee that rights established therein will be exercised without discrimination of any kind as to race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. This is an overarching principle that applies to all the rights included in the Covenant.

9. Reportedly, the first positive COVID-19 tests were already recorded in at least one settlement in the Odesa region. Although very few cases of COVID-19 have been confirmed among Roma while preparing this document, some of the interviewees pointed out that this is not surprising due to the lack of testing. Pre-existing social exclusion and discrimination as well as health conditions raise concerns that Roma are at particular risk during the COVID-19 pandemic and may have restricted access to healthcare services:

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12 The Kyiv Municipal Guard is a non-governmental entity founded in February 2017 to “ensure public order and protect the state border of Ukraine”. Founders of KMG were Kyiv-based Anti-Terrorism Operation (ATO) veterans’ organisations. The leader of KMG, as well as a number of other participants are known to be active members of C14, an extreme right-wing group. As of early 2020, KMG has more than 600 members, divided into territorial units. Each territorial sub-unit cooperates with relevant Kyiv-district authorities. Such cooperation determines area of operations for each relevant sub-unit. With the outbreak of the pandemic in 2020, KMG was tasked by a commission under the Kyiv city authorities to assist in enforcing public order during the quarantine in Kyiv. While law enforcement officials had previously tried to distance themselves from KMG, the National Police now cooperates with the organisation.

13 Roma are considered to be at high risk of tuberculosis which risks exacerbating the consequences of COVID-19 in case of an infection.
Roma women and men who do not have identification documents or permanent places of registration are unable to sign formal agreements with family doctors who are the first point of contact in case of a suspected COVID-19 infection.\textsuperscript{14}

Since the outbreak of COVID-19 HRMMU has received reports of ambulances refusing to go to Roma settlements to provide urgent medical assistance, in some cases due to ambulance workers’ biased attitude.

Other discriminatory practices also exist with regard to access to other healthcare services, such as segregation in “Roma wards” in maternity hospitals and refusal to provide free services to Roma women and men without payment. Medical workers reportedly use reference of ‘belonging to Roma’ in internal medical documents referring to individual cases of patients, while there is no practice to use such reference for other minorities.

There is a high risk that COVID-19 will rapidly spread in densely populated Roma settlements due to the lack of testing and tracing and access to personal protective equipment (face masks, gloves etc.), sanitizer and poor living conditions.

2. **Right to an adequate standard of living**

10. The right to an adequate standard of living is enshrined in article 25(1) of the Universal Declaration of Human Rights and article 11(1) of the ICESCR.

11. People interviewed by HRMMU warned that the quarantine measures are having dramatic social and economic consequences on Roma women and men who are often involved in temporary, informal and seasonal jobs, including work in neighboring countries. This significantly affects their right to an adequate standard of living, including the right to food. A vast number\textsuperscript{15} of Roma families have lost their main sources of income due to the closure of borders, local markets and small businesses. The only source of income for many families during the pandemic is social benefits, which are insufficient to cover all needs.

12. While Roma often required humanitarian aid due to low income and poor living conditions even prior to the pandemic, loss of income caused by the quarantine exacerbated their situation, significantly increasing the need for humanitarian supplies. Interlocutors reported disruptions of some humanitarian aid deliveries intended for Roma due to custom clearance procedures being suspended because of the pandemic. In some cases humanitarian

\textsuperscript{14} Since 2018, as a part of the healthcare reform in Ukraine, the newly established institute of family doctors are the entry point to receive basic healthcare services. Each individual willing to receive healthcare services has to sign a formal agreement (‘declaration’) with a family doctor of their choice. This agreement will remain in force unless the individual decides to change his or her family doctor.

\textsuperscript{15} The majority of questioned interlocutors mentioned that employment in small business, seasonal and temporary jobs constitute key sources of income for Roma families residing in informal settlements.
aid was delivered to Ukraine before the enforcement of anti-pandemic restrictions but these goods still remain in customs warehouses.\textsuperscript{16}

13. Interviews conducted by HRMMU indicated a range of concerns related to the employment situation of Roma. Several interlocutors shared similar assessments of possible consequences of the COVID-19 pandemic for Roma communities.

