

Statement by the Anti-Discrimination Centre “Memorial”

Working session 9: Tolerance and non-discrimination II, including Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the Situation of Roma and Sinti

Over the years, the Anti-Discrimination Centre « Memorial » has been able to document the structural discrimination against Roma in Eastern Europe and Central Asia. It is clear that local governments failed to take consistent measures to put an end to this patent discrimination and improve the situation of Roma population in the region.

ADC Memorial expresses its deep concern about the outrageous pogroms that took place recently in Russia and Ukraine, and that illustrate the vulnerability of the Roma population in the region.

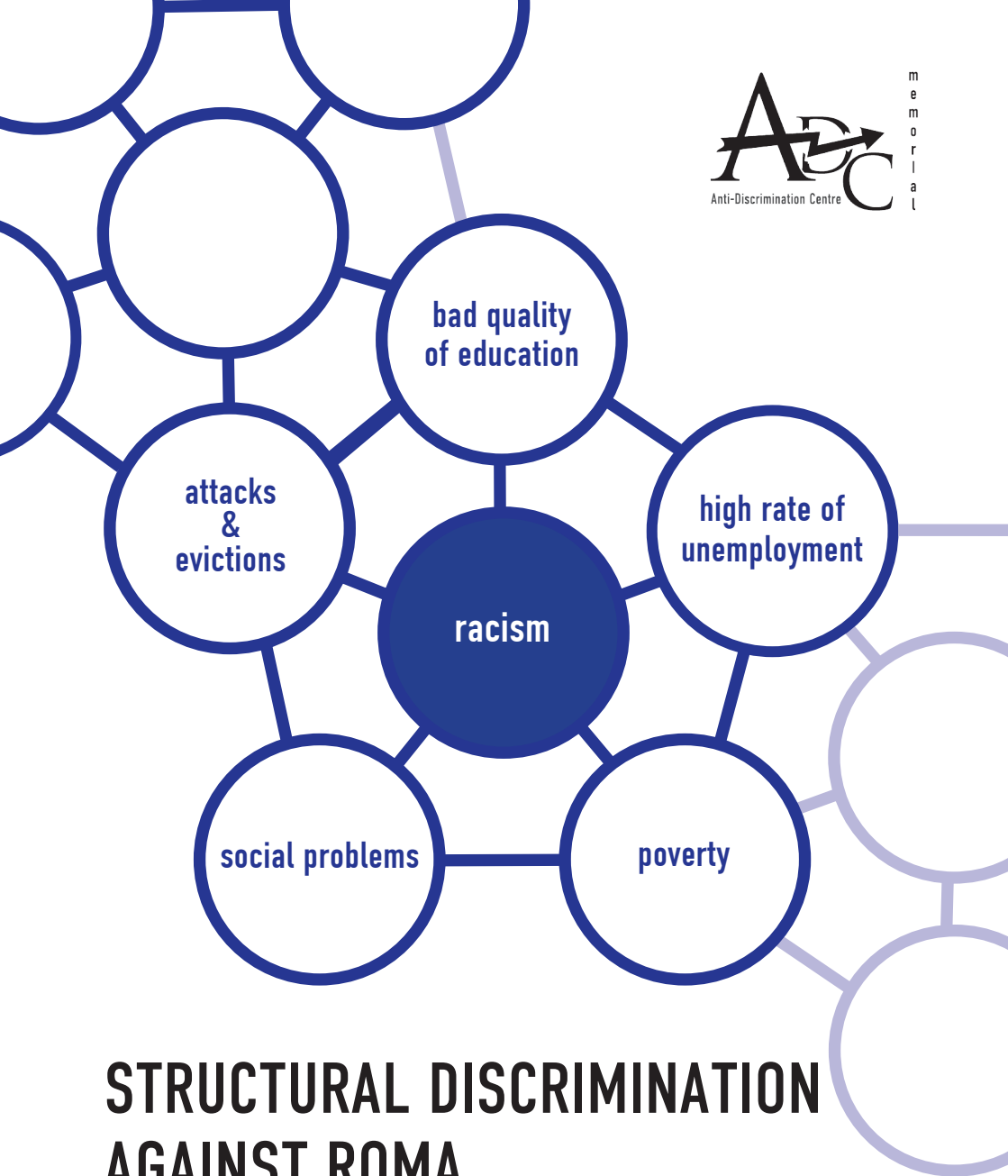
In Russia, in Khakassia region, after the death of young man, the Roma community was accused without any consistent evidence. The Roma settlement was fired at, people were threatened and had to flee. Right after, pogroms began there, and lasted for five days. Law enforcement agencies reacted in a very careless manner as they refused to classify the pogrom as a mass riot, or even as hooliganism.

In Belgorod, Russia, in August, after a girl was raped and killed, the Roma population was again accused without any consistent evidence. Roma were forced to flee after they had been threatened by locals and some of them beaten up. Some houses were set on fire, windows were smashed, without any reaction from the authorities to prevent the situation from escalating.

In Ukraine, several pogroms by far-right nationalists took place between April and June 2018. Each time, Roma camps were destroyed, people were beaten up, forced to flee and the police downplayed these violent acts.

Those unacceptable attacks on Roma actually quite often follow the same pattern. The authorities' failure to firmly respond to these incidents creates an atmosphere of impunity among the population. These tragic events are a direct consequence of the authorities' lack of desire to deal with the problems of the Roma people, and consequently, to help them implement their rights. The governments have been unable to prevent these tragedies that led to the injury of several people (including young children) and the death of a young man in Ukraine.

Recommendations to governments: ADC Memorial calls the national governments to come up with developed preventive plans against pogroms and collective groundless blame of ethnic groups for a crime. Police must be able to react rapidly and adequately to protect Roma when they are in a dangerous situation.



STRUCTURAL DISCRIMINATION AGAINST ROMA

in Eastern Europe and Central Asia

April 2018

STRUCTURAL DISCRIMINATION AGAINST ROMA IN EASTERN EUROPE AND CENTRAL ASIA. April 2018

Material shared in this report has been collected with the participation of the Civil Society Institute in Armenia, Promo-LEX association in Moldova and Our House in Belarus.

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OVERVIEW

The situation of Roma communities in post-Soviet countries is diverse but remains difficult: problems, which are rooted in the ethnic policies of the USSR have not yet been overcome. The ban on the nomadic way of life for the Roma people in 1956, which had not been sufficiently supported by the state, led to the situation when hundreds of thousands of people found themselves not integrated into society. Today, most Roma children do not receive quality education or are even denied their right to education. Due to the lack of education that prevent Roma people from applying for high qualified jobs, combined with discrimination from employers, the level of unemployment is particularly high among Roma. As a consequence, Roma people have to work illegally, do not have access to medical care, continue to live in terrible conditions, and are in fact caught in the vicious circle of discrimination. The lack of consistent measures from national authorities to overcome these problems makes it impossible for Roma people to break this vicious circle of discrimination and fully enjoy their rights.

The present report aims to illustrate the vicious circle of discrimination with material ADC "Memorial" collected in Eastern Europe and Central Asia. The situation in a number of ex-Soviet countries was analyzed in Human Rights reports prepared for international bodies (like UN Committee on Elimination of Racial Discrimination).

Many schools practice segregation of Roma children, when the latter are being kept in separate classes and even schools. Experts of ADC Memorial documented this practice in Russia, in some schools in Ukraine and Moldova, in Central Asia. As a result, most Roma children get only primary school education at best and cannot attend secondary and high school later, while universities also remain out of their reach.

Next step of discrimination can be seen in the employment (illustrated with the examples from Belarus and Moldova). Further, social problems and marginalization take place. Violations of the rights of Roma to adequate housing are illustrated with examples of Russia. Instead of systematically solving the problem of legalizing housing and land allotments, as well as providing Roma settlements with water, electricity and gas supply lines, the Russian authorities have resumed the practice of demolishing houses in Roma settlements. Dozens of families with children found themselves on the street, with no alternative housing provided to them. These actions often are caused and/or accompanied with racist statements by representatives of authorities.

The rights and interests of Roma communities in the countries of Southern Caucasus and Central Asia are also not taken into account by the respective state authorities. Armenian authorities ignore and deny the very existence of the local ethnic

group of Romani origin (Bosha), this denial of cultural peculiarities and the problems of this ethnic minority led to almost complete assimilation of Bosha, but xenophobia and prejudices towards members of this ethnic group persist. Tajikistan authorities deny any discrimination against the locals Roma ethnic groups of Jugi and Mugat, while members of this minority are not provided with personal identity documents, they do not receive proper schooling and lose their homes as a result of demolitions and evictions.

Rights violation of Roma people were quite often in Ukraine but since the war began, they became even more vulnerable. More than 6,000 of Roma had to leave their place of residence because of the war in the region, those who stayed in the areas of military conflict suffered from shelling, arbitrary actions and violence of paramilitary groups, some were victims of anti-Roma pogroms, which were organized by the separatists. Hate crimes against Roma are also being registered by human rights defenders in various regions of Ukraine, which had not been directly affected by the war (for example, the pogrom in Loshchinovka, Odessa region), as well as in Moldova.

Consistent measures are required to improve the situation of the Roma population in Eastern Europe and Central Asia at both regional and local levels. The authorities of these countries should adopt and implement action plans to address the real problems of Roma population (housing, education, protection from violence), while also providing targeted financing and constant monitoring of the effectiveness of their implementation.

This report is based on material collected by ADC Memorial experts during field missions in 2014-2018.

FIRST: DISCRIMINATION AND SEGREGATION OF ROMA IN EDUCATION

SEGREGATION OF ROMA CHILDREN IN SCHOOLS (RUSSIA)

Roma children must deal with segregation and poor-quality education in schools in many regions throughout Russia. This violates their constitutional rights to non-discrimination and education and damages their ability to integrate, which is often the cause of the low standard of living and marginalization of the entire Roma ethnicity. Segregation in Russian schools takes on many forms: for example, many Roma children are placed in special remedial classes for children with limited intellectual and other capacities. This is done on the basis of tests that are mainly taken by Roma people. However, all the children are given the same diagnoses, which are generally social deprivation and bilingualism. Roma children are also placed in separate so-called “Roma classes” that only include Roma children. They are also frequently subjected to segregation outside classrooms. For example, they are not allowed to use common play yards or cafeterias, and they are not allowed to participate in school holidays. Also, there have been cases where children were transferred to distance learning. Finally, statements made by teachers in the segregated education system make it patently clear that these teachers expect less success from Roma students or don’t believe that they can learn at all. Therefore, they have low requirements for these children.

The situation has not changed in recent years – efforts to overcome segregation and introduce an integrative approach have only been seen in isolated schools, while the majority of schools attended by large numbers of Roma children continue to instruct these children separately from others. When homes are demolished, and families evicted, children are deprived of their access to education – child services and education agencies have no interest in where evicted children will attend school, and the right of children to education is never considered by courts issuing a decision on demolition or eviction.

Evidence of segregation has also been confirmed by the results of checks conducted by state authorities. Moreover, officials responsible for protecting children from education discrimination did not find anything illegal in the segregation of Roma children.

Below examples of the segregation of Roma children in seven schools visited by ADC Memorial experts in 2017.

Out of the ten schools in Tula, Penza, Kazan, Orel, and Volgograd visited by ADC “Memorial” experts in the first half of 2017, only two have Roma children studying in mixed classes. Of the remaining schools, one was an entirely Roma elementary school on the territory of the tabor in Plekhanovo, while the other seven all had separate “Roma classes.”

The Plekhanovo elementary school, which was created specifically for instructing Roma children, is located directly on the territory of the tabor. It currently has 160 students from grades 1 to 4. Children of other nationalities do not attend this school, which means that children later have trouble moving to middle school, where they are faced with an unfamiliar and seemingly hostile environment. After completing grade 4, children must move to school No. 17 for further study. This school is located several kilometers from the tabor. However, many children simply stop their studies and stay home because they fear being among unknown children on the one hand and facing the open disdain of the teachers on the other.

“After finishing fourth grade, children move to another school—School No. 17—for grades 5 and up. But they’re isolated as soon as they get there and only attend the afternoon session. They don’t perform very well there, unfortunately. Parents say that they won’t allow their children to go there because they are treated so badly. Many children don’t want to go there, and they come running back to us, begging us to take them back. Sometimes, out of the kindness of our hearts, we let them sit in on classes. They dread going to the other school because they can sense the ill will. There have been incidents where they were thrown out for some offense that they may not have even committed. If something happens there, the Roma are always to blame.”¹

One student at School No. 17 said that their classes start after lunch and last until four or five in the afternoon. Three or four teachers work with them, and one of the teachers is the homeroom teacher. This student said that Roma children rarely see Russian children and do not even know them, since they attend class separately. When he was asked why he wasn’t in school, he said that he didn’t want to go there because he was afraid that he would be beaten up.

School No. 17 currently has several dozen children in grades 5 to 7. Most of them do not want to continue their studies because they feel excluded after the tabor school, and also because of tradition, in accordance with which they must start working at quite a young age and have certain responsibilities that deprive them of the opportunity to attend school.

1 Interview with a teacher at the tabor school.

An egregious example of segregation was found at a school in the village of Aysha, Zelenodolsk District, Republic of Tatarstan, where a special first grade class known as “ts,” which is only for Roma children, has existed for several years. It currently has eight students. Another few children attend grades 2, 3, and 4.

“This year we registered eight people for first grade. All the children are the same age—seven. In grades 2 and 3, the children generally disappear and don’t attend school, and I can’t say exactly how many of them are students now. There are five children in grade 4. In grade 5, we transfer all of them to homeschooling. We give them assignments, they study them and then come to take exams. Right now, we have seven remote students in grade 5, three in grade 6, and two each in grades 7 and 8. No one continues beyond this. Not one Roma student has completed nine grades over the entire course of my time here.”²

Local residents say that teachers make decisions to separate students or put them in distance learning in conjunction with parents. At the start of every school year, the school holds a meeting with tabor residents where they decide what form of study their children will have. Parents generally always agree for their children to attend classes separately from the other students and say that they basically do not care where and with whom their children attend school. However, surveys have shown that they are very concerned about the level of knowledge their children attain in the local school. They believe that it is extremely low: even after several years of schooling, many children are illiterate and have no command over the very basic skills that children acquire in elementary school.

“Students in Plekhanovo seem to be taught well, but that’s not the case here. Here they teach just so that the children are registered. Half of our students are still illiterate. I mean, they even had a New Year’s tree separately from all the other children. The school gave the others presents but didn’t give our children any. We collected money ourselves, bought candy, toys, so that they could have a normal holiday like all the other children.”³

In March 2016, the prosecutor’s office issued a recommendation to the head of the executive committee of Zelenodolsk District in connection with the existence of class “ts” at the middle school in Aysha. The actions of the school principal were found illegal, and an order was given to dissolve class “ts.” However, the prosecutor was not interested in evidence of discrimination due to the existence of a separate “Roma class,” but in the fact that this class only had five students. This is a violation of the federal law “On Education in the RF” and SanPiN 2.4.2.2821-10 “Sanitary and

2 Interview with M.P. Nikishina, a teacher at a school in Aysha.

3 Interview with the grandmother of one of the students.

Epidemiological Requirements for the Conditions and Organization of Instruction in General Education Schools,” under which classes in village schools must have at least 14 students.

The anti-Roma campaign that was promoted by the local government after epidemics of hepatitis and tuberculosis in the village of Aysha also affected the tabor in Nizhniye Vyazovye. The local school did not show any signs of segregation. However, because the tabor faced scrutiny from the sanitary and epidemiological service in the new academic year, many children were not allowed to attend class because they did not have the required vaccinations.

“Our school is very good, the children like to study there. But this year, many children did not start first grade, since they hadn’t received certain shots. After the hepatitis started several years ago, our children always have to get vaccinations to attend school.”⁴

The school in Nizhniye Vyazovye is only one of two schools where we noted that administrators and teachers are making efforts to overcome segregation and implement an integrative approach. At the second school (Middle School No. 9 in Penza), children from the neighboring tabor have been integrated with the other children for many years. There are currently 150 Roma students in grades 1 to 11 at this school. Over the past 10 years, the school has graduated nine to 13 Roma students annually. This school is also known for the Russian-Roma football team it created, which has had success at annual district competitions.

The experience of this integrated school in Penza (an oblast center in central Russia) shows that it does not take much effort to ensure the successful instruction of Roma children with other children, provided that administrators and teachers have a non-discriminatory attitude.

The situation is completely different at the S.E. Kuznetsov school, which is located in the village of Chemodanovka, Bessonovksy District, Penza Oblast. Fifty-three children from a tabor of Wallachian Roma attend this school. The parents of children who attend this school very much want their children to be placed in classes with everyone else, but instead they are placed in separate “Roma classes” because of their low level of preparation. Nominally, this relates to grades 1 and 2, but these classes also include children whose parents enrolled their children after they turned eight, i.e. children who missed the deadline for enrolling in first grade. Thus, children who are nine, 10, and 11 are in these classes as well.

A similar situation has developed in Volgograd schools, for example in the village named after Maksim Gorky. Only 40 students attend School No. 140, which is the closest school to the Roma tabor. Roma children started attending this school relatively recently—they started enrolling in first grade just three years ago. Now

4 Interview with M., a resident of Nizhniye Vyazovye.

there are three grades with Roma children. Sixteen to 17 children are in grades 1 and 2, while five are in grade 3. All these children are taught separately from the others. During a conversation with the school's principal E.L. Gordiyash, we were able to clarify that the school administration forms these "Roma classes" illegally and without approval from anyone. After a regular class has a certain number of Roma students, these students are removed from the class and taught separately.

"Naturally, our records show that they are in general classes, because that's the way it's supposed to be, but if a class gets at least 15 Roma, then we put them in a separate class where they learn together."⁵

Aside from "Roma classes," school administrators also arranged for a special "Roma table" in the school's cafeteria, where Roma children use tableware intended only for them.