14. Many Roma work in the informal employment sector. This places them at a disadvantage as their employers affected by quarantine measures would first lay off employees who do not have a contract. According to the information collected by HRMMU, in western regions of Ukraine, Roma women are more affected than Roma men as their usual jobs in small enterprises (e.g. markets, restaurant kitchens) are no longer available, while men who often work in other fields, such as taxi drivers, can continue doing so. Many Roma, particularly those in rural areas, also work as seasonal workers and the suspension of public transport has meant that those who cannot afford alternative means of transport are likely to lose their jobs.\textsuperscript{17}

15. In many families, women are also responsible for both family income and childcare. Consequently, during the pandemic when schools and kindergartens are closed, it is most often women who take care of children during the day and as a result are more likely to lose opportunities for paid work.\textsuperscript{18}

16. Another concern is the lack of valid \textit{identity documents} that often affects entire families. This significantly limits their ability to enjoy a number of rights. Having undetermined nationality and being at risk of statelessness, undocumented Roma are deprived of access to formal employment, pensions and social security, including unemployment benefits, benefits for families with low income and for families with children. Interviews with interlocutors indicate that efforts to receive or restore identity documents have also had to be put on hold during the quarantine due to the suspension of administrative services, as well as legal aid services, often provided by civil society organisations. Notably, many Roma faced problems applying for identity documents also prior to pandemic.

\begin{quote}
\textit{"Washing hands, washing clothes – those are simple routines, but many Roma are unable to do so because they don’t have sufficient access to water..."} - Roma community leader in Zakarpattia.
\end{quote}

\textsuperscript{16} For example there is a case with aid (includes food and clothes) that still remains on EU-Ukraine border. The cargo was reportedly gathered by religious organisations and intended as help for Ukrainian Roma. Since the outbreak of the pandemic there was no visible progress with custom clearance for this cargo.

\textsuperscript{17} This was raised in particular by interlocutors in Lviv region.

17. While the ICESCR does not expressly refer to the right to water, the Committee on Economic, Social and Cultural Rights clarified that the right to water is part of the right to an adequate standard of living.\(^{19}\)

18. While regular *access to clean water* is a basic need for human well-being, its importance increases during a pandemic. HRMMU is concerned that a significant number of Roma have no running water in their settlements and still face difficulties in accessing clean water for their everyday needs. Difficulties recorded by HRMMU include a limited number of water pumps and wells in Roma settlements combined with the inability to buy a sufficient quantity of drinking water due to low incomes, and a lack of masks to enter shops where they might buy such water if they could afford to do so.\(^{20}\)

19. This lack of access to water increases the risks of Roma being infected with COVID-19 as they cannot practice basic prevention methods such as handwashing.

### 3. Access to information

20. The right to access information held by public bodies is protected by article 19(2) of the International Covenant on Civil and Political Rights.\(^{21}\) The main sources of information for Roma about COVID-19, prevention measures and procedures for seeking medical assistance are TV, online media and social media. Authorities provide insufficient information in a language and format accessible to Roma.\(^{22}\)

21. Since the outbreak of the pandemic, a number of Roma civil society organisations (CSOs) in western regions of Ukraine have collected reliable information, translated it into Romani or other languages spoken by Roma and distribute it among communities, mainly via social media. In a few cases, radio broadcasting and vehicles with loud speakers are used to spread information on COVID-19 to those who are not able to read. Roma CSOs confirmed that local authorities cooperated with them to provide information to local Roma communities in only three communities (Kreminna, Sumy and Zolotonosha). HRMMU is concerned that access to information is not sufficient for those Roma families who do not have TV and internet or are illiterate. They mainly rely on other community members to obtain information, which may be distorted.

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\(^{19}\) Committee on Economic, Social and Cultural Rights, General Comment No. 15 (2002), para. 3.

\(^{20}\) For instance, in a Roma settlement in Mukacheve (Zakarpattia region) there is only one water pump for some 7000 people. In Berehove (Zakarpattia region) there have been systematic water cuts in settlements because Roma have been unable to pay their water bills, although the water supply has now been restored. In Kreminna district (Luhansk region) where some 150 Roma live, the nearest source of water is 2 km away. In Liubotyn (Kharkiv region) the water that is available is of very bad quality. In Lviv region, one of 12 informal settlements takes water from a river, while the others have to buy it from shops.