"Our school is very young, we have new classrooms, a large separate gym. The building's in good repair. As disadvantaged children, all our Roma children receive free meals. We even have a separate table and separate tableware for the Roma children."⁶

The school's principal does not conceal her disdain for Roma students:

"You can't do anything with Roma children. They're very poor students. They're not interested, and, indeed, what's the point of attending school if they're going to leave after grade 6 anyway? In March, our children from nine classes took a practice test that they will have to take at the end of the year. Over 50 percent got twos [on a scale of 1 to 5 with 5 being the highest – Trans.] And these aren't Roma children. They're the children who have been here the whole time, who we have cultivated since first grade, to whom we have given several years of our lives. And what will happen with the Roma children? They'll never pass this exam in their lives."⁷

Some of the children from this village go to a different school (No. 15), which has 59 Roma children who are all in "remedial" classes. They are placed in these classes after being processed by a special medical-pedagogical commission, which "diagnoses" all Roma children with delays in psychological development. There are eight of these classes in grades 3 through 8. Eight people are listed as students in grade 8, but only three students actually attend class. As in School No. 140, children

5 Interview with E.L. Gordiyash, principal of School No. 140.

6 Ibid.

7 Ibid.

here eat separately from Russian children in the cafeteria and, on top of this, they are scheduled to eat at a different time.

Roma at Ovsyannikovo Middle School in Orel are also taught separately. There are currently two “Roma classes” in the school — in grade 2, which has 16 children, and grade 3, which has 12 children. According to school principal Maya Alekseevna Frolova, they were not able to enroll enough students for a first-grade class, and no one has made it to fourth grade. There will be one first-grade class this year, which will have 16 Roma students. It is obvious that teachers in this school treat Roma students with bias:

“All the Roma children at our school study separately from the others, because their level is, how should I put it, lower than the level of other children. Not one Roma child has completed even nine grades for the entire time I’ve worked at this school. The highest grade they’ve reached is sixth grade. But that’s extremely rare. They mainly complete four grades and then their parents marry them off or move to another city.”⁸

Russian authorities state that a parental decision may be a ground for segregation is totally unsupported, since no one, including parents, can violate the rights of a child. References to a “nomadic way of life” and “national traditions” as grounds for segregated instruction is striking for its inaccuracy, since Roma in Russia have not led a nomadic way of life in over 70 years, have adopted a settled lifestyle, and have never “traditionally” received an education. As both global experience and the experience of schools that have tried to reject segregation⁹ show, segregation is not “the speediest way to overcome the gap in mastering academic programs and the subsequent transfer to regular classes,” which is what the state report says, but actually means that children will only attain a low level of education and are not at all prepared to move to regular classes, at least after elementary school, resulting in their withdrawal from school altogether after spending several senseless years there.

ADC Memorial is familiar with the cases of “distance and on-site and off-site schooling”, where children go to schools for several hours a day only two to three times a week at times when other students are not present and cases of so-called “home schooling,” when a teacher comes to a child’s home for several hours a week. These cases are a profanation of education and technically serve to cover up violations of children’s rights.

8 From an interview with M.A. Frolova, principal of Ovsyannikov Middle School.

9 At school No. 9 in Penza, several children from a nearby Roma settlement have been studying in integrated classes for the past few years. The school currently has 150 Roma students in grades 1 to 11, and nine to 13 Roma students graduate every year. An integrated Russian-Roma soccer team has been successfully participating in sports competitions.

The situation is especially difficult for female pupils. Roma girls from compact settlements are put under tremendous pressure by their traditional community in regard to their mandatory dress code, requirements for modest behavior and obedience, and the widespread practice of forced arranged marriages at an early age (girls are married off from the ages of 12 – 16). Many Roma parents do not believe that education is necessary for girls, so girls complete even elementary school less frequently than boys (the practice of segregation in schools and, as a result, a substandard education that does not allow progression to high school means that the absolute majority of children from compact Roma settlements drop out of school after several years of study).¹⁰

According to the teacher of a segregated “Roma class” at Oselkov School in Leningrad Oblast, she “does not take” girls in her class because they will stop coming to school in a year or two and get married.¹¹ Tamara Litvinova, the children’s rights ombudsman for Leningrad Oblast, is familiar with the practice of segregation and obstructed access to education, but she did not find that the school had committed any violations of children’s rights when she visited it in May 2013¹². Thus, girls who want to receive an education do not find any support from their families or from the schools and state authorities that are supposed to protect their rights. This kind of attitude forms the basis for further discrimination against girls in the Roma community. Its repercussions include marriage at an early age, birth at an early age, and exploitation.

Most Roma children are excluded from the process of receiving a quality education, and no more than one percent earn a high school diploma, even though school is mandatory for all children in the country up through eleventh grade; illiterate and poorly-educated people are not able to follow complicated bureaucratic procedures, which means that some of the requirements for registering housing and paying for access to water, gas, and electricity are violated; dense Roma settlements are notable for their poverty and low standards of living in comparison to surrounding villages, while the large-scale demolition of Roma homes and the loss of their only housing leads to homelessness and loss of personal documents and registration for place of abode; without registration, people lose all their social rights, and ethnic profiling during police operations makes them particularly vulnerable, which is accompanied by conflicts with the law, the stigmatization of the entire people, and racial prejudice.

10 <http://adcmemorial.org/www/publications/problem-of-discrimination-and-violation-of-the-rights-of-roma-children-at-russian-schools-2011?lang=en>

11 Archive of ADC Memorial

12 <http://adcmemorial.org/www/7121.html>

VIOLATION OF THE RIGHT TO EDUCATION (MOLDOVA)

Poor quality of education, discrimination, segregation of Roma children and lack of efficient policies were repeatedly reported by national NGO's, experts and inter-governmental organizations. According to National Roma Centre, because of the persistent stereotypes, Roma are suffering high levels of disadvantages in education and support services.¹³ According to the report "Roma in the Republic of Moldova", enrolment rates for Roma children are lower than for non-Roma at all stages of education. Primary education covers less than 70% of children and secondary education less than 50%.¹⁴ Although the situation softly improved since 2007, the main issues that Roma children confront in education process were not addressed. According to the last (2014) census, Roma represent about 0.3% (about 9400 people) of the population.¹⁵ However, Roma leaders claim that the real number of Roma is much higher, up to 5% of the population of the country (between 50 000 and 150 000).¹⁶ Promo-LEX and ADC Memorial undertook several monitoring visits in the following schools in the communities with a high density of Roma population: Vulcănești (Nisporeni district), Otaci and Sorooca. Representatives of PromoLEX and ADC Memorial also interviewed leaders of local Roma organizations, inhabitants, teachers and police representatives.

Article 35 of the Constitution of Moldova provides for right to education that shall be ensured equally for everyone. Article 35 also establishes that the State guarantees the right to choose the language of education and study of the official language shall be ensured within all types of educational institutions. State public education is free of charge.¹⁷ In 2014, the Parliament of Moldova repealed the Law on Education and adopted the Code of Education, a much more progressive law in the light of international standards and specific needs of Moldova's education system. The new Code enshrines the importance of international treaties and conventions on human rights and establishes the principles of equality, non-discrimination, intercul-

13 Roma National Centre, Report on the situation on Roma Rights, 2011, p.2

14 SorinCace, VasileCantarji, NicolaeSali, Marin Alla, Roma in the Republic of Moldova, p.61

15 Population of Moldova Statistics, 2014 Census

16 NicolaeRadita, National Roma Centre statement, October 2012

17 Constitution of the Republic of Moldova from 29.07.1994, Article 35

tural dialogue, tolerance and social inclusion. Article 3 of the Code¹⁸ establishes the concept of “Intervention measures and support services for inclusive education”, which is a set of measures and services designed to meet the demands of children, pupils and students with special educational needs in order to facilitate their access to community-based educational services. Article 6 of the Law on the rights of persons belonging to national minorities,¹⁹ establishes the right to pre-school education, primary education, general and vocational education. It also guarantees the right to higher and postgraduate education. Article 9 of the Law on Ensuring Equality²⁰ provides the interdiction of discrimination in education sector. On 09 June 2016, the Government adopted the Action Plan for support of the Roma population for the years 2016-2020.²¹ The action plan’s objectives are:

1) Increase the participation rate of Roma children, especially of Roma girls, in the pre-school and pre-university education system;

2) Improve the educational process of Roma children (6-18 years) by compulsory schooling and reducing the rate of unmotivated absenteeism and early school dropping. Nevertheless, previous policies regarding Roma population had a poor implementation and have been harshly criticized. The evaluation report on the implementation of the 2011–2015 Action Plan identified that the Ministry of Education and other relevant institutions had taken insufficient measures designed to create an inclusive and efficient educational system, based on the principles of equality, non-discrimination, and respect for diversity.²²

Education of Roma in the Republic of Moldova raises many concerns, both from national NGO’s and international experts. In 2015, the UN Special Rapporteur on Extreme Poverty and Human Rights identified that Roma children were being segregated in schools.²³ Special Rapporteur found that some teachers are opposed to teaching Roma alongside non-Roma children because Roma children are frequently absent, fall behind and require a special curriculum that will provide “basic profi-

18 Code of Education from 17.07.2014

19 Law on the rights of persons belonging to national minorities from 19.07.2001

20 Law No.121 on Ensuring Equality from 25.05.2012

21 Government of Moldova, Decision No.734 from 09.06.2016

22 Evaluation Report, Implementation of the 2011–2015 Action Plan for the Support of Roma from Moldova, 2016, p. 37-38

23 Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, Addendum, UN Doc. A/HRC/26/28/Add.2, 2014, Para. 57.

ciency in writing, reading and how to count money". The Committee for Economic, Social and Cultural Rights (CESCR) has articulated concerns about the limited availability and accessibility of schooling for Roma children living in remote rural settlements.²⁴ The research conducted for current submission showed that situation has improved in some areas, such as desegregation of Roma classes. Still, most of the issues (school enrollment, quality of the studies, school dropping, and migration) were not addressed.

Overview of the monitored communities:

- **OTACI** Otaci population was 7,781 inhabitants in 2013, of which 4,175 (54%) were Roma, 390 children between 7-10 years (5.0%) and 486 between 11-15 years (6.2%). Young people (16-17 years) were 204 (2.6%) in the locality, with the adult population rising to 4,902 inhabitants (63%).²⁵ Migration is involving around a quarter (23.3%) of the population. Destination countries for both non-Roma as well as Roma migrants are mostly in the Russian Federation, Ukraine, and Kazakhstan (the latter being more characteristic for Roma).²⁶ At the time of the monitoring mission²⁷, according to the administration of "Mihai Eminescu" school, there are studying 401 children, of which 184 are Roma.

- **VULCANEȘTI [NISPORENI DISTRICT]** Population amounted to 1,240 people in 2013, 95.6% of whom were Roma. In 2013 there were registered 383 children aged 0-17 years. Local kindergarten has a capacity of 50 children and has been refurbished recently. Vulcanеști school provides primary and medium education for 1st to 9th grades. Recent years (2013-2014) show a decrease in the number of children enrolled in early education programs, from 12 children in 2013 to 7 children in 2014. The enrolment rate was 12.3% in 2013 and roughly

24 Committee on Economic, Social and Cultural Rights, Concluding Observations: Moldova, UN Doc. E/C.12/MDA/CO/2, 12 July 2011, Para 29

25 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, p.16

26 Ibid.

27 Monitoring Mission of Promo-LEX and ADC Memorial, held on 11-15 June 2017

38 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, pg.19-20 39 Ibid., p.18

8.5% in 2014.²⁸ Migration strongly affects the village, involving over 88% of the total population. Most frequent destination countries are the Russian Federation, Belarus and more recently - Germany. At the time of the monitoring mission, according to the administration of the school, there are studying 110 children, of which almost all are Roma.

- **SOROCA** Soroca's population amounts 37,526 inhabitants, of which Roma are about 6%. Soroca has entire neighborhoods of Roma and a region called "Gipsy Hill". There are about 1,525 Roma, but numbers vary from one source to another. Roma leaders in Soroca suggest a figure of about 4,000 Roma, while most public institutions state that they do not keep records of the population distribution by ethnic groups and thus cannot establish a precise figure.²⁹ In Soroca operate four schools, two of which are attended by the Roma: "A. Pushkin" Lyceum and Gymnasium No.1.

Pre-school education

Monitoring mission of Promo-LEX and ADC Memorial revealed that pre-school education is one of the most important issues that Roma children face. This finding is supported by national studies and NGO's reports.³⁰ Vulcănești village has a kindergarten with a capacity of 50 children. Nevertheless, after a short period of activity, local authorities decided to close it, as only a few children were attending (about 5-7 simultaneously) and it wasn't reasonable to maintain it, due to high costs. Although there are nine operating preschool institutions in Soroca, no Roma child attended kindergarten in 2013 and only two preschool institutions were attended by Roma in previous years.³¹ The city's preschool institutions are also overburdened. For example, Kindergarten No. 7 located near Roma residences had a waiting list of 12 children at the time of the survey. Thus, in addition to sociocultural barriers to children's enrolment in preschool institutions, a lack of spots in kindergartens for

28 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, p.19-20 39Ibid., p.18

29 Ibid., p.18

30 See for example Study On the Situation Of Romani Women And Girls In The Republic Of Moldova, UN Women, UNDP, OHCHR 2014, Chapter III.

31 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, p.18

newcomers may also be noted.³² Otaci currently has two kindergartens in operation, of which only one is attended by Roma children. Through 2013-2014, the total number of children attending kindergarten has remained virtually unchanged at approximately 80 children per preschool institution (total enrolled 159 children in the two kindergartens). However, the number of Roma children attending kindergarten increased from 5, in 2013, to about 12 in 2014. According to "Mihai Eminescu" school administration, because of poor or even no attendance of pre-school education, Roma children face huge barriers in primary education and are less prepared, compared to non-Roma children. School administration managed to create a "preparatory class", also called "zero class" for Roma children. About 50 children per year attend the class. Because it is not equipped with necessary tools, supplies and books, teachers are struggling to buy at least the minimum necessary from Ukrainian nearby cities, where the prices are lower. This also stresses the lack of unified practices and state policies for pre-school education for Roma children, as well as the lack of sufficient funding. According to the teachers, this measure is efficient, as it allows preparing children for school and increase their interest for educational process, which leads to the increase of attendance.

School enrollment and attendance

In Otaci, a grade-based disaggregated analysis revealed an overall rate of 25.2% of school enrolled students attending primary education (65.5% were ethnic Roma) and 34.6% attending secondary education (23.3% were ethnic Roma), with only 13.2% (of which none were ethnic Roma) being enrolled in high school. There are only 44 children Roma studying in 5th to 9th grades. The rest of them are in primary school (1st to 4th grade).

School attendance reduces critically along with promotion to upper grades. While 80% of Roma children attend primary school, only 9% attend 5th grade, 6% attend 6th grade, 1% attend 7th grade and 1% attend 9th grade. According to Otaci school administration, there are various causes for this phenomenon, but most common are migration of Roma families and as a result – poor results of the children, lack of financial possibilities of the parents to support their children school attendance, discrimination and social stigma.

Otaci school administration uses a complaint form, which is sent to the police when a child is missing classes without any serious reason. Police officers visit Roma families to document the case and find the reason of absence. Even though police can't sanction families, these measures have a positive impact and parents are treating more re-

32 Ibid.

sponsible school attendance of their children. Additionally, to increase Roma children performance, especially those that miss a significant part of the classes due to their family's migration, teachers use to organize additional classes for these children. Usually this takes place after ordinary classes and aims to recover with children — the part of the school program, which they missed due to migration.

School also implements different positive measures to encourage children's attendance. A toy library was arranged, which is however too small to face the high number of children. School also offers boarding for children of 10th of 11th grades, who come from outside Otaci and need a place to live during the week. Conditions of the boarding rooms are very poor, but still this is important to ensure school attendance for those children who don't have a high school in their villages. Otaci School also uses a board of honor, where photos of the most successful pupils are exposed. At the time of the monitoring mission, at least 15 photos of Roma children were exposed. Nevertheless, graduation of Roma pupils is still a big issue, in 2016-2017 academic year, only one Roma pupil managed to finish 9 grades.

Enrollment and attendance of Roma children seems to be even worse in Soroca. According to the Soroca school census from the 2013-2014, held by the Department of Education, 259 Roma children of school age were living in the city. 37.1% of them (96 children) were enrolled in the education system, 62.9% (163 children) had gone abroad, and 5.8% (15 children) had personal files held by educational institutions but were not attending due to parents' refusal. Three children were not attending the educational institution due to disability, and one girl argued that she had already got married.

The most problematic communities in terms of school enrollment and attendance seem to be rural areas with a majority of Roma inhabitants. In this respect, Vulcănești school offers only a 1st-9th grade studying program, after 9th grade, children can go to the nearby village — Ciorești, where the majority of the children are non-Roma.

According to the school administration, at the time of the monitoring mission, barely 50% of the total number of school-age children were attending classes. Because of forma enrolment, a considerable number of children are not enrolled. For example, in 2016, only 10 children out of 28 were enrolled in 1st grade. The main cause is that children do not have the necessary documents (the birth certificate for example).

For the academic year 2013-2014, in Vulcănești were registered 182 children of school age but not even a single pupil managed to graduate.³³ In 2017, at the time of the monitoring mission, only four children were admitted to annual exams, two of which did not show up as they migrated with their families for seasonal work.

33 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, p.19-20

The practice of fighting with poor attendance in Vulcănești is different to the Otaci. According to school administration, teachers usually go by themselves to find children that did not show up for the classes. This affects the quality of education and does not bring significant results. According to the police, they do not use to visit families of the absent children, as the Otaci police do. As a result, the attendance in Vulcănești is very low and leads to a high rate of school dropping.

Quality of the education and school drop out

Due to a low number of children and insufficient teachers, Vulcănești school created mixed classes. Therefore, children from 1st grade are mixed with children from 3rd grade and those from 2nd grade are mixed with children from 4th grade. Different ages, level of knowledge and different curricula have a negative impact on the process of learning and children's performance.