\(^{21}\) Human Rights Committee, General Comment No. 34 (2011), paragraphs 18-19.

\(^{22}\) Multilingual version of COVID-19 prevention guidance was released by Ministry of Health on 30 April 2020. Guidance is translated into 13 languages including Roma and distributed online. HRMMU notes that lack of access to internet and illiteracy of some Roma means that Roma have limited access to this material.
4. Right to education

“Roma children were not doing great at school and now they will fall behind even more. The main reason is the fact that their parents cannot help them with studies because they have low levels of education themselves. They cannot check their homework, they cannot help them with assignments.” – a leader of Roma civil society organisation from Cherkasy region.

22. The right to education is enshrined in article 26 of the Universal Declaration of Human Rights and article 13 of the ICESCR. The prolonged closure of schools due to the quarantine deprives many Roma children of this right and, therefore, decreases their chances of overcoming stigma and social exclusion, and integrate in society. Initiatives that aim to boost education of Roma children such as preparatory classes or classes of teachers in Roma camps have been suspended.\(^23\)

23. The distance learning offered by schools during the quarantine is not a viable option for many Roma children. First, many families do not have access to the necessary technology for online studies, as they lack access to the Internet and equipment (computers, smartphones, etc.). Second, many children cannot rely on the support of their parents to help them with homework due to low literacy and education levels amongst many Roma adults. Even though some schools have introduced forms of distance education that do not exclusively depend on telecommunications (e.g. postboxes where children can leave their homework and then pick up corrected assignments), many Roma children cannot fully benefit from this service, in part due to the lack of support from their parents.

24. There are also concerns raised that Roma girls may be more affected by the quarantine than Roma boys because, for Roma families with traditional views, education of girls is still undervalued and parents may therefore be less supportive of their participation in distant education and of their subsequent return to school.\(^24\)

25. These obstacles facing Roma children in accessing education during the quarantine are likely to widen the existing gap in the educational levels of Roma and non-Roma children.

5. Hate speech

26. Any speech in favor of national, racial or religious hatred, which is incitement to discrimination, hatred or violence, is prohibited by article 20 of ICCPR. Societal prejudices, persistent patterns of discrimination and impunity for ethnic based violence and hate crimes

\(^{23}\) This refers to initiatives by local NGOs in Zakarpattia and Odesa regions, who spoke of their concerns to HRMMU.

against Roma raise concerns that amidst the pandemic, Roma may become a target of hate speech and scapegoating campaigns. Some examples of negative stereotyping and vilification of Roma have already appeared online in the media and on social media. For example, an Uzhhorod-based Facebook group named “Let’s stop the impudent Roma together” reposts local news that present Roma as a threat to public health and public security. The Facebook group also post Internet memes exploiting negative stereotypes about Roma and the pandemic.

27. On 8 April 2020, International Roma Day, the head of KMG published a video on his Facebook account showing him aggressively interrogating and harassing a woman in Kyiv as a part of his efforts to enforce the quarantine. The head of KMG openly showed his biased attitude towards Roma and publicly disseminated negative stereotypes. In the video, the man claimed that the woman was of Roma nationality and that she was involved in theft, drawing a connection between the fact of belonging to this ethnic group with anti-social behavior. In another incident, on 21 April 2020, the Mayor of Ivano-Frankivsk openly demanded that law enforcement agencies forcefully evict or apprehend a group of Roma who refused to move to another region voluntarily. The Mayor’s statements received noticeable support in local online social networks.

28. The majority of the interviewees also raised concerns that hate speech incidents may rise if more Roma are diagnosed with the virus, given the existing prejudices against Roma and past attacks and hateful messages.

Conclusions and recommendations

29. HRMMU preliminary findings indicate a deterioration of the human rights situation of Roma men, women and children in Ukraine, following enforcement of anti-pandemic measures. While many Roma individuals were already lacking access to sufficient healthcare, water, food and education prior to the pandemic, unless urgent measures are put in place, COVID-19 and Government response measures could have a devastating effect on Roma communities. Lack of equal access to healthcare, information, and sufficient access to water would make it hard to contain any outbreaks within Roma communities. The lack of access to social security and the loss of income may have long-lasting consequences, contributing to further marginalization and
stigmatization of Roma, especially those without personal documents. Finally, it will be important to address hate speech and offensive stereotypes towards Roma especially by organisations cooperating closely with law enforcement and local authorities.

30. In order to address the negative impact of the pandemic and mitigate relevant threats, HRMMU calls authorities to:

(a) undertake all possible efforts to unblock sources of income for Roma communities;
(b) develop and implement economic recovery and social protection plans that include Roma or shape existing plans accordingly;
(c) allow humanitarian aid intended for Roma to pass through customs and undertake all necessary efforts to ensure aid is delivered;
(d) provide access to the full scope of healthcare services for Roma women, men and children regardless of whether they have identity documents and birth certificates and address discriminatory practices in a timely manner;
(e) prepare and disseminate instructions on COVID-19 prevention measures in accessible languages and format. Ensure access to informal settlements for volunteers and NGOs who can deliver such information. Provide an opportunity for Roma to share their questions and concerns in their own language;
(f) ensure access of Roma children to education, online or through other methods. Consider appropriate offline distant education options for those who lack access to communication technology;
(g) enable access to water to communities who lack it;
(h) publicly condemn all incidents of hate speech, violence and aggressive rhetoric targeting Roma, regardless of the source;
(i) ensure effective investigations of any incidents of hate crimes against Roma;
(j) stop cooperation with groups and organisations that promote violence or intolerance and individuals previously involved in human rights violations, including attacks against Roma.

HRMMU calls on all stakeholders, civil society actors and the international community to reiterate these recommendations to the Ukrainian authorities and to provide support for their implementation.
Annex 1 Recommendations of UN human rights mechanisms and good practices

1. The Committee on the Elimination of Racial Discrimination (CERD) recommended to strengthen Government’s measures to improve access to education for Roma children, and reduce the illiteracy rate among, and the school attendance drop-out rate of, Roma children.1

2. CERD and the UN Special Rapporteur on minority issues recommended authorities to ensure adequate protection of Roma communities and combat discriminatory acts against Roma; to investigate incidents of attacks and killings of Roma; and to prosecute perpetrators.2

3. Eleven UN experts of the Human Rights Council’s Special Procedures highlighted the necessity to enable continuous access to sufficient and affordable water to communities who lack it. This *inter alia* includes informal settlements.3

4. The UN Human Rights Committee (HRC) recommended to remove any obstacles, including administrative, to ensure that all Roma are provided with personal documents, including birth certificates, which are necessary for them to have access to their basic rights.4

5. The Committee on Economic, Social and Cultural Rights (CESCR) recommended to raise awareness among Roma about the judicial procedure to obtain identity documents, and ensure their access to free legal services.5

6. CESSCR recommended authorities to take effective measures to ensure access to education by all Roma children, raise their secondary school completion rate and increase the number of Roma children in secondary and tertiary education. In this regard, the State party should collect disaggregated statistics on the percentage of Roma children enrolled at different educational levels.6

7. Ukraine supported the Universal Periodic Review (UPR) recommendation to adopt a progressive strategy aimed at increasing educational opportunities and improving the housing and living conditions of the Roma community.7

8. The Social Inclusion and Poverty Reduction Unit of the Prime Minister’s Office of Serbia conducted mapping of risks related to COVID-19, especially lack of access to water and electricity, and urgent humanitarian needs of the Roma in more than 50 localities. Mapped in this way, the risks and needs served as the basis for planning and distribution of humanitarian packages and providing all other types of assistance and support by the Government and other donors to the most vulnerable members of the Roma community.

9. The Kosovo Ministry of Health developed an online platform on COVID-19 (www.kosova.health) which now offers visitors the ability to conduct a self-evaluation of COVID-19 symptoms, in Albanian, Serbian, and English. In addition, UN agencies and the Ministry of Health of Kosovo disseminate WHO posters on COVID-19 in English, Albanian, Serbian, Turkish, Arabic, and Roma languages in specific communities.

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4 See Human Rights Committee (HRC) Concluding observations on the seventh periodic report of Ukraine, 22 August 2013, para 12.
6 See Committee on Economic, Social and Cultural Rights (CESCR) Concluding observations on the seventh periodic report of Ukraine, 2 April 2020, para 45.