According to the administration, Vulcănești school is dealing with staff shortage. By the time of the monitoring mission, school had only three teachers — director, primary school teacher and informatics teacher. Young teachers are not willing to work in Vulcănești school due to various reasons, mainly because of low salaries (approx. 150 Euro per month), high requests and poor attendance of the children. As a result, school has to employ retired teachers. According to the director, these teachers are experienced, but because of the advanced age they cannot face the needs of school program and children. The whole process of learning is affected and the quality of education decreases.

School dropping in Vulcănești is worrying. School director explained that there are many reasons for drop out, the main one remains to be migration of Roma families. In some cases, parents leave older children with the younger ones, while they migrate for seasonal work. In other cases, parents use to keep children at home for helping them with work, childcare and other home activities. School administration is struggling to document all the cases of drop out and present the information to local authorities in order to find a solution for the problem. Still, it seems that the school administration itself does not have a practice of addressing the issue of drop out and needs urgent involvement from local authorities and the Ministry of Education.

According to a grade-based disaggregated analysis³⁴, during the 2013-2014 school year, no less than 30 Roma children have abandoned the undergraduate institution. As the monitoring mission revealed, in 2016-2017 school year, this number tends to grow.

34 Roma children and their access to services, Participatory Assessment of Barriers, UNICEF Moldova and DACIA Youth Resource Centre, 2015, p.19-20

Otaci high school “Mihai Eminescu” had a practice of segregated classes by 2013. With common actions of Ministry of Education, NGO’s and UN Office of the High Commissioner for Human Rights, a desegregation process was initiated.³⁵ Due to the taken measures: desegregation of Roma classes and formation of mixed classes, the quality of education for Roma children improved slightly. According to school administration, Roma parents are happy that their children won’t go in segregated classes and their willingness to enroll children in school has increased. Despite reported successes, segregation in various forms still persists. For example, Roma parents complain that their children are completely isolated in the classes and do not interact with classmates. They argue that they have no common interests or views, or that they dislike each other. It is seldom that the students cooperate and are friends outside of school. It results in segregation of the Roma.

Despite all the efforts, according to school administration, Roma children do not succeed in following the study curricula and have lower performances because of high level of seasonal migration. In the migration countries, children most of the time do not go to a school, even though they should. When returning in Otaci, parents are obliged to present a certificate that would prove school attendance of the children for the period of absence. Most of the parents do not comply with this obligation and school administration has to accept children without this certificate, otherwise they won’t receive education at all and will drop out.

According to official numbers, during the 2014-2015 academic year, from September to December, 20 Roma students dropped out of the school.³⁶

Another problem, reported in Otaci, Soroca and Vulcănești is the poor knowledge of the Romanian language by Roma children, which is the main language in the education system in the Republic of Moldova. The monitoring mission revealed that most Roma children have a very low level of Romanian, many of them speak Russian and Romani, including at school and do not understand at all the official language. According to school administrations, children are not even interested or willing to learn Romanian.

The situation is better in schools where teachers try to partially use Russian or Romani, as in Otaci for example. In Vulcănești, teachers are trying to use Romani language in the learning process and they even plan to translate some of the didactic materials. Still, none of these approaches represent an efficient solution, as the quality of education is lower, and children are keen to remain unintegrated in society.

35 Study On The Situation of Romani Women And Girls In The Republic Of Moldova, UN Women, UNDP, OHCHR 2014, p.3.4

36 Ibid. p.16

LACK OF ACCESS TO QUALITY EDUCATION (TAJIKISTAN)

Jughi (also Lyuli or Central Asian Gypsies/Roma, with the autonym Mughat) live in many parts of Tajikistan, sometimes in densely populated settlements and sometimes among the ethnic majority. The lack of access to quality education is still a serious problem for Jughi children. Typically, there is an elementary school near Jughi communities that is attended exclusively by Jughi children, however, as we observed firsthand, not all children get even an elementary education (including due to a lack of documents). Almost all of the school-age girls and young women we surveyed had never attended school, and the boys, at most, had attended only elementary school.

Instead of taking steps to integrate Jughi children with other children in secondary schools, in some settlements the authorities transform existing segregated elementary schools into secondary schools. For example, in one such places, fifth and sixth grades were added in an exclusively Jughi elementary school that had only gone through fourth grade. There are plans to gradually keep adding grades until the required nine grades are reached. However, the school has only three small classrooms, and the school day is divided into two shifts.

It is extremely rare for Jughi children to attend secondary schools outside their communities. The reasons include the distance to such schools, poverty, lax monitoring of school attendance, and insufficient measures to integrate Jughi children into a new school environment. Another crucial reason is that the education they receive in segregated schools is sub-standard, so Jughi children tend to leave school en masse after the elementary grades. Even if they would have liked to continue their education they are often not supported in this by their families, who traditionally place little value on education, or by the schools or other government institutions.

When Jughi children do go to school with other children, they continue on to the upper classes. For example, in a such school in Khujand, there are several Jughi boys in the tenth and eleventh grade. However, even in these cases, Jughi — especially Jughi girls, who almost never reach the upper grades — are underrepresented.

Jughi children are the victims of harmful traditional practices: exploitation (they are drawn into begging and work inside and outside the home, including collecting scrap metal and dried bread, and scavenging through refuse), early marriages, and polygamy.

Experts from ADC Memorial saw clear evidence that polygamy exists in Jughi communities; furthermore, according to our sources, a religious marriage ceremony is performed with all wives. The wives in polygamous families do not understand the legal aspects of their situation, the consequences of a possible divorce, or the difficulties of registering children. For example, one of our respondents, a first wife, was certain that both her marriage and that of her husband's second wife were

registered with ZAGS (the civil registry office). The situation of second and third wives in a polygamous family is deplorable: we determined that in one such family, the second wife never left the home and was a virtual prisoner to her domestic duties. In another family, when the second wife, a minor, had to leave the house (to go to the store or for water), she covered her face completely and did not speak with anyone.

Tajikistan's current Criminal Code (1998) is rather severe in regard to the unlawful behaviors described above and contains articles penalizing "obstructing the completion of a basic, required, general (nine-grade) education" (Article 164), "the involvement of a minor in anti-social actions," including begging, vagrancy, and prostitution (Article 166), "the marrying off of a girl who has not attained marriageable age" (Article 168), "marrying an individual who has not attained marriageable age" (Article 169), "bigamy or polygamy" (Article 170), and "failure to fulfill obligations entailed in the upbringing of a minor" (Article 174). These articles provide for penalties in the form of fines, correctional labor, and restrictions on liberty, but they are almost never enforced in regard to Jughī. In one sense, it is convenient for the government to view these practices as part of a "national tradition" that should not be interfered with. Furthermore, depriving girls of their right to an education, forcing them into early marriages, and polygamy are widespread throughout Tajikistan, especially in rural areas. Public opinion does not view these practices as crimes against children.

LOW LEVEL OF EDUCATION (KYRGYZSTAN)

Failure to receive a high-quality education remains an acute problem for Mugat children in Kyrgyzstan. In the South of the country, there is a big Mugat settlement (outskirt of Osh City). Only Mugat children attend School No. 105, which is located directly in the settlement, so there is no integration with children from other ethnic groups. Mugat people speak a dialect of Tajik, but classes are taught in Kyrgyz (in Uzbek until 2010), which presents a great difficulty for children. School No. 105, which is meant to hold approximately 150 students, cannot physically accommodate all the children in need of an education: now over 500 children in grades 1 to 5 attend the school in four shifts, but even this does not apparently encompass all school-age children. After 5th grade, children transfer to a school in a neighboring settlement, but the number of students drops. For example, in 2016 only 56 children had completed nine grades. Even fewer complete all 11 grades, while very few go on to university. Furthermore, the school is poorly equipped: it does not have a computer room, gym, or cafeteria. The classrooms are very small and are meant to hold 15 to 16 children, while there are generally 25 students in a class. The school also has a problem supplying textbooks.

According to police officers, Mugat children of various ages who end up in juvenile centers do not speak Kyrgyz or Uzbek. Aside from complicating communication with police inspectors, this also shows that these children are not enrolled in school. Meanwhile, there is no system-wide cooperation between agencies that are supposed to be working on protecting the rights of children, including the right to education:

“The juvenile centers have sent several letters to the district administration, the administration for place of residence, and the Children’s Education and Protection Department, but not everyone responds. Many children do not attend school because of their financial situation. Officials from the district department should be working on reissuing documents, enrolling children in school, and providing half-orphans with social assistance. None of this is being done.” (Police officer, Osh).

Mugat children arrested for begging are placed in juvenile adaptation and rehabilitation centers, where they can be picked up by their parents or legal representatives. However, it is difficult to do this without documents, so parents have to request certificates confirming their identities from the local administration. Police officials in Osh estimate that no more than 50 percent of Mugat children and adults have documents (interview, November 2018), but state agencies do not have any specific data.

SECOND: DISCRIMINATION IN EMPLOYMENT

ETHNICITY AS A REASON TO DENY EMPLOYMENT (BELARUS)

In spite of the government's official adherence to the principle of non-discrimination, which is enshrined in both the RB Constitution³⁷ and the RB Labor Code,³⁸ employers in both the private and public sectors continue to deny Roma people employment. During field missions in Vitebsk and Homel oblasts in the fall of 2017, most Roma people interviewed complained of facing discrimination in their job searches. Employers rarely speak directly about nationality as a reason for denying employment, but it follows from the overall context of their statements and behaviors that they dislike Roma people or do not trust them, since they believe that Roma people are unreliable workers and fear that society will condemn them if they hire Roma people. Several stories collected during the monitoring mission serve as an example of this attitude:

Zhanna Ya.:

*"I have been listed with an employment agency for three years now. The only job that I have been offered over this entire time is work as a cleaning lady for 180 rubles. I decided to look for work on my own. To do this, you have to get an independent job search card. Since February, I have been rejected three times using this card, even though there was an advertisement for workers. The last place where I was rejected was the store Belvest. I called them in the evening and they invited me to come the next morning. But when the people in the HR department saw that I'm a Roma, their eyes bulged, they started whispering among themselves, and they said that they didn't need anyone, that the spot was already taken."*³⁹

37 Article 22 of the RB Constitution, <http://pravo.by/pravovaya-informatsiya/normativnye-dokumenty/konstitutsiya-respubliki-belarus/>

38 Article 14, Ban on Discrimination in the Sphere of Labor Relations, <http://трудовай-кодекс.бел/statya-14>

39 Interview with Zhanna Ya. Sebyakhi Settlement, Vitebsk. Fall 2017.

Leonid A.:

*"People are being laid off everywhere in our district. Non-Roma have some chance of getting a job, but where can we Roma find work? Only in the field during the summer, only if you have your own horse. I've tried to find a job everywhere, but everywhere they are more likely to hire a non-Roma than a Roma. I most recently tried to find a job as an unskilled worker at an agricultural settlement, because some guys told me that they needed workers. But when I went there, the foreman rejected me. He told me that there were no openings."*⁴⁰

Rusalina, M.:

*"I was listed with an employment agency for a year, but they couldn't help me with anything. Now I'm looking for work on my own, through the want ads. I still haven't been able to find anything. Many places reject me because I'm a Roma. Last week, I went to find out about a job as a cleaner at the Parking Mall. On the phone, they told me to come to the office. But when you're speaking to them on the phone, they can't tell if you're non-Roma or Roma. So, I went there. They asked me 'Are you a Roma?' I said that I am. Then they didn't even want to speak to me anymore. They just said that they had no vacancies."*⁴¹

Unfortunately, it is extremely difficult to prevent displays of this kind of discrimination or evaluate its quantitative indicators, since Roma people are afraid to file complaints or simply do not believe that someone will want to help them.

The inability to find work forces Roma people to seek out alternative sources of income. For example, many are forced to collect recyclables (metals, plastics, paper, glass), work seasonal jobs in the fields, or travel to Russia as migrant workers. A scant few own small businesses, but they do not have licenses, which could lead to high fines.

Zinaida A.:

*"Two years ago, we were all able to trade at the market. Some people sold vegetables from their backyard gardens. Some people sold items. We were able to sell something, and that was enough for bread, for food products for the children. Now we're driven out and fined anywhere from five to 50 basic wages (from 115 to 1,150 rubles) for selling without a license. And we still have to pay for the stand. I'm terrified of being caught, but how can I survive if I can't even get hired as a cleaner or a janitor?"*⁴²

40 Interview with Leonid A. Chernoruch'e Village, Vitebsk Oblast. Fall 2017.

41 Interview with Rusalina M. Homel. Fall 2017.

42 Interview with Zinaida A. Sebyakhi Settlement, Vitebsk. Fall 2017.

These kinds of jobs offer no security and cannot fully provide for the necessities of life; there is also the threat of problems with the law. One of the goals of Decree of the RB President No. 3 "On Preventing Social Parasitism,"⁴³ which has been in effect since 2015, is to weed out able-bodied citizens who have evaded financing state expenses by introducing a so-called "tax on social parasitism." According to this decree, able-bodied citizens who have been officially unemployed for 183 calendar days and foreign citizens and stateless persons who have obtained permission to reside permanently in the Republic of Belarus must pay a fee to finance state expenses. Paragraph 5 of Decree No. 3 defines categories of citizens who are not employed under a labor agreement but who are performing work under civil law contracts, are engaged in entrepreneurial trade activities, or maintain their own garden plots.

Most Roma people, however, do not fall into any of these categories and, accordingly, belong to the group of people covered by the Decree. Considering their already miserable situation, the Decree essentially puts the majority of Belarus' Roma population under the threat of persecution by law enforcement agencies.

Yanosh M.:

"I'm a roofer and façade builder by profession, but I can't find any work now, especially because I'm Roma. I scrape by with odd jobs, illegally. I mainly take jobs in the private sector. Naturally, no one signs agreements with me. We just agree on the price and that's it. I don't make enough money from this work, of course. About three years ago, I used to make \$400 - \$600, but now I'm happy if I make \$120 a month. And what? How am I going to pay that tax? My wife is unemployed, but she is listed with an employment agency. She receives 4 basic wages, i.e. 92 rubles. Can a person really live on that? How are we going to feed our children and my elderly mother?"⁴⁴

Alexander D.:

"There are no jobs, we are not hired. You can't even get a job as a porter. It's a little easier for people who have farm animals. I have a horse, and I use her to help me collect iron, paper, and film. During the harvest season, I make a little extra money working in people's fields. I plow 1,000 square meters for some people, 2,000 for others. People know me here, so we just agree on a price and I work."⁴⁵

43 Text of the decree: <http://president.gov.by/uploads/documents/3decree.pdf>

44 Interview with Yanosh M. Sebyakhi Settlement, Vitebsk. Fall 2017.

45 Interview with Alexander D. Bolshevik Settlement, Homel. Fall 2017.

Before the Decree was amended in early 2017, the size of the fee was 20 basic units,⁴⁶ which is equivalent to 460 rubles (220 euros). This amount exceeds the size of most Roma's monthly earnings, which not only makes it difficult to pay, but also exposes them to the risk of checks by the tax inspectorate and the initiation of court proceedings, which could end with large fines or arrest.

Also, in order to find out how much officially unemployed citizens earn, law enforcement agencies, citing norms of tax law,⁴⁷ require them to submit information on where they get the money to pay their taxes. There have been cases where Roma who paid their taxes on time and in good faith received summonses from the tax inspectorate, where they were asked to present information about their sources of income. Some were not able to confirm their incomes, since they had borrowed money, collected recyclable items, or worked as migrant workers without any labor agreements. These people were required to submit additional information, explanations, and documents confirming their incomes within 10 business days. Failure to present this information would result in the initiation of criminal cases for concealment of income or tax evasion.

Lidia F.:

*"Last winter, my son received a notification that he had to pay 450 rubles for that tax on social parasitism. He's unemployed. He earns something where he can. Where is he going to get that amount from? Well, we collected it from relatives, and he paid it. Later, people came to him from the tax inspectorate and the police. They started asking him to explain how he got this money if he's unemployed. He said he borrowed it. Then they wanted him to name the people he borrowed from. They promised to check them. Then Batka [Lukashenka — Trans.] froze this law for a year. They haven't come back yet, but we don't know what we'll do if this law goes back into effect."*⁴⁸

For those Roma who cannot pay the tax through self-employment, the only way to legalize their earnings and avoid receiving notifications from tax authorities is by registering at a state employment center. Interviews in dense Roma settlements in Vitebsk and Homel oblasts show that due to the inability to find work legally and the fear of falling under the effect of the Decree, the majority of Roma must register with an employment agency to

46 Amount of a basic unit in Belarus: https://belarusbank.by/ru/press/spravochno/bazovaya_velichina

47 Paragraph 3 of Article 70 of the RB Tax Code gives tax inspectors the right to demand documents and additional information from taxpayers and obtain clarifications on the calculation and payment of taxes and fees (payments).

48 Interview with Lidia F. Vitebsk. Fall 2017.

have the official status of unemployed, even though they know that they will not be able to find work through this agency. A person can be listed with an employment agency without interruption over the course of six months, after which they must file another application to be listed if they have still not been able to find work.

“A private employer won’t sign an agreement with you, and if a state company hires you, they won’t pay you more than \$100 maximum. And you can’t live on this. So must Roma do this: they work where they can, but they are also registered with an employment agency. The agency won’t find you a job, and even if they do, you won’t be hired because you’re a Roma. But they do pay unemployment up to four basic units. First you have to submit a document about your earnings over the past year, and then they calculate what you get in benefits based on that. Naturally, you won’t survive on this, but you can stop worrying that the tax authorities will come, at least for a little while.”⁴⁹

In February 2017, a wave of protest actions against Decree No. 3 (on parasitism) swept through Belarus. Under pressure from public opinion, protests by citizens, and demands to revoke the decree (including from numerous human rights organizations like FIDH and the Viasna Human Rights Centre), the Decree’s effect was suspended until the end of 2017 in order to amend it and change how fees are paid. However, the Decree was not revoked, which means that able-bodied citizens will continue to be stimulated to work by coercion (according to provisions of the Decree) and not by higher salaries, benefits, or guarantees for workers,⁵⁰ including members of vulnerable groups. All this goes to say that the government of Belarus has no actual plans to enforce the norms of either its domestic legislation, which bans forced labor⁵¹ and establish that work is the right, and not the obligation, of citizens, or of ILO Convention No. 105 “On the Abolition of Forced Labor”⁵²

49 Interview with Yanosh M. Sebyakhi Settlement, Vitebsk. Fall 2017.

50 For example, Article 41 of the RB Constitution guarantees that people who are unemployed due to circumstances beyond their control may receive training in new specializations and raise their qualifications with account for the needs of society, as well as unemployment benefits in accordance with the law.

51 Article 41 of the RB Constitution reads that “Forced labor shall be banned, with the exception of work or services appointed by a court verdict or in accordance with the law on states of emergency and martial law.

52 ILO Convention No. 105 “On the Abolition of Forced Labor”: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C105

and No. 29 “Concerning Forced or Compulsory Labor,”⁵³ pursuant to which forced labor is defined as any work or service demanded from a person under threat of punishment for which the person did not offer his or her services voluntarily. There are currently many rumors about amendments that will be made to the new version of the Decree and their consequences, but, apparently, Roma and other vulnerable groups that frequently are not able to get even the lowest paying jobs, will remain in an extremely vulnerable and desperate situation, since they will not be able to meet the Decree’s demands due to discrimination by employers.

HIGH LEVEL OF UNEMPLOYMENT AMONG ROMA (MOLDOVA)

The majority of working age Roma in Central and South-Eastern Europe as well as in Republic of Moldova do not have a job and many have been out of work for a considerable length of time. Special Rapporteur on extreme poverty and human rights, Ms. Magdalena Sepúlveda Carmona, in her mission to Moldova concluded that Roma people, especially women, are unable to take up a job.⁵⁴

Recent studies indicate that Roma of working age are more likely to be unemployed than non-Roma. Although the 2011-2015 Action Plan sought to increase the employment rate among Roma, the National Employment Agency found that, as of 2015, of 1,100 Roma registered with the employment agencies, only 70 people were employed.⁵⁵ The employment rate for Roma was 21% of the employable population, compared with 46% of the non-Roma population.⁵⁶ In 2013, the ECRI found that difficulties in finding regular employment meant that many Roma are forced either to accept jobs without signing a labor contract, to open their own businesses or to seek employment abroad.⁵⁷

53 ILO Convention No. 29 Concerning Forced or Compulsory Labor: http://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C029

54 Human Rights Council, Report of the Special Rapporteur on Extreme Poverty and Human Rights, Magdalena Sepúlveda Carmona, Addendum, UN Doc. A/HRC/26/28/Add.2, 2014, Para. 53

55 National Employment Agency, Activity Report for 2015, 2016, p. 16

56 United Nations in Moldova, Roma in the Republic of Moldova: In Communities Inhabited Mainly by Roma, 2013, p. 36

57 ECRI Report on the Republic of Moldova, Fourth monitoring cycle, 2013, p.127

Roma are disproportionately likely to be employed as unskilled or informal workers; a study conducted in 2012 found that 60% of Roma employees were working as laborers and only 5% were employed as skilled workers. As a result of the low level of employment and the basic nature of work for which many Roma are employed, the average monthly income of a Roma family is about 1,000 lei (approximately 45 Euro), 40% less than the average income of 1,597 lei (approximately 70 Euro) of a non-Roma household.⁵⁸

The case of Zapescu Grigore — the first case of discrimination on the basis of race or ethnicity in employment to be considered by the Moldovan courts, which is currently awaiting consideration by the Committee on the Elimination of Racial Discrimination — exemplifies the discrimination faced by Roma when seeking employment.

Case study: Zapescu Grigore

Zapescu Grigore is a young Roma man who, in 2012 applied for a job as a waiter at a chain of pizza restaurants, Andy's Pizza, in response to a job announcement placed on the company's web page. The announcement did not include any requirements related to specific abilities or previous relevant experience. After a phone conversation with the company, he was invited to a job interview.

On 12 November 2012 he attended the interview, where he was asked to complete a form and had a short conversation with the human resources manager. Mr Grigore noted the reserved attitude towards him and considered this was on the basis of his ethnicity. He was told that a decision would be made by the end of the week and that if he were successful that someone would contact him. The restaurant did not contact him, however, he later learned that another young man, an ethnic Moldovan, who was interviewed immediately after him, was offered the job at the interview.

On February 6, 2013, Mr Grigore initiated a lawsuit against the restaurant alleging discrimination in employment on the grounds of ethnicity. The Central Court in Chişinău dismissed his complaint on 27 June 2014 and the Court of Appeal Chişinău dismissed the case on 22 January 2015. Mr Grigore appealed both decisions at the Supreme Court of Justice. On 16 September 2015, the Supreme Court of Justice declared his appeal inadmissible on the grounds that previous Courts had examined the cases and issued their decision in compliance with legal procedure.

On 4 April 2016, the case was submitted to the Committee on the Elimination of Racial Discrimination and was communicated to the Government in October

⁵⁸ Interethnic Relations Bureau of Moldova, Population Census, 2004, p.37

2016. The lawyer who represented Mr Grigore in the domestic proceedings alleges that the courts failed to reverse the burden of proof as required by the Law on Ensuring Equality, instead requiring Mr Grigore to bring evidence to prove the discrimination he experienced.

Interviews with Roma conducted by Promo-LEX found evidence of direct discrimination for those seeking employment. While the Law on Ensuring Equality has been in force since 2013, these interviewees provided evidence of blatant, overt discrimination by potential employers. For example, Liudmila Raiu, told about her experience seeking employment through the National Employment Agency:

Two months ago, I registered with the National Employment Agency, so I could get a job and somehow feed my children. The Agency sent me to one company which did sewing and tailoring, but there was no interview and the boss of the company said as soon as he saw me that they did not take Roma to work there. This happens very often to Roma. We are told to our faces that “We don’t give jobs to Roma”. The companies take others — Moldovans, Russians — but not Roma. This is very hard for us. How should we raise our children? Become burglars? Or what? It feels very bad to be rejected so often — it is offensive.⁵⁹

The main reason for frequent violations of the Roma rights is the lack of efficient mechanisms and commitment, to implement existing policies and international obligations that Moldova undertook to perform.

⁵⁹ Interview with Liudmila Raiu, 20 August 2015, Hîncești, Hîncești region, held within the project “Empowering civil society in Moldova and Transnistria to combat discrimination through documentation, litigation and advocacy”, implemented by the Equal Rights Trust and the Promo-LEX Association

THIRD: SOCIAL PROBLEMS AND MARGINALIZATION ARISING AS A RESULT OF MULTIPLE DISCRIMINATION

FROM UNEMPLOYMENT TO LOOSING PARENTAL RIGHTS (BELARUS)

Along with economic problems and the danger of being prosecuted for criminal liability for parasitism, employment discrimination against Roma people gives rise to an entire range of social problems. Roma interviewed during the monitoring noted that since their members are unable to find even low-paying jobs, they are frequently denied targeted social assistance and do not have enough funds to pay their utility bills on time, which means that their gas and electricity are turned off for failure to pay. Also, they do not have enough funds to provide for even the minimal needs of their adult family members, let alone their children, which, under Belarusian law, could serve as grounds for depriving Belarusian parents of their parental rights.

Unfounded Removal of Children from Roma Families

Presidential Decree No. 18 of 24 November 2006 "On Additional Measures for the State Protection of Children in Troubled Homes"⁶⁰ has been in effect since 2007. According to this Decree, a family can be classified as troubled and the children in it at risk under certain circumstances. If the Decree's initial goal was to prevent child abandonment, the measures that it proposes mean that prevention and social

⁶⁰ The Decree #18 "On Additional Measures for the State Protection of Children in Troubled Homes"
http://www.oijj.org/sites/default/files/documental_10046_ru.pdf

assistance to families have been replaced with strict state control over poor families. For example, the Decree introduces a procedure for quickly removing children from troubled families without a court decision and stipulates the prosecution of parents, who are later obligated to compensate for the state's expenses related to keeping their children in an orphanage. This norm contradicts Article 32 of the Constitution of the Republic of Belarus, which reads that "children may only be separated from their families against the will of their parents and other persons in their place on the grounds of a court decision, if the parents or persons replacing them do not fulfil their obligations."

*As one teacher explained: "Decree No. 18 was adopted in 2007, but it only started being applied about two years ago. Schools started receiving stacks of papers from district social services departments about how we had to go around to students' homes and check if they had smoke detectors, if there was enough food in the refrigerator, how many animals were in the house, and the overall living conditions of the child. If an apartment needs repairs, or if there are no dairy products or fruits in the refrigerator, or if a family hasn't paid its utility bills for a long time, then we have to notify child welfare of this. Then a commission is formed to look at the child's living conditions and determine if his or her rights are being violated. Then it makes a decision on what to do next. Some people are issued a warning and told to improve conditions within a certain timeframe. With other families, the children are removed right away. We haven't had any cases involving Roma yet, but they are naturally at risk."*⁶¹

According to the decree, children are mainly removed from their homes when their families are troubled. "Troubled" implies an immoral way of life, chronic alcoholism or drug use, and improper fulfilment of obligations to raise and support children. This creates the danger that decisions to remove a child from his or her home are mainly based on subjective notions about morals and morality. Considering their social and economic situations, many Roma families are clearly in the risk zone and, pursuant to this Decree, may be deprived of their parental rights and left without a means of subsistence.

Tatyana A.: "I don't have a husband. I have five children. They can take care of themselves, but I'm afraid to leave the house for long. I can't even go to work because people from the Ministry of Education and the Department of Child Services may come to see if I'm home, check what I have in the refrigerator, if there's water. If they find the children here alone, I can be deprived of my maternal rights. In September, when they came the last time, they gave me a month to make repairs in the house or

61 From an interview with a teacher at a school in Homel.

*they would take me to court to deprive me of my parental rights. But how am I going to pay for these repairs? We live on benefits, and I'm still trying to figure out how to feed and clothe them."*⁶²

*Ivan V.: "We are very poor. I'm the only one who works, because my wife takes care of the children. We have three of them. I'm unemployed right now, and we're living on our children's benefits. The last time I tried to find work was a week ago, when I applied for a job as a porter at a warehouse in Rechytsa, but I wasn't hired. I don't know why, probably because I look suspicious. Roma are rarely hired. That's why we're always driven out. Child Welfare Services is always bothering us because we are poor. They usually come with the police. They may come once a month or more. They threaten to take away our children because we don't have money to support them and our house is falling apart. The children are terrified. For them the word "commission" is already something frightening. As soon as a car stops by the house, they start crying, they hide in the closet or under the bed. We asked for help with housing subsidies, but with no luck. We haven't asked for anything from anyone else, because they will definitely take our children if we complain."*⁶³

Decree No. 18 was adopted to prevent child abandonment, and its norms are ostensibly aimed at protecting a child's safety, but a conclusion on a child's situation is adopted regardless of the parents' opinion, even if they are not directly involved in the family's social and economic troubles. The very fact that parents are in a difficult situation may become a ground for removing a child from its family. After the child is removed, the family will remain in the same situation, even though state agencies in Belarus have the authority to provide poor families with targeted social assistance, social services, housing subsidies, etc. Instead, however, the family must resolve things on its own, which means that its material situation will only worsen. For Roma families where parents (and other adult family members) cannot find work because of the biased attitude of employers and their low level of education, the risk that children will be removed by social services is especially high. Thus, the problem of finding work, which gives rise to unemployment and poverty, also becomes a systematic problem for the entire family: if parents are unable to meet the requirements imposed on them by child welfare services, they face the threat of losing their children.

⁶² Interview with Tatyana A. Pribor Settlement, Homel. Fall 2017.

⁶³ Interview with Ivan V. Pribor Settlement, Homel. Fall 2017.

Poverty and Vulnerability —

Causes of the Criminalization of Belarus' Roma Population

Extreme poverty is one of the components of the vicious cycle Roma people are caught in as a result of structural discrimination. A low level of education, the absence of vital social support measures, and the inability to find even low-paying jobs push some people to commit crimes.

Interviews conducted in dense Roma settlements in Vitebsk and Homel oblasts have shown that in most families at least one person, and frequently several, have been criminally prosecuted in the past or are confined in detention facilities (prisons, colonies, and so forth). In most cases, these people have had little education and little or no income prior to their arrests.

*According to a resident of Vitebsk, "many, many Roma are in jail: some for drugs, some for theft. And they live like this their whole lives because there's nothing else to do. Half of our settlement has spent time in prison. Some were given 10 years, some 15. So people sold drugs here. You can see that the houses are modest; they're not palaces. People stoop to this not because they don't want to work, but because there's no other way to survive. Imagine: people work at a factory for 10 years, they're laid off, and the factory is closed. They go to an employment agency. They're given an assignment, but then they're told that no one is needed. I've been looking for work like this for a year and a half. At first, I was listed there, but then I left because it was useless."*⁶⁴

Sometimes Roma are given harsh sentences for crimes that are not very serious.

*"My son was imprisoned for stealing a wallet when he was 18. We're destitute, we live on my pension alone, and he wanted us to have at least something in our house. So he decided to steal. He was given two years. At first, they wanted to give the maximum three years. We were lucky, because they usually come down very hard on Roma, so hard that the family doesn't know where to get the money from to help. Like everyone else here, he was unemployed. There was nothing to eat. Now his wife and two children have no idea what to do."*⁶⁵

Roma are sometimes prosecuted multiple times for the same violations, which are the result of extreme poverty and the inability to solve financial problems on their own. For example, one of the people interviewed — a well-educated, di-

64 Interview with Viktor S. Sebyakhi Settlement, Vitebsk. Fall 2017.

65 Interview with Zinaida A. Sebyakhi Settlement, Vitebsk. Fall 2017.

vorced, unemployed father of a minor daughter — was sentenced to deprivation of freedom three times for failure to pay child support, even though he did not have enough money to pay because of his problems finding work. In this case, repeated punishment for “malicious evasion of child support payments” (in Belarus, failure to pay child support is punishable by years of imprisonment) resulted in this person’s total inability to find work both because of his nationality and because of his three convictions.

According to relatives of convicted persons, Roma people in prisons and colonies are frequently subjected to groundless violence by their jailers. For example, there is evidence of the practice of beating Roma people at Pretrial Detention Center No. 2 in Vitebsk. Reports that Roma prisoners were treated harshly at one of the correctional colonies in Mogilev have been documented:

“Roma at the Mogilev Detention Center are regularly beaten, degraded, and prevented from meeting with relatives. People try to escape from there, they cut their wrists after only a few days.”⁶⁶

Belarus is the last European country to carry out executions, and people are executed in accordance with a court decision. Over the last decade, two Roma people have been sentenced to death and executed in the country.⁶⁷ Staff members at the Viasna Human Rights Centre, which has been running the Human Rights Defenders Against the Death Penalty in Belarus campaign since 2009, have noted that both cases demonstrated the overall level of xenophobia in the Belarusian justice system and the fact that Roma defendants are generally presumed guilty.⁶⁸ One Roma man sentenced to death in 2009 maintained his innocence both during the investigation and in court. However, as an illiterate person, he could not properly represent himself during these legal actions. According to the UN Human Rights Council, where this convicted person filed an individual complaint, the court did not provide an ob-

66 Interview with Ruslan M. Sebyakhi Settlement, Vitebsk. Fall 2017.

67 During the period of 2004-2017 rr., at least 25 people were executed in Belarus; the data on the death sentences and executions in 1990 — October 2016 were published in the report of the Human Rights Center Viasna and FIDH “Death Penalty in Belarus: Murder on (Un)lawful Grounds” (2016_, page 10: <https://www.fidh.org/IMG/pdf/belarus683ang-bassdef.pdf>; the data for 2016-2017 see in the press-release of the HRC Viasna and FIDH «Death Penalty in Belarus: Secret Executions Continue in the Middle of Europe» <https://www.fidh.org/en/region/europe-central-asia/belarus/death-penalty-in-belarus-secret-executions-continue-in-the-middle-of>

68 Presentation in the framework of the Human Rights Defenders Against the Death Penalty in Belarus campaign of the Viasna Human Rights Center, <http://spring96.org/en/news/85088> (in English).

jective or impartial assessment of his guilt.⁶⁹ The second case, which ended with the death sentence in 2013⁷⁰ was widely reported on in the Belarusian media using the language of hate speech and had the effect of setting public opinion against both the specific individual and the entire Roma minority.

EVICTIONS, VIOLENCE, INJUSTICE (RUSSIA)

Deprivation of parental rights

The failure to resolve the problem of the Roma population's extreme poverty paired with open xenophobia and racism exhibited by government authorities has led to attempts to remove Roma children from their families and place them in orphanages. Documents confirm that in December 2016, Alexander Tygin, head of the administration of Zelenodolsk (Tatarstan) instructed the child welfare department to remove Roma children from families that owed money on their electric bills.⁷¹ Such attempts were made in relation to Roma families beginning in early 2016 and took place against the backdrop of police persecution of Roma women: these women were subjected to groundless arrests and document checks, in the course of which police officers copied the personal information of their children out of their passports. ADC Memorial knows of approximately 15 lawsuits regarding deprivation of the parental rights of Roma parents in the dense settlements of Aysha and Nizhniye Vyazovye. For example, teachers at a local school in Aysha complained that V., a mother of students at the school, sent her children to school unprepared for classes and looking disheveled. Then, after checks initiated by the administration, the parents were accused of failing to observe fire safety rules and sanitary norms. Later, during their trials, the Roma were accused of failing to make utility payments. Attempts to deprive them of their parental rights were made on this ground.

69 For more on this case, see the report of the HRC Viasna and FIDH, page 57, and the HRC Viasna's website: <http://spring96.org/en/news/85088>

70 For more on this case, see the HRC Viasna's website: <http://spring96.org/en/news/65230>

71 Broadsheet newspaper Vecherniaia Kazan of 12 January 2017, article by N. Vasil'eva "V Tatarstane iz semei dolzhnikov za 'kommunalku' izymaiut detei" [In Tatarstan, children are removed from families for utility debts]. <http://www.evening-kazan.ru/articles/v-tatars-tane-iz-semey-dolzhnikov-za-kommunalku-izymayut-detey.html>

The claimants lost all these cases because they failed to prove these circumstances: the court indicated that utilities arrears and circumstances such as “the absence of a protective iron screen around the stove” could not serve as grounds for the deprivation of parental rights. Representatives of the child welfare agency attempted to appeal these decisions with higher courts, but their appeals were not granted.

Demolition of houses in dense Roma settlements, the eviction of residents, and deprivation of access to resources

In recent years, the RF has adopted individual laws establishing a special, streamlined procedure for confiscating land to realize large-scale projects like the Olympic Games in Sochi, the construction of the so-called New Moscow, and so forth. Now, similar amendments have been made to the Land Code, so they apply to all participants in land relations. A new amendment appeared in the RF Land Code on 1 April 2015 stating that federal, regional, and local authorities could adopt a decision to confiscate land not just as their own initiative (which was the case before the amendment), but also at the petition of natural monopolies, subsoil users, and other organizations. Experts believe that this innovation might lead to a shift in the balance of interests from citizens to large companies, which would become the owners of land plots, and impinge on the interests of titleholders.⁷²

In 2017, the Federal Guards Service⁷³ and the Federal Security Service⁷⁴ were given the right to confiscate land and the property on it for state needs in accordance with presidential orders. In these conditions, even houses that have been fully legalized are frequently demolished under the pretense of building sports facilities or roads, or for similar “state needs.” In some cases, victims may receive compensa-

72 “Izdatie zemel: novyi poryadok — novye problemy?” [Land confiscation: do new procedures mean new problems?] 28 April 2015. <http://www.garant.ru/article/621824/#ixzz4o1jOgu1p>

73 Provision on the RF Federal Guards Service, amendments of 29 March 2017, <http://ivo.garant.ru/#/document/187291/>

74 Provision on the RF Federal Security Service, additions of 16 May 2017, <http://base.garant.ru/12132066/#ixzz4o1fbp7az>

tion⁷⁵ when violations by construction companies are investigated and criminal cases are opened, but in the case of demolitions in Roma settlements, the newly-homeless residents do not have the opportunity to defend their rights.

Most of the Roma population in the RF lives in dense settlements, which sprung up across the country in 1956, when a special law banning the nomadic way of life was adopted. In the years since, existing dense Roma settlements have burgeoned, and new ones have appeared. However, the absolute majority of dwellings do not meet basic household standards, and the houses and land on which these houses are located are not properly registered under current law. Residents of dense settlements have found themselves in a situation of structural discrimination, when one problem leads to another: it is not possible to bring water, electricity, and gas lines into an unregistered house, it is difficult for residents of such a house to apply for registration at place of residence and personal documents, it is not possible to receive mail, there is no access to social payments and medical assistance without a registration at place of residence, and children have trouble enrolling at school, which, in turn, leads to low levels of education, unemployment, and even greater poverty.

Rather than finding a comprehensive solution to this historical problem, the Russian government has taken repressive measures against residents of dense Roma settlements, who are not able to lay water, gas, and electricity lines into their unregistered houses or pay for utilities. Providers shut off gas, water, and electricity supplies into the settlements, frequently during the cold times of the year, which results in fires, since residents start heating their homes with fire-prone stoves. In November 2016, residents of the dense settlement of Maksim Gorky (outskirts of Volgograd) were cut off from utilities — 60 houses were cut off from water supply, and over 30 were cut off from electricity. This problem is also pertinent for the settlement of Zarechye (Lipetsk), where conflicts between Roma and utility companies have been ongoing for years, and gas lines were most recently turned off in March 2016.

Also, in March 2016, the gas supply was shut off to the settlement of Plekh-anovo in Tula Oblast and protests by residents were suppressed by police special forces. After this, 121 homes found by a court to be illegally built under a lawsuit filed by the administrations of Lenin District and Tula Oblast were demolished. Five to eight people lived in each demolished home, including children; this was their only housing.

“When they cut off the gas in the tabor in March, everyone started to panic. Women came out on the streets. People from the administration came and started talking about demolition. We asked them to help us register our houses, but they refused and said would allow the land to be

75 For example, a criminal case was opened when a private home in Krasnoyarsk (together with the residents’ property inside) was demolished, and material damages were awarded (May 2017). <https://www.kommersant.ru/doc/3351472>

registered only after they took down the homes. I was personally rejected three times. The first conflicts with the administration started in March, and by summer, by June, they started demolition. They tore down my house on Sverdlov Street on July 6. The demolition continued until August. They tore down over 120 homes during that time. It was a nightmare. Adults and children were left without a roof over their heads.”⁷⁶

According to local residents, the police officers and OMON troops, who provided armed support during the demolition, acted extremely harshly and applied force against the local population. Several video reports published in the media serve to confirm their words.

“They came early in the morning, when everyone was still sleeping, and gave residents one hour to pack. Then they threw everyone out of the house, cordoned the house off with a living wall, started up their equipment, and began the demolition. The atmosphere in the tabor was terrible on those days. The women were screaming, the children were crying. They wouldn’t even allow us to go back to the demolished houses, to take whatever was still intact. They loaded everything into dump trucks and drove away. They didn’t allow us to take anything — not planks, not bricks, nothing. They hauled it all away.”⁷⁷

The families whose homes were demolished were not given any compensation or suitable temporary housing. They all had to move in with neighbors and relatives. People who couldn’t find a place in a home just built sheds from whatever materials they could find on the spots where their old homes stood. Some people still live in these sheds.

“Fifteen people lived in our house for several months after the demolition, because they had nowhere to go. There wasn’t enough space for everyone, so some people lived right on the street and slept by a fire. Anyone who could went to relatives in other cities. At that time, they said on television that everyone whose home had been demolished had been placed in temporary housing, that our children were being given food and water. Journalists from the main national TV stations came here, filmed the houses that were still standing, and then said on television that we were all fine. But they didn’t show the crowd of hungry, homeless children who had nowhere to go from the rain.”⁷⁸

76 Interview with Z., a resident of Plekhanovo, 30 January 2017.

77 Interview with A., a resident of Plekhanovo, 30 January 2017.

78 Interview with P., a resident of Plekhanovo. 30 January 2017.

As the cold set in, people felt the absence of gas heating more strongly. Every shed built by the Roma on the spots of their demolished homes has makeshift heating stoves, but it is very hard to keep the sheds warm because of the thin walls and uninsulated cracks.

These makeshift stoves have caused several of these sheds to burn down. There was not enough material to build proper stoves, so the chimneys on some of them led out of windows instead of the roof. This meant that sparks flew right into the structures, which then caught fire. Five of these structures have burned down since October 2016, when the cold season started.

The local school also lost its gas supply at this time. According to teachers, the local administration did not consider their request to provide separate gas heating for the school building and bought several electric steam boilers instead. The substation that feeds that settlement cannot withstand the high electricity usage of these boilers, so failures happen several times a day and the entire settlement loses electricity. Thus, the installation of these boilers failed to solve the heating problem and affected the supply of electricity to the school and the entire settlement.

The demolition of homes in Plekhanovo took place under the supervision of the police special forces, who were prepared to suppress the protests at any minute. This demolition was taken by residents not just as the destruction of their only homes, but also as an act of intimidation — just as these actions were understood by residents of other dense settlements throughout the country, since the conflict in Plekhanovo was widely reported on in the media.

In July-August 2017, 5 homes were demolished in Aysha Roma settlement (Zelenodolsk District, Tatarstan), also under the supervision of the special police troops. Before, the inhabitants of Aysha and neighboring Nizhniye Vyazovye settlements were targeted by the local administration who has organized a persistent campaign of harassment against the Roma population. The city court received a claim from the local executive committee, which stated that 17 of the 20 Roma homes violated city planning laws and that the government wanted to evict the residents and demolish the buildings. One reason the administration decided on demolition was the **“regular signs of outrage from Aysha residents, who are angry that the Roma people are violating not just the laws of Russia, but also of good neighborly relations.”**⁷⁹

The Roma asked if they could buy the land next to Aysha, but their request was denied; they connect this with discrimination:

“First, they tried to take our children away from us because we supposedly weren’t able to create conditions for their lives and development, and now they want to take away our homes. Where’s the protection of

79 From the website [idelreal.org](http://www.idelreal.org) of 20 February 2017, article by V. Meshcheriakov “Za tsygan otvetil.” Available here: <http://www.idelreal.org/a/28320141.html>

the rights of the child that the child welfare department cited when they tried to deprive us of our parental rights? And why isn't this agency now protecting their rights when they will soon end up on the street?"⁸⁰

A similar problem exists at the Nizhniye Vyazovye settlement on the other side of the Volga River. In late summer 2016, representatives of the local and district administrations came to the tabor and informed the local population that they would file a claim with the court regarding four homes if the residents did not agree to dismantle these homes themselves. The Roma complied. However, in the fall, the village mayor Foat Shamsiev pronounced an ultimatum: tabor residents had until August 2017 to register their unregistered homes or the administration would file a lawsuit to have the houses demolished and their residents evicted from the tabor.

Residents of Nizhniye Vyazovye also made several attempts to obtain permission to build houses and asked for land to be allocated to them for this purpose, but the district administration never even tried to meet them halfway. Tabor residents believe that it is very possible that the administration will adopt a decision on demolition in the future.

The risk of demolition and eviction is a reality for thousands of Roma throughout the country, since the problem of legalizing already existing homes has not been resolved system wide. In October 2012, five Roma homes in the Topki settlement of Kemerovo Oblast were demolished, which meant that 35 people, including young children, were left without housing right before the onset of the Siberian winter. Another 18 homes in this settlement were under the threat of demolition. In September 2014, 22 houses were demolished in the microrayon of Chapayevsky (Perm); OMON officers arrived at the tabor after midnight, woke the residents up, and threw them out of their homes and onto the street. The demolition continued until lunchtime the following day. Tatyana Margolina, the human rights ombudsman for Perm Krai, attempted to dispute the legality of the administration's actions at the prosecutor's office, but she was not successful. The demolition of a Roma homes in Perm was reported again in 2016. This process may be continued in 2017.⁸¹

Threats to demolish Roma homes were made by members of the local administrations in Ryazan (village of Dyagilevo, 2012), Volgograd (village of Verkhnyaya Elshanka, 2012), Obninsk (Kaluga Oblast, 2014), Ekaterinburg (2014), and Irkutsk (2015). In October 2016, lawsuits to find Roma homes illegal were filed against residents of the village of Kosaya Gora (Tula Oblast) by the administration of this village; in 2017 several houses were destroyed.

80 Interview with V., a resident of the Aysha settlement.

81 Report from the news channel Ural-Inform Perm. https://www.youtube.com/watch?v=xvBIY4_uBUk

Around the same time, demolitions took place in a Roma settlement in neighboring Orel Oblast. Of the 16 homes located in the Northern District of Orel, eight were torn down between July and August 2016. They all housed large families. Part of the settlement was bought by a Belgorod construction company to build a multistory residential complex, only some victims of the demolition received compensation. Right now, four of these families are living with relatives or in rented apartments, since they do not have the ability to start the process of registering and building their own homes.

In the 2000s, a wave of demolitions of Roma settlements swept across the country, leaving thousands homeless. ADC Memorial described this problem in a special report entitled “Forced Evictions and the Right of Roma to Housing in Russia” (2008),⁸² in the update to this report, which was submitted to the CESCR (48th session, 2011),⁸³ and in reports to CERD (2014). At the time, legal work and advocacy campaigns helped to suspend the demolitions and save residents of several settlements from eviction.

However, the practice of demolishing Roma settlements has unfortunately returned in recent years, even though international institutions have found this to be a violation of human rights. On 11 October 2016, the European Court for Human Rights issued a judgement in the case “Bagdonavicius and Others v. Russia (case No. 19841/06)”⁸⁴ in favor of 33 Roma residents of the Dorozhnoye settlement in the Guryevsk district of Kaliningrad Oblast who were victims of forced eviction and demolition of their homes in 2006, finding this a violation of Article 8 (right to respect for private and family life) of the European Convention. The court noted that the Roma homes in Dorozhnoye were built during Soviet times, and that their recognition by a Russian court as being illegal buildings was based only on the fact that they lacked a current title to these houses, which was not a substantial ground for claiming that the land had been occupied illegally. National courts had not taken into account the long-term residence of Roma dwellers in these houses and the fact that the government did not give them the opportunity to legalize their construction, nor did it offer any options for resettlement. The Court ruled that Russia must pay the applicants compensation of material losses and emotional damages.

82 <http://adcmemorial.org/wp-content/uploads/Romrussie501russe2008.pdf>

83 <http://adcmemorial.org/www/publications/forced-evictions-and-the-right-to-housing-of-roma-in-russia-2011?lang=en>

84 <http://adcmemorial.org/www/12199.html?lang=en>

IMPOSED ASSIMILATION (BOSHA IN ARMENIA)

The situation of the Bosha, a group of ethnic Roma origin living in Armenia for centuries, is a clear example of how a marginalized ethnic minority has resorted to mimicry not to stand out, and how the state has not taken any proactive measures to improve their situation, raise the prestige of their culture, or raise the awareness of the majority about them. The prevailing negative attitude towards the Bosha and a lack of effort to change this attitude, have led to assimilation. Indeed, the Boshas are now considered as sub-ethnic group of the Armenians. They have lost their language, their traditional crafts (sieve making, basketry, blacksmithing) are almost forgotten, and the term “Bosha” itself has taken on such a notoriety for offensiveness that the word *magagorts* (‘sieve makers’) is preferred instead. At the same time, representatives of this minority consider themselves a separate group. Neighbors and schoolteachers recognize the Boshas visually, by surnames and as belonging to certain families, and a negative attitude towards them remains — as one source said, “it’s a shame to be a Boshas”. Among the constituent features typical for Roma-like groups the Boshas have only one: a clear contraposition to their surroundings and consequent xenophobia from the majority.

Representatives of the Boshas group remain isolated and do their best not to attract attention, fearing negative attitudes from the majority. In a bid “not to harm” the group further, even academics do not disseminate information on the Boshas’s history, ethnography and sociology.⁸⁵

As a result, the Armenian population is almost completely unsensitized to this minority and no measures have been taken to overcome stereotypes about the Boshas. They are not considered by the state as a national minority, and neither cultural nor educational programs are carried out regarding the Boshas.

Meanwhile, field research in three schools where dozens Boshas children study showed that there are problems with the preschool education of children and drop outs from schools (especially among girls) with very few Boshas students going to university.⁸⁶

85 Interview with Hamlet Petrosyan, head of the department of culturology, historical faculty, Yerevan State University. February 2017.

86 Field research, February 2017

VULNERABILITY (MUGAT (LYULI) IN KYRGYZSTAN)

A large, compact settlement of Mugat is located in southern Kyrgyzstan. These people have problems specific to all the former Soviet countries of Central Asia: low level of education, extreme poverty, unemployment, residence in unregistered homes with the constant risk of demolition and eviction, harmful traditional practices (child marriage, polygamy, exploitation of children, pan-handling), and multi-discrimination against women and girls). This minority is stigmatized and hemmed in by prejudice and experiences xenophobic treatment by the surrounding population. Publications in the media on the Mugat people contain hate speech.

The village of Jany-Maala, or Jany-Kyshtak, is located on the outskirts of Osh and is part of the administrative district of Kara-Suu District. By various assessment, from 3,500 to 6,000 Mugat live here. The settlement appeared in the suburbs of Osh in the 1940s. Positive trends in the life of this community have been observed: a large number of children attend school; Mugat teachers work at the school, and another few are being trained as teachers and plan to work there; members of the community are in the local Kenesh (local administration); the social organization Lyuli is part of the Assembly of the Peoples of Kyrgyzstan; a health center was built in the community with financing from Mugats themselves; and community residents perform seasonal work in the fields and at their own small businesses and keep livestock. At the same time, however, important problems for the Mugat community have yet to be resolved. Undocumented status continues to be widespread among adults and children, even though international and charitable organizations have implemented projects to provide Mugat people with personal documents over the past decade (the OSCE in 2005, Lawyers of Ferghana Valley Without Borders with support from the UN Office of the High Commissioner for Refugees in 2013). It is difficult to obtain birth certificates for children for several reasons, including the parents' lack of passports, the prevalence of home births, the inability to pay state fees and fines for the late filing of documents due to extreme poverty, and lack of residence registration or permanent housing in general. Thus, it is encouraging that the local school accepts children who do not have birth certificates and helps semi-literate parents fill out documents for their children. Undocumented people have complained of extortion by police officers and difficulties receiving medical care.

Access to medical care is limited for residents of the Mugat settlement both due to the lack of personal documents and because the settlement is technically part of Kara-Suu Region, whose medical facilities residents are supposed to use, even though the hospital in Osh is much closer. The health center in the settlement is not able to solve all the residents' problems, and residents have complained that ambulances that have been called never come.

Poverty is a continuing problem for many families. Women from the settlement collect scrap metal and other scrap materials and work as seasonal workers in the fields. Men are generally pushed into labor migration to Russia, with all its risks, and many are unemployed.

According to some experts, recent years have seen a drop in the number of children panhandling, but this remains a widespread occupation for women. For some particularly impoverished families, regular begging with children is the only way to survive:

“Over the past year, I have personally brought this girl (M., age 9) in [to the juvenile center] 10 times. Her 13-year-old sister came to pick her up. Their mother begs in another place, and they go there as if they are going to work.” (police officer, Osh)

“Each officer of the Juvenile Affairs Inspectorate brings in five children a month [to the center]. There are 35 of these inspectors for the city.” (police officer, Osh)

The dearth of land plots for residential construction and poverty mean that the Mugat settlement contains homes constructed from makeshift materials that have not received the proper approvals from local government and architecture bodies. This creates a problem with registering their housing and connecting them to electricity, water, and other utilities.

Government authorities do not properly respond to violations of the rights of women and children: there are cases of child marriage and polygamy. Police officers who encounter Mugats frequently complain that there is no methodology for working with this category of the population that takes the specific nature of the community into account.

FORTH: RACIST ATTITUDE OF AUTHORITIES AND RELATED ACTIONS

RACIST STATEMENTS BY OFFICIALS (RUSSIA)

ADC “Memorial” has conducted studies in dense Roma settlements for many years. During field missions, our specialists have found that existing laws, programs, and Russian government policies in several RF regions have not been able to ensure the elimination of racial discrimination against Roma people. The most recent study was conducted in 2016-2017; it found a growth in discriminatory activities against this group by the authorities in several regions.

We discovered signs of ethnic profiling during a field mission on 6 May 2017 in Belgorod Oblast, where Roma from the settlement of Shishino had to deal with groundless arrests and rude behavior directed at them by officers from law enforcement agencies throughout 2016. The arrests started approximately one year ago and have affected the entire population of the tabor.

“At first our women were arrested for fortune-telling at the market. They think this is fraud. We prohibited them from fortune-telling a year ago, and they don’t do this anymore. We have already appealed to head of the village administration Igolkin, and we have spoken with the police officers. We explained that we’re not stealing, we’re not killing. But they continue to arrest us, they treat it as if we were enemies of the people.”⁸⁷

According to Roma people, some of them were arrested several times over the course of a year by officers from the same police departments, who put them through the same identification procedures each time they were arrested. For example, approximately 10 people complained that police officers fingerprinted them every time they were arrested, even though they had previously been fingerprinted many times.

Women are detained with particular frequency on their way to stores or the market, or near the polyclinic:

87 From an interview with S., a resident of the village of Shishino, Belgorod Oblast.

"My friends and I have been detained three times over the past six months. They fingerprinted us three times. Just like that, for no reason. We asked why we were being picked up, what we had done, but we were just told: 'that's the way it has to be.' The police officers just came up to us, asked for our documents, and put us in the car. Some behaved brazenly, they just grabbed us and took us to the precinct. Others even apologized and said that those officers should be reprimanded according to the rules. After we finished at the precinct, they even took us back to the place where they had picked us up. The last time we were placed in a UAZ, and the person who detained us asked over the radio: 'Do you need gypsies?' Apparently, they said they did, and we were taken to the precinct on Gagarin Street. They held us for about an hour, then fingerprinted us and copied out our information from our passports. They wrote in the report that we were drinking alcohol in public.'⁸⁸

Several men complained that their passports were taken from them during their detention and that they were held at the police precinct for several hours without any explanation. After an extended time, they were released without being told the cause for their detention.

"I was last detained in March, when I was on my way into the city. I was just walking along the street. Officers in uniform came up to me. They asked me to show them their documents. I gave them my passport, they took it and led me to the car. I didn't understand anything. I asked what was going on and why I was being detained. They said that I looked suspicious and that they had to establish my identity. They took me to the precinct on Bogdan Khmel'nitsky Street. I was there for three hours. Then they just returned my passport and released me, without even apologizing."⁸⁹

As these incidents show, police actions against the Roma population in Belgorod are connected not just with biases that Roma are involved in various aspects of criminal activity, drug dealing, theft, fraud, etc., which is typically the reason for aggression and abuse of power by officials, but also because the police are convinced of the complete legal vulnerability of the Roma population and the fact that illegal actions taken against these people will go unpunished. Detentions and fingerprinting are performed without any formal legal grounds, and, even though these procedures do not involve violence, they are degrading and raise the level of intolerance among other citizens who regularly observe how Roma people are detained on the streets of Russian cities.

88 Interview with R., a resident of Shishino Village in Belgorod Oblast.

89 Interview with R., a resident of Shishino Village in Belgorod Oblast.

The public statements and actions of Alexander Tygin, head of Zelenodolsk District of the Republic of Tatarstan, are clear evidence of a display of discrimination against Roma people. Over the past few years, Tygin has not concealed his dislike of the Roma people.

“When Alexander Tygin assumed his duties as head of Zelenodolsk District in 2013, the attitude to local Roma changed completely, especially at the official level. In his public statements, he has repeatedly blamed members of this people for existing problems.”⁹⁰

In 2013, Tygin stated the following at a visiting joint session of the Council of the Assembly of the Peoples of Tatarstan and an interagency task force of matters of interethnic and interdenominational relations in the Republic of Tatarstan:

“In the public consciousness, people have the image of a woman in long skirts, surrounded by many small children panhandling. Zelenodolsk is no exception in this regard. We face these exact problems every day.”⁹¹

At a business meeting in November 2015, Tygin made a direct connection between Roma and fraudulent actions. ***“‘And fraud, what is that?’ said the mayor of Zelenodolsk. ‘I have a hard time understanding what ‘street fraud’ is. The only thing that comes to mind is gypsies <...> I will be pleasantly surprised if you can show me one gypsy who earned his money. We’ll put it in a museum.’”***

Later, in 2016, Tygin stated that ***“the religious traditions of the Roma population do not involve toilets, and all the physiological processes of life are traditionally performed outside. This causes a negative reaction from neighbors and introduces the danger of spreading infectious diseases.”⁹²***

In January 2017, local human rights defenders filed a request with the RF Office of the Procurator General to check Tygin’s statements for compliance with Article 282 of the RF Criminal Code ***“Incitement of hatred or enmity, debase-***

90 From the website idelreal.org, article by V. Meshcheriakov “Aleksandra Tygina prosiat otvetit’ za tsygan.” of 18 February 2017. Available here: <http://www.idelreal.org/a/28309474.html>

91 From the website of the Tatar-inform news agency of 13 November 2013. Transcript of a speech made by head of Zelenodolsk District A. Tygin at a meeting of the Council of the Assembly of the Peoples of Tatarstan. Available here: <http://www.tatar-inform.ru/news/2013/11/13/382786/>

92 From the website idelreal.org, article by V. Meshcheriakov “Za tsygan otvetil.”. Available here: <http://www.idelreal.org/a/28320141.html>

ment of human dignity,” but the Office did not find any violations in Tygin’s statements about Roma people.⁹³

In August 2015, there was a large-scale outbreak of acute viral hepatitis A in Zelenodolsk District, with clusters in Nizhniye Vyazovye and Aysha. In both cases, managers at the Zelenodolsk office of Rospotrebnadzor (Federal Service for Supervision of Consumer Rights Protection and Human Welfare) rushed to accuse the Roma of everything by stating that the centers of the outbreak were dense Roma settlements: tabors in the villages of Aysha and Nizhniye Vyazovye. According to Roma people, however, the epidemic started before cases were discovered in the tabors. Even so, local authorities upheld the opinion that the Roma tabors were the epicenters of the virus. These statements spread quickly through the local media and were the cause of the blatant persecution of all Roma people manifested in denial of access to local hairdressers, stores, and other public places, including schools.

“First several people in Sviyazhsk fell ill, but they weren’t from the tabor. They said in the newspapers and on TV that the epicenters of the hepatitis were the Roma settlements in Aysha and Nizhniye Vyazovye. It was shocking! Several cases of tuberculosis were discovered in the oblast late last year. Roma were also accused of being the main spreaders. In fact, only several Roma people fell ill, and they were infected after the start of the epidemic.”⁹⁴

Many Roma connect these events with the start of their harassment by the district administration, which was first expressed in an attempt to deprive several dozen Roma of their parental rights in early 2016 and then, several months later, in an attempt to evict them from their homes and tear down the houses that a court found to be illegal structures.

“Since 1986, when we arrived in Kazan, we haven’t had any problems. But everything changed with the arrival of Tygin. The start of all this coincided with the start of his work, but his threats became serious two years ago, when there was a hepatitis epidemic in the oblast. Since then, we have seen open persecution. People came from the Sanitary and Epidemiological Service. They checked the entire tabor, they forced us to have tests several times a year after that. At the same time, only five children — two 17-year-olds and three younger children — actually had hepatitis. They said in the newspapers and on TV that the epicenters were the Roma tabors in Aysha and Nizhniye

93 Online business newspaper Biznes online of 29 March 2017, article about the results of the Procurator General’s check of A. Tygin’s statements about Roma people. <https://www.business-gazeta.ru/news/341369>

94 ADC “Memorial” interview with V., a resident of Aysha, 22 February 2017.

Vyazovye. Quarantine was introduced in the tabor. We weren't allowed to go to the store, to the hairdresser, or to any other public places. And the children weren't allowed to attend school, of course. Several cases of tuberculosis were discovered late last year. Roma were also accused of being the main spreaders. After this, Tygin stated that he would not allow Roma people to live on his land and that we should leave for Mariy El. Late last year, there were attempts to deprive many people of their parental rights, but they weren't successful. Now they have apparently decided to deprive us of our residences."⁹⁵

ETHNIC PROFILING BY THE POLICE (BELARUS)

Preconceptions about the "traditionally criminal nature" of the Roma people are widespread in Belarus and typical of law enforcement officers. Xenophobia and racism on the part of police officers are manifested in the form of statements, aggression, and violence. The police continue to conduct arbitrary raids of dense Roma settlements using force without any grounds and in disregard of procedural norms. Although fingerprinting is not mandatory for all Belarusian citizens,⁹⁶ Roma residents have been forced to be fingerprinted—frequently without any official legal grounds—during raids, searches, and detentions. In many cases, Roma people are suspected of committing thefts or other crimes without any grounds, and police officers subject people to interrogations and persecutions solely on the basis of stereotypes.

Rusalina M.:

*"We have raids all the time in Bolshevik. They usually bring in all the Roma who happen to be home when they arrive. They even bring in the women. They drive everyone off to the police precinct, make a list of them, and fingerprint them. I was also taken in just like that and fingerprinted, even though they had no grounds to do this under the law."*⁹⁷

Zinaida A.:

"They always go after the Roma when something happens in our settlement or a neighboring settlement. Whatever it is—a theft, a fight, or something else, they always go to the Roma or to people with a criminal record first. They were going to change the water pipes here over the

95 Interview with A., a resident of Aysha.

96 RB Law of 4 November 2003 No. 236-Z "On State Registration of Fingerprints."
<http://mvd.gov.by/main.aspx?guid=28853>

97 Interview with Rusalina M. Homel. Fall 2017.

*summer, but someone stole them. The first people the police started to check were the Roma. They even came to me and turned my house and plot upside down, even though I'm 70 and disabled."*⁹⁸

Ruslan M.:

*"They think we're dealing drugs in our settlement, but far from all Roma are involved in this. But still, whenever there's a raid, they break down our doors, make us lie on the floor, and turn everything inside out. During one of these raids, OMON broke my windows, made me lie on the floor, and beat my legs with a baton."*⁹⁹

Unfortunately, even the most serious violations of Roma rights committed by police officers go without investigation and are unknown to anyone other than the victims and their relatives. Since they face xenophobia and discrimination on a daily basis, Roma people are reluctant to report any incidents because they fear that they will face new accusations instead of receive protection from rights violations. They also have little knowledge of their rights to begin with and sense their vulnerability before hostile law enforcement agencies and the entire government system overall.

EXCLUSION ((JUGHI) IN TAJIKISTAN)

The overall situation of Jughis in Tajikistan can be described as exclusion: they are isolated, surrounded by a population that believes negative stereotypes about them (that they are "dirty," "beggars," "the men never work"); false information about their lifestyle, customs, and culture are common and are spread by the media and mass culture ("when Jughis women are married, they vow to financially support the men," "Jughis are actually very wealthy," among others).

The Tajik government fails to see that there is discrimination against Jughis or the need to adopt government programs to improve their situation. For example, in the current state report to UN CERD, in response to the Committee's previous recommendations (paragraph 13 of the Concluding Observations) it is stated, citing a specially conducted study, that "there is no need to draw up and adopt a strategy to improve the situation of the Roma, protect them from discrimination and stigmatization and promote their rights to education, employment, housing and health care, since discrimination on the grounds of ethnicity or faith is prohibited in Tajikistan, and the members of every ethnic group and race, irrespective of their nationality, have the same rights under the law as nationals of Tajikistan."

⁹⁸ Interview with Zinaida. Sebyakhi Settlement, Vitebsk. Fall 2017.

⁹⁹ Interview with Ruslan M. Sebyakhi Settlement, Vitebsk. Fall 2017.

This response, among other evidence, suggests that the Jughī are perceived as sufficiently alien to enjoy “the same rights under the law as nationals of Tajikistan.” Our field surveys show that indication of the “Jughī” nationality in passports is considered self-evident and even required of them, both by Tajiks and by the Jughī themselves, and Jughī are never blamed for the fact that they are not listed as Tajiks in their passports (unlike, for example, the Pamiri, who are often challenged for their non-Tajik identity and do not describe themselves as “Pamiri” in passports). It is the opposite situation that causes surprise and raises objections: when Jughī give “Tajik” as their nationality. During the 2010 census in Tajikistan, “Roma” were given their own separate category, while Pamiri (and Yaghnobi) were included among Tajiks.

Whatever the Tajik authorities may say, Jughī face discrimination in all spheres: their lack of proper papers, education, sufficient employment and access to resources, social services, and health care form a vicious cycle that cannot be broken without proactive measures. Women and children are particularly vulnerable and, in addition to discrimination from the outside, face the pernicious effects of harmful traditional practices (early arranged marriages, polygamy, the exploitation of children, and the occupation of begging).

Still unresolved is the problem of providing Jughī with personal documents. Obtaining children’s documents is complicated by the fact that their parents lack passports; by home births; by families’ inability to pay taxes and fines for failing to obtain required documents at the proper time; by the fact that they are not registered at their place of residence or even lack permanent housing; and by the fact that when they do have housing they are unable to pay taxes, without which local government offices will not issue the certificates needed to register a child. Fines for the late registration of births and application for passports grow with time, so this problem only becomes harder to solve.

Surveys in Jughī communities in the districts of Vahdat, Hisor, and Shahrinaw, home to several thousand Jughī, indicate that often adults with children will, in the best of cases, have a certificate of their own birth, but no passport. This makes it difficult to obtain documents for the children. Often when children reach school age parents try to obtain birth certificates for them. Since education administrators monitor whether schools are covering all the children in their districts, school employees are forced to help families obtain documents to avoid being admonished by their superiors. When it comes to obtaining documents for children and parents, teachers essentially serve as intermediaries between the Jughī community and government offices, although this is not part of their job and they receive no compensation for their efforts in this area.

There are cases when what few documents members of the Jughī community have are destroyed by the police:

A resident of one Jughī settlement, the father of six children, reported that in March 2017 his “metrika” (birth certificate) was taken and torn up by members of

the police who detained him at the bazaar for begging. A teacher at the local school helped him replace his document. This man still does not have a passport.

The lack of government support in obtaining personal documents leads to situations where far from every adult member of the Mughat community gets one, and children without documents are deprived of government benefits, healthcare, and education. It is not uncommon for Jughī children to be detained for begging and placed in a juvenile holding center, and it is difficult for parents to pick them up, since none of them have documents.

In May 2017 the authors of this report witnessed an incident where Jughī women who lived in a Jughī neighborhood on the outskirts of Dushanbe attempted to pick up a 12-year-old boy from a juvenile detention center. He had been placed there the day before for begging on the street. The boy's mother did not have documents, and his grandmother, who claimed to be his caretaker, did not have any proof that she was related to him. Nobody could present documents for the child. The holding center employees explained that they would have to establish the child's identity and his relationship with his mother or other relatives by submitting an inquiry to the local authorities, meaning that the child might have to spend up to 30 days in the holding center.

Another pressing problem often faced by Roma communities in the former Soviet Union that affects Tajikistan's Jughī is housing: they tend not to be legally registered where they live, often live in non-registered housing, and risk losing their home if a business becomes interested in the land on which they live. For example, in late 2014 plans were developed to build a hotel on a site occupied by Jughī in Panjakent District, and only 12 among 200 of the houses on the affected site were registered. The displaced were allocated plots in the rural jamoat of Sarazm that were poorly suited for the construction of new housing and lacked a water supply. Most residents were not offered even this alternative.

A number of densely populated Jughī communities have inadequate access to resources. For example, residents of the settlement Abduloobod in Hisor District have to buy their drinking water and get water for other needs from a river rather far away.

THE SPECIFIC CASE OF ROMA IN DONBAS — UKRAINE

THE SITUATION OF ROMA VICTIMS OF THE WAR IN THE EASTERN UKRAINE

Millions of people have suffered over the past year (spring 2014 – spring 2015) of combat operations in Donetsk and Luhansk oblasts in Ukraine. During this undeclared war thousands of military personnel and civilians have lost their lives, tens of thousands of people have been wounded, and hundreds of thousands of refugees have fled the conflict zone. Several million people remain in the conflict zone, where they are forced to endure the cold; hunger; lack of a steady income, medical care, and essential items; and various forms of violence (shelling, raids, and the unlawful actions of unrecognized local authorities). According to data from the UNHCR from January 2015, over one million people had abandoned their homes, 600,000 people had been recognized by the Ukrainian government as internally displaced persons, and, according to the Russian Federal Migration Service, 500,000 Ukrainian citizens had applied for some form of legal status in Russia (almost 250,000 Ukrainian refugees in Russia have asked for international protection).¹⁰⁰

According to statistics from the UNHRC, which are based, in turn, on information received from Romani NGOs in Ukraine, approximately 6,000 Roma have fled their previous places of residence in the conflict zone.¹⁰¹

Some Roma fled the conflict zones of Donetsk and Luhansk oblasts for other regions of Ukraine. Other Roma stayed behind. Still others fled but had already returned home to towns and villages retaken by the Ukrainian army. In October 2014, ADC Memorial experts spoke with Roma and social activists who helped these refugees in Kharkiv, Kyiv, and Zaporizhia. ADC Memorial staff then visited Sloviansk and Dzerzhynsk (now Toretsk) in Donetsk Oblast in late Novem-

100 <http://www.refworld.org.ru/docid/54eb03664.html>

101 For example, the UNHCR Report on the human rights situation in Ukraine, 15 November 2014, http://www.un.org.ua/images/stories/FINAL_OHCHR_seventh_report_Ukraine_20.11.14_before_launch.pdf

ber 2014 to interview Roma returning home after these places were liberated from armed separatists; the same places were visited in December 2015 and in March 2016.

First-hand accounts provided to ADC Memorial experts by Ukrainians surveyed show that there was a catastrophic lack of government-provided funds to support internal migrants and no legal framework to guide officials from the very beginning of the mass resettlement within the country. It was only on 1 October 2014, more than six months after the start of the “anti-terror operations” that the Government of Ukraine adopted resolutions regulating the rights of internal migrants from areas under separatist control. These resolutions are Resolution No. 509 “On registration of internally displaced persons from the temporarily occupied territory of Ukraine and anti-terrorist operation area»¹⁰² and No. 505 “On providing monthly targeted financial support to internally displaced persons from the temporarily occupied territory of Ukraine and anti-terrorist operation area to cover livelihood, including housing and utilities.»¹⁰³ On 7 November 2014, the Cabinet of Ministers adopted a third resolution, Resolution No. 595, which combined the previous two and addressed not just procedures for calculating and disbursing pensions and social benefits, but financial support for all budget institutions operating in the area under separatist control (“Some issues of financing budget institutions, paying social benefits and providing financial support to individual enterprises and organizations in Donetsk and Luhansk regions”¹⁰⁴).

Resolution No. 595 was the cause of some dispute among lawyers and human rights defenders, since with this document the Government of Ukraine is in fact absolving itself of its responsibility to provide social guarantees to residents in areas under separatist control. For example, this resolution stipulates that residents in these areas will not receive their pensions or benefits until they are registered in an area under Ukrainian control, which is impossible under Ukrainian law if a person is not living in the place where that person wants to register, or if identity documents have been lost. According to Ludmila Klochko, a staff member at the Kharkiv Human Rights Protection Group, “In Donetsk, for example, pensioners no longer receive their pensions because the funds are no longer transferred to their bank cards. This is supposedly done to avoid financing the separatists. So many people from Donetsk and Luhansk have to travel all over in search of a registration, just in order to receive at least some money.”¹⁰⁵

102 <http://zakon4.rada.gov.ua/laws/show/509-2014-%D0%BF>

103 <http://zakon4.rada.gov.ua/laws/show/505-2014-%D0%BF>

104 <http://zakon2.rada.gov.ua/laws/show/595-2014-%D0%BF>

105 Interview conducted by ADC Memorial experts with Lyudmila Klochko, a staff member at KHRPG, 16 October 2014. ADC Memorial archives.

The law “On securing the rights and freedoms of internally displaced persons,” which governs the status of internal migrants, was approved by the Rada on 20 October 2014.¹⁰⁶ President Poroshenko signed it one month later, on November 19, but even he believes that this law contains many loopholes and will need to be amended.¹⁰⁷ During this time, people fleeing the conflict zone did not have any official status, which severely limited their access to social services like receiving payments, medical assistance, etc.

We welcome the fact that Ukrainian NGOs have made attempts to count the number of Romani migrants from the conflict zone, are concerned with the problems Roma face, and have been trying to understand and help them. Activists and human rights defenders deserve considerable praise for bringing the problems of the Roma to the attention of the government and society as a whole, thus forcing officials to respond to specific issues.

The Situation for Roma in so called Donetsk People’s Republic and Luhansk People’s Republic

When fighting started in Luhansk and Donetsk oblasts, all members of the population, including the Roma, suffered from artillery shelling. For example, the first shots fired in Sverdlovsk in late June 2014 hit Servitka Roma in Sharapkino and Stakhanov settlements. The Lunacharsky settlement, home to 20 Vlax and Moldavian Kalderash Roma families, was directly in the line of fire. In Lunacharsky, Roma live in small huts, which were seriously damaged or completely destroyed by the shelling. Residents fled their homes in a hurry and many were not able to take warm clothing, essential items, or even their documents with them.

The fear of being killed by shelling was not the only reason the Roma had for fleeing the territories occupied by the separatists. No less of a risk was posed by disregard for the law, arbitrary treatment, and violence on the part of the pro-Russian fighters. The actions of these fighters were sanctioned by the governments of these unrecognized republics and began before the start of any large-scale fighting. Instances of arbitrary detention, theft, beatings, killings, and even pogroms against Roma have been documented:

106 <http://zakon4.rada.gov.ua/laws/show/1706-18>

107 <http://krymsos.com/2014/11/20/president-ukrainy-podpisal-zakon-o-pere-selentsah/>

*"As far as the conduct of the fighters is concerned, they behaved quite brazenly. They took vehicles from whomever they wanted. They could go into any store and take however much they wanted without paying. They behaved like louts with the local population. And they treated the Roma even worse."*¹⁰⁸

*"There's a food kiosk right in my courtyard. We were at home that day. We heard a racket on the street. My wife and I decided to go out and see what was going on. It turned out that it was the saleswoman in the kiosk screaming. The separatists had gone in and dragged out everything they possibly could. All the food products. I am absolutely convinced that they would have shot us if they had seen us at that moment."*¹⁰⁹

*"I had my first encounter with them when I was driving home. Here's what happened. A Lada-110 passed me and then turned into a Roma courtyard. Three men in camouflage carrying automatic weapons got out and entered the house. A 2008 Toyota Land Cruiser was parked in the courtyard. First they introduced themselves and explained that they were soldiers for the Donetsk Peoples' Republic and that they needed his car. The Rom refused. Then they beat him, took his keys, and drove off."*¹¹⁰

Separatists forced Roma to be on duty at checkpoints on the borders of population centers that were intended to protect residents from "juntists" and "Banderites." Thus, a Roma activist from a town D. in Luhansk Oblast told:

*«They came to a Roma settlement, about 30 Roma families were living there, and said: "Young men of such and such age – you must go to checkpoints. Do you want this, or don't you want – you must. Do you want to defend your families?" Our young people were there on duty just four days, then we came and told: "This should be our voluntary will. If we would like – then we'll join, but nobody has the right to force us". And we took our guys with us home, later they left for Russia".*¹¹¹

108 Interview conducted by ADC Memorial experts with O., a civil activist. Recorded in Dzerzhynsk after the town was liberated from the pro-Russian fighters on 20 November 2014. ADC Memorial archives.

109 Interview conducted by ADC Memorial experts with A., a Roma activist. Sloviansk, Donetsk Oblast, 18 November 2014. ADC Memorial archives.

110 Ibid.

111 Interview conducted by ADC Memorial expert with L., a Roma activist from D., a town in Luhansk Oblast, 18 March 2016. ADC Memorial archives.

Pogroms in Sloviansk, Donetsk Oblast

The situation for Roma in Sloviansk, Donetsk Oblast was particularly dramatic. It was there that in April 2014 pogroms of Romani homes, accompanied by violence, were carried out by representatives of the so-called “self-defense forces,” which were made up of armed formations under the command of Vyacheslav Ponomarev, “the people’s mayor” of Sloviansk.¹¹² People interviewed for this report attributed anti-Roma statements to Igor Girkin, the commander of pro-Russian fighters in Sloviansk.

According to M., a Romani resident of Sloviansk who fled to Kharkiv after the first pogrom, there were rumors as early as March 2014 that activists sympathizing with the separatists were asking officials from the municipal administration about the Roma’s sources of income:

“If administration officials said they did not know what a family’s source of income was, then military officers would visit that family and destroy everything in the house. They didn’t bother to ask or try to determine what work people were actually engaged in. They just came, broke glass, took all the money, and set the homes on fire.”¹¹³

According to media reports, the first pogroms in Sloviansk took place in the area of the railway station and Cherekovka settlement, which was home to many Roma, on 19 April 2014, less than one week after Vyacheslav Ponomarev, a crime boss and drug dealer, became the “people’s mayor” of Sloviansk. Armed rebels burst into Romani homes, led the residents out onto the street, and made them stand with their faces to the wall. They demanded money, gold, and other valuable items.¹¹⁴ They destroyed property, set fire to the roofs of the houses, and beat the men. According to information obtained by Olga Zhmurko (International Renaissance Foundation), the fire department’s official conclusion was that these fires had been caused by faulty wiring. Roma who later sought medical treatment at medical institutions were turned away by doctors, who feared repressions from the separatists.¹¹⁵

112 <http://gordonua.com/news/separatism/V-Doneckoy-oblasti-separatisty-prodol-zhayut-zapugivat-i-grabit-cygan-19537.html>

113 Interview conducted by ADC Memorial experts with the Romni M., who fled Sloviansk for Kharkiv and later returned home. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

114 <http://novosti.dn.ua/details/223201/>

115 Interview conducted by ADC Memorial experts with Olga Zhmurko, the director of the Roma program initiative at the International Renaissance Foundation. Kyiv, 15 October 2014. ADC Memorial archives.

Thus it appears that the pogroms against Roma were initially connected with the redrawing of the criminal market and were aimed at removing competitors of “the people’s mayor.” However, all Roma residing in Sloviansk suffered from them. For his part, Vyacheslav Ponomarev stated in an interview that “attacks against Roma in Sloviansk as such did not occur. We’re cleaning the city of drugs.”¹¹⁶

Rom P. from Sloviansk had the following explanation for these events:

“Slava Ponomarev, who was our mayor at the time, is a former bandit. Everyone in the city knows him. In the 1990s, he was part of an organized crime group and even was a drug addict himself. Of course he knew first-hand about all the points. The best known ones were at the railway station and in Cherekovka. A Rom by the name of Pasha lived there. The whole city knew that he had been dealing drugs for a long time. That is exactly where the main events developed. Roma were led out of their homes. Their gold, money, all their valuables, were taken from them and then they were locked in their basements. That’s what happened with almost all the Roma, not just the ones near the railway station. The separatists drove by my home several times, but they didn’t touch me because I don’t really look like a Rom and they can’t tell which homes are Romani and which aren’t. Only once did a man with an automatic rifle come in. He was alone and wanted to search my house, but he didn’t. If there had been several of them, they would have definitely turned the house upside down and taken something.

“My friend and his entire family were victims in early May. They actually lived near the railway station. Here’s what happened. He received a call saying that his apartment had been robbed by pro-Russian fighters and that his wife and children had been taken out onto the street. He went there to find out what was going on. When he tried to take his children away from the rebels, they shot him in the leg. From then on, the rebels started driving Roma out of their apartments and houses and taking over their living spaces. They loaded everything of value that they could find into cars: gold, jewelry, and other expensive items. Many Roma had their cars stolen. Several people were beaten up in the city. Gold chains and rings were removed from them. I was told that doctors would not receive people who had been beaten at hospitals because they did not want any problems with the separatists. This went on for about a month-and-a-half until the separatists left. We were scared to leave the house at all during this time. God forbid one of them would catch sight of us.”¹¹⁷

¹¹⁶ http://news.liga.net/news/politics/1445861-separatisty_po_svoemu_obyasnyayut_zachistku_Slovianska_ot_tsygan.htm

¹¹⁷ Interview conducted by ADC Memorial experts with the Rom P. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

Problems Leaving Areas Controlled by Separatists

The pogroms kept the Romani population in the grip of fear: people were scared of being seen by the separatists and tried to find a way to leave the city safely. However, Roma were detained at DPR checkpoints and sent back to Sloviansk, explaining that there was an order to “not allow Roma to leave the city” (the fact that these checkpoints belonged to the separatists can be confirmed by testimony given by Roma that there were no Ukrainian flags flying there and the soldiers were not wearing decorations). The Romani refugee M. and her family were only able to leave Sloviansk on their third attempt:

“Large groups of soldiers started walking through our village at night in May. They were shouting loudly and scaring all the locals. People with weapons were constantly patrolling the hills. We tried to leave for Kharkiv as soon as this all started. We were prohibited from leaving twice. The first time we tried to leave through the checkpoint on Barvenkovo. We were stopped by soldiers and ordered back: ‘We are not letting Roma out of the city.’ I asked them at least to let the children through, but they said they had an order from their commander under which Roma were strictly prohibited from leaving. The second time I was only able to send out my grandson, because he is a redhead and does not look like a Rom. I put him on a bus with other people and then followed in a car with my relatives. We weren’t allowed through, but my grandson was able to leave because the separatists did not realize that he was a Rom. Other Romani children were taken off the bus, but he wasn’t. Also, some Ukrainian women covered for him when they understand that he was a Rom. We got through on the third time, on the other side of Sloviansk.”¹¹⁸

According to the subjects interviewed, the separatists did not allow men without their families into areas controlled by the Ukrainian army because they suspected that these men would fight against them. They also did not let young women through because they “saw them as potential snipers.”¹¹⁹ Problems also arose for families with children when they were trying to pass through the checkpoints. These problems were resolved through bribes: witnesses assert that at the Glubokaya Makatikha checkpoint the cost of the bribe was 1,000 hryvnia for men and 500 hryvnia for women.

¹¹⁸ Interview conducted by ADC Memorial experts with the Romni M., who fled Sloviansk for Kharkiv and later returned home. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

¹¹⁹ First-hand account provided by the Rom P. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

Some people interviewed reported that soldiers from the Ukrainian army also did not let Roma through their checkpoints, citing an order from their commanders. There was evidence of this kind of interference at the checkpoint in Barvenkovo (to the west of Sloviansk) and on the way out of Kramatorsk. The Roma say they were able to pass through the Ukrainian checkpoints with the help of bribes:

"On May 8, 2014, my wife, children, and I decided to leave Sloviansk for Novomoskovsk, where migrants were being received. We were detained at the third Ukrainian checkpoint in a row outside of Barvenkovo. This was a checkpoint of the district police, at least that's how they introduced themselves. The soldier who stopped us told us the turn around and go back because his superior ordered him not to let Roma through. Before this we passed through all the DPR and Ukrainian checkpoints without any problems. I tried to persuade him to let us through and showed him that my wife and children were with me, but he didn't care. My wife was very scared and stated crying. So did the children. I wasn't even able to calm them down. We returned to the previous Ukrainian checkpoint, which was in Cherkassk. They were surprised to see us return. I told them what had happened. Then one of the soldiers called his superior, who checked our documents again and said that he would call the other checkpoint and tell them to let us through. To be honest, my wife was in tears. She was practically on her knees begging him for help. As we were approaching the checkpoint in Barvenkovo, about 15 people surrounded our car. I got out and said that their superior had given us permission to pass and that they should have received a call about this, but one of them replied that they had never received a call. They surrounded me and started pushing me, calling me names, then one of them asked where my child was. I opened the back door and showed him my son and daughter. Then he asked, 'So, are we going to just keep standing here like this?' I couldn't understand what he meant, but then I finally figured out that they would not let us through for free. I only had about 200 hryvnia with me and I gave them all to him. My son's nose started bleeding because he was so nervous, and my daughter started feeling nauseous."¹²⁰

The Roma of Sloviansk were extremely shaken by a tragedy that occurred in May 2014, when a young Lovari Rom named Bunchur Cherepovsky was killed as he tried to pass through a separatist checkpoint (presumably in Bylbasovka settlement to the west of Sloviansk). According to people interviewed, he died from a beating. His sister G., a single mother, was able to flee Sloviansk for Kyiv immediately after the separatists came to power, but she returned home in late October. She said:

¹²⁰ Interview conducted by ADC Memorial experts with A., a Romani activist. Sloviansk, Donetsk Oblast, 18 November 2014. ADC Memorial archives.

*"As soon as people in black masks with guns started walking around the city, I understood that I had to leave. They demolished the TV tower during those first days. Then they burned two jeeps that belonged to the Pravyi sector [a right-wing group]. I left just in time, but my brother, Bunchur, they killed him. They detained him at a checkpoint and beat him to death. At least that's what I was told. Now I don't know if I should stay here and leave again."*¹²¹

The Life of Roma after their Return Home (to so called "people's republics" or to the territories that are now controlled by the Ukrainian government)

Roma who temporarily left the conflict zone and later returned to places that were still under the control of the separatists report that pro-Russian fighters continue to exhibit lawless and violent behavior. For example, Romani residents of Sverdlovsk, Luhansk Oblast, who fled this area in June 2014, were forced to return to their ruined homes despite the difficult conditions (these Roma had not been able to receive assistance or find work in other regions of Ukraine or in Russia due to their lack of documents, among other things, and their relatives were not able to support them for long). They report that armed LPR separatists are terrorizing the Romani population of Sverdlovsk by barging into homes, organizing searches, and taking valuable items.¹²²

A Roma inhabitant of a town now controlled by so called Luhansk People's Republic reported about an arbitrary search of her home happened in March, 2016:

"Early in the morning they knocked my door. I opened – militia, but in civilian clothes, two men. "We were reported that you have young men at home". I said: "It could be – I am a local inhabitant, I have a lot of relatives. Whom personally do you need?" – "We need to talk" – and they are entering the room and going further. I stopped them: "This is my property, you disturb my privacy, I have children and disabled persons at home. If you want to search my home, then give me the order for the search". And they point a finger at my face: "Now it's war situation,

121 Interview conducted by ADC Memorial experts with G. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

122 Telephone interview with residents of Sverdlovsk, Luhansk Oblast. 19 February 2015.

*we have the right to arrest you – and you'll disappear without a trace". Then they looked at sleeping children, at disabled, turned out, left my home, entered their car and went out. I wanted to complain, to go to the commandant's office, but it's so useless – it's like to knock at empty house".*¹²³

Those who tried to deal with the separatists' governments face no goodwill to help Roma in their difficult situation as the authorities blame Roma in "betrayal". A Roma activists from Luhansk Oblast said:

*"We have problems with our local Roma – they returned home, their houses are destroyed and robbed as there were big fights here. Roma apply to us, we apply to the current authorities but they can't help us. I applied to the town governor, to the commandant's office: "Do you know that a Roma NGO exists in the Oblast?" – "And do you know that the Oblast doesn't exist, it's a Republic now, our status is not clear and we don't support any connections with minorities". And he started to accuse me: "How many men do you have? Give me the statistics for men up to 45 years old. Why didn't your men go to defend the Republic?"*¹²⁴

The same accusation were faced by Roma who tried to enroll their children to school:

*"This year we enrolled the children to school but the authorities didn't want to take our children: "You left, you fled as soon as the situation got worse in the Republic! You show yourself as betrayers! And you were thrown out of Russia – you again appeared in the Republic, we don't need you here!" But we are citizens of Ukraine, we have registered here, we have housing here. They don't have the right to push us out".*¹²⁵

Many Roma who returned to Sloviansk after its liberation found their homes destroyed or badly damaged: the windows had been blown out by explosions and the walls showed marks of the shelling. For example, the house of the Rom A. stood next to a checkpoint manned by separatists, which was under constant fire from the air. Most of the shells, however, fell on neighboring homes and other structures.

¹²³ Interview conducted by ADC Memorial expert with a Roma from N., a town in Luhansk Oblast, 18 March 2016. ADC Memorial archives.

¹²⁴ Interview conducted by ADC Memorial expert with L., a Roma activist from D., a town in Luhansk Oblast, 18 March 2016. ADC Memorial archives.

¹²⁵ Ibid.

"It turned out that while we were living in Novomoskovsk, DPR fighters had lived in our house. When we arrived, we found the place in terrible condition. It was a mess inside: dirt, shells and syringes on the floor, holes in the roof. Not one radiator was left on the first or second floors. They had all been torn off the walls. I don't know what they did with them, sold them probably. We fixed it up a bit. My wife went to the Municipal Executive Council to ask for help, but they refused. I'm renting it out now because I'm frankly scared to live there. A military base and the Karachunovskaya TV tower, which was destroyed, are right next door. There's shooting there now, day and night."¹²⁶

Many Roma families left Sloviansk for Kharkiv Oblast in April 2014, just after the anti-Roma pogroms sanctioned by "people's Mayor" Ponomaryov. When they returned, Roma found their houses plundered and unfit for habitation. Marauders stole gas stoves, even pillows, blankets and dishware. In December 2015 and March 2016, experts of ADC Memorial visiting the territories liberated of separatists found Roma houses not repaired yet. A Roma woman, an owner of a destroyed house, lamented,

"The separatists' militia took everything from our home, and when they came under fire, so did our house. We've been caught in the middle of someone else's fight."¹²⁷

Roma who return to Sloviansk feared attacks by Ukrainian soldiers, who, in their opinion, blamed the Roma for the fact that many of the city's residents participated in the referendum and voted to join Russia.¹²⁸ That said, Roma have also been the victims of violence and blackmail committed under the guise of pro-Ukrainian rhetoric:

"About three weeks ago, our friend, a Rom, went out for groceries. As he was walking around the market, he bumped into the same people three times. He bought everything he needed and went home. Along the way, he was cut off by a car. The same four people he had seen at the market got out of it. They were all wearing camouflage pants and tracksuit tops. They dragged him out of his car and asked

126 Interview conducted by ADC Memorial experts with A., a Romani activist, after he returned home. Sloviansk, 18 November 2014. ADC Memorial archives.

127 Materials of the field mission of ADC Memorial to Eastern Ukraine. Sloviansk, December 2015. ADC Memorial archives.

128 From interviews conducted with Roma who returned to Sloviansk after involuntary resettlement. 18 November 2014. ADC Memorial archives.

*him why he was there and not defending his country. This question was followed by slurs and a beating. They threatened to take him to the municipal police department. From there, he would be sent to the front unless he paid them 2,000 hryvnia. He called his wife, who called me. We collected 1,000 hryvnia from his family and friends, but that wasn't enough for them to release him."*¹²⁹

Roma faced discrimination in access to shelter during shooting attacks. In war torn towns like Kramatorsk, Sloviansk and Dzerzhynsk, shelters at times offered the only hope of survival. Unfortunately, shelters were not open to everyone: some simply lacked capacity while others offered access through a person's place of employment (coal mines, for instance) or place of residence. Roma often found themselves with no place to go.

Lydia, a Romani woman from Toretsk (formerly Dzerzhynsk), a town in Donetsk Oblast, tells the story of how she and nine grandchildren ran to the nearest bomb shelter when the town came under fire. The bomb shelter belonged to the mine, and the Roma family was not allowed in, even though they had small children with them. They were forced to run almost a kilometer to the mine though black smoke from the burning town hall and amid the deafening rumble of airplanes. They finally reached the mine, but were denied entry there too. The family stood a long time amid the soot outside the mine. Finally, they were allowed into a dank, cold, and desolate basement where they held the children in their arms as they waited out the fighting for hours. There was not even anyplace to sit.¹³⁰

Roma who moved to the regions of Ukraine not touched by the war suffer of poverty, face unemployment, lack of state support. The following story of a big Roma family is typical:

As Tatyana and her four children were fleeing Makiivka in the fall of 2014, the minibus that was carrying them out of the warzone came under fire. Nothing remains of Tatyana's former home in Makiivka: "At first, it seems, a bomb landed inside, and then the locals took what was left for firewood." For a long time the family sought new housing in Kharkiv Oblast without success, but finally a policemen put them in touch with locals, who owned a derelict house. It was hard work making the house livable: running wires for electricity (a pastor helped them find an electrician), installing a stove themselves, replacing windows, clearing debris — and on top of it all the rent proved to be beyond their means. Tatyana asked for

¹²⁹ Interview conducted by ADC Memorial experts with A., a Romani activist after he returned home. Sloviansk, 18 November 2014. ADC Memorial archives.

¹³⁰ Interview conducted by ADC Memorial experts with Lydia, a Romani woman. Toretsk (former Dzerzhinsk), December, 2015. ADC Memorial archives.

permission to at least collect brush wood in the nearby forest to heat the home, but local officials refused. The family has three small children, and Tatyana's oldest son is in a wheelchair and requires medical care. Tatyana's husband, Arthur, cannot replace his lost identity papers (the government of Ukraine refuses to deal with the so-called Donetsk People's Republic), and without a passport he can get neither government aid nor a job.¹³¹

Roma children had to interrupt their education due to the war and involuntary resettlement. In December, 2015 and in March, 2016 experts of ADC Memorial documented quite a lot of cases when Roma children returned back home after some time spent out of the conflict area didn't attend school.¹³²

Sometimes the risk for the access of Roma children to education is grounded in a xenophobic attitude of local authorities towards Roma. Thus, on March 29, 2016 an information appeared on the website "Dzerzhinsk is a town of miners" (<http://www.dzerzhinsk.org>) with the title "The school №5 will be closed, the premises will be given to military forces of Ukraine". Some parents also heard the same information personally from the town Mayor Mr. Sleptsov. In this school 170 children are educated, including 43 Roma children, and the reform could lead to drop out of them as they and their parents were not ready to change school environment. Some civil activists of Toretsk (former Dzerzhinsk) are sure that this decision was made in order to raise negative feelings towards Ukrainian Army who "deprives even children from facilities". Thankfully to the efforts of civil activists, who mobilized Roma and non-Roma parents, the school was not closed and on March 31, 2016 the Sector of Internal Policy of the Toretsk Town Council publically disproved it and named the information on the closure as "rumors" and "disinformation". Meanwhile, the work of the Mayor's office is not transparent, and the parents are afraid of suddenly made and not publically discussed decisions that could affect Roma and non-Roma children.¹³³

The territories close to the war area are dangerous not only because of shootings and lack of shelters, but because of minefields situated around the villages and towns. Children are at special risks:

Before the war, the Roma families of Toretsk (formerly Dzerzhynsk) supported themselves by buying or gathering nuts, removing the shells, and traveling to other towns to sell the kernels. Now roadblocks make it impossible

131 Materials of the field mission of ADC Memorial to Eastern Ukraine. Merefa, outskirts of Kharkiv, December 2015. ADC Memorial archives.

132 Ibid.

133 Information received from civil activists of Toretsk, March-April 2016. ADC Memorial archives.

to freely travel to the towns (such as Horlivka) where they used to sell their shelled nuts or buy nuts in bulk for shelling. The border with Russia is also more tightly sealed and the Russian market has become virtually inaccessible. Those places where it is still possible to sell the shelled nuts pay so little that this traditional livelihood is hardly worthwhile. Obtaining the nuts in the first place is also difficult: the price for nuts in the shell has greatly increased and gathering them has become dangerous: one Roma, Jimi, recently went for gathering nuts to a forsaken area in the outskirts of the town and stepped on a mine. Jimi survived but lost an eye and suffered serious head injuries. His medical treatment ate up the last of his family's savings.¹³⁴

The war and the reconfiguration of borders has increased the vulnerability of Roma children, who were already in a precarious situation.

Oleg, who lives in Toretsk, has not been able to receive a government benefit for his preschooler daughter Angelina and first grader son Arseny. Their family has been separated – Oleg's wife and two youngest children have moved to Donetsk. Their marriage was never registered and Oleg is not listed on his children's birth certificates, which is why he cannot get the government benefits he is due for raising Angelina and Arseny. Without documents to prove his paternity, he also cannot take the children through roadblocks to their mother.¹³⁵

REFUGEE LIFE IN PLACES OF INVOLUNTARY RESETTLEMENT

Most Roma did not settle permanently in the large cities of Ukraine like Kyiv, Kharkiv, and Zaporizhia. After spending as little as several days in these cities, the Roma would move on to stay with relatives in safe regions, or they would return home if their areas had been liberated from the separatists (and even if this was not the case, especially if they had been unable to receive long-term assistance and settle in a safe area). In these cities, they would spend a period of time in tent cities for refugees, which were set up by forces from the Ministry of Emergency Situations and volunteers. Later they would leave for other regions of Ukraine. The subjects noted that the possibility of returning home became real after the Minsk Protocol was signed in 2014.

¹³⁴ Materials of the field mission of ADC Memorial to Eastern Ukraine. Toretsk, December 2015. ADC Memorial archives.

¹³⁵ Ibid.

According to data from NGOs, nearly 1,000 Roma refugees in Zaporizhia and almost 900 Roma refugees in Kharkiv and Kharkiv Oblast received assistance in the summer of 2014.¹³⁶

The authorities in Ukrainian regions that refugees fled to en masse from conflict zones were not entirely prepared for the situation. In the midst of an economic crisis and a war, the government could not provide sufficient funding for resettling migrants. Local governments had also never had any experience with this type of situation. The result was that Roma frequently did not receive any assistance from state agencies.

For example, after the separatists retreated from Dzerzhynsk, Donetsk Oblast, the Shcherbaks, a Romani family from Kramatorsk, arrived there. This family consisted of 13 people, including two elderly people and several school-age and younger children, one of whom was disabled. According to O., a civil activist, the only thing the authorities in Dzerzhynsk did for this family was add their names to a list of people needing assistance. When they tried to get benefits for their children, they were told that they needed to go to Kramatorsk for some required documents, but they didn't have enough money to travel there. Officials at the public assistance office told the family that "it wasn't their problem". The family spent several days wandering around the city. They picked apricots somewhere and sold them at the market, but they were quickly chased away because they were selling the apricots for less than they should have. Then some Baptists provided the family with shelter in their church, but the family did not live there long because they could not find a way to make a living. They ended up leaving for Russia.¹³⁷

At the same time, residents of Ukraine displayed great solidarity with the refugees and readiness to help them. While local authorities mostly collected information on internal migrants, volunteers, activists from NGOs, and church representatives (mainly Baptists and Protestants) provided most of the actual aid.

However, human rights defenders helping migrants from the conflict zone observed that in some cases there was not enough coordination between Romani activists and other organizations and institutions involved in the aid process.

In the absence of any real aid from the state, the funds collected by volunteers and ordinary citizens were insufficient to provide migrants with even the most essential items on a regular basis. At many humanitarian offices, a person could only receive assistance one time.

136 Data from the organization Chyachimo (Kharkiv) was obtained by ADC Memorial experts from the activist N. Burlutsky (Kharkiv, 16 October 2014), data from a Roma grassroots initiative (Zaporizhia) was obtained from the Romani activist A.P. (Zaporizhia, 19 October 2014).

137 Interview conducted by ADC Memorial experts with O., a civil activist. Recorded in Dzerzhynsk after the town was liberated from the pro-Russian fighters on 20 November 2014. ADC Memorial archives.

Thus, Romani migrants registered with government institutions and NGOs are in the same difficult situation as other refugees: they have at times been placed in quarters that have not been adapted for living and they have lacked sufficient food and humanitarian aid.

According to a survey conducted by Chachimo, a Romani NGO, and volunteers from Stantsiya Kharkiv, 67% of Roma surveyed had to spend the night on the street, in the railway station, or in tents in forest areas during their first few days in Kharkiv, and they did not receive any humanitarian aid during this time. For example, one Romani family with many children from Sloviansk was camped in a forest area near Proletarskaya metro station. Their youngest child was two months old at the time. Another family consisting of 19 people (10 children and 9 adults) lived under the open sky for four days in a park near the Kharkiv Tractor Factory without any money to support themselves. Roma migrants could also frequently be found in the railway station in Kharkiv, where they would spend several days at a time in the waiting room.¹³⁸

Some Roma interviewed by ADC Memorial experts found that there was no money available for them. G., a single mother with three children, fled Sloviansk for Kyiv, where she and her children had to live at the railway station for three months because there was nowhere to move them. When she applied for benefits for her children at a temporary assistance office, she was not received because there was "no money."¹³⁹ Ukrainian human rights defenders were able to determine that no provisions had been made to offer migrants these kinds of benefits.

All the refugees from the conflict zone have had problems receiving their pensions and allowances. Transferring pensions and allowances to new places of residence takes up a great deal of time, and if the refugees had accounts at Privat-Bank, then they weren't able to access their money at all. N., the mother of three children who fled Luhansk for Merefa, which is outside of Kharkiv, encountered this problem: "By law I am entitled to 2,800 hryvnia a month, but social services said that I would have to pay 1,300 hryvnia to transfer the funds from Luhansk because I am a client of PrivatBank, which does not now operate in the anti-terrorist operation area. In other words, they promised only 1,500 hryvnia, but I wasn't even able to receive that."¹⁴⁰ Maxim Butkevich, a representative of the UNHCR, explained that "depositors of PriwatBank who are IDPs from the occupied territo-

138 The survey results were received from N. Burlutsky, head of Chachimo. Kharkiv, 16 October 2014.

139 Interview conducted by ADC Memorial experts with Romani refugee G. after her return home. Sloviansk, Donetsk Oblast, 17 October 2014. ADC Memorial archives.

140 Interview conducted by ADC Memorial experts with N., a Romani refugee from Luhansk. Merefa settlement outside of Kharkiv, 18 October 2014. ADC Memorial archives.

ries of the Crimea or from the zone of anti-terrorists operation faced unexpected problems trying to withdraw money from their accounts, even they show documents proving their IDP status in other regions of Ukraine. This practice of refusal in money is common. Banks don't inform people about legal ways the IDPs can use to withdraw their money."¹⁴¹

Issues Unique to Roma that Make their Situation more Difficult than the Situation of Other Refugees

In addition to the circumstances mentioned above, the situation of Romani migrants is complicated for a number of other reasons. **First of all, their documents are either not in order or missing completely** (a typical problem for Roma in Eastern Europe). This has made it difficult for Roma to leave areas held by separatists and to receive humanitarian aid in the places where they have resettled. According to Yevgenia Levinshteyn, an activist from Stantsiya Kharkiv, almost 80% of Roma who have come to this group for help from May to July did not have passports and 45% did not have any identifying documents whatsoever. "They cannot leave the conflict zone without passports, since the numerous checkpoints have strict procedures for checking documents. If they are somehow able to flee to safe regions, then they are not able to receive assistance for the same reason. People don't want to hire them here and they are frequently denied medical assistance."¹⁴²

Second of all, most Roma have little education or are illiterate and cannot determine on their own what kind of assistance they may obtain and where they can obtain it. Without the goodwill of the authorities and sufficient resources from NGOs, Romani migrants are in a more vulnerable position than other refugees.¹⁴³

Third of all, Roma often encounter xenophobia on the part of the general population, officials, and staff and volunteers at refugee organizations. Roma from the conflict zone who are sorely in need of housing encounter problems when they are placed in camps for internal migrants, and also when they try to collect humanitarian aid in Kharkiv (according to testimony given by Roma and volunteers that was

¹⁴¹ Interview conducted by ADC Memorial experts with M. Butkevich of the UNHCR office. Kyiv, 19 October 2014. ADC Memorial archives.

¹⁴² Interview conducted by ADC Memorial experts with Yevgeniya Levinshteyn, an activist with Stantsiya Kharkiv. Kharkiv, 16 October 2014. ADC Memorial archives.

¹⁴³ According to the NGO Chachimo, 46% of adult Roma arriving in Kharkiv from the conflict zone have no education and only 8% have an elementary education.

recorded by ADC Memorial experts) and Zhytomyr and Cherkaska oblasts (based on information received from Olga Zhmurko of the International Renaissance Foundation). So, for example, according to N., an activist from Stantsiya Kharkiv, there were several instances when Slavic families were received in special tents at the railway station where refugees could pick up food and essential items, but Romani families were denied assistance just because they were Romani. Families with many children that applied to social services for assistance were denied allowances for their children or placed on a waiting list where they had to wait three to six months for payments.¹⁴⁴

The Romani refugee N., the mother of three children who fled Luhansk for Merefa, which is outside of Kharkiv, encountered difficulties receiving public assistance. Workers in Kharkiv refused to give her a boxed lunch several times because of her nationality: "I went to the tent by the August 23 metro station to pick up milk and things for the children a few times, but they said there was nothing left, even though I could see that Ukrainians and Russians were carrying away grits and other items."¹⁴⁵

According to information received from Olga Zhmurko (International Renaissance Foundation), several instances were recorded where only Romani families were denied assistance in Zolotonosha, Cherkaska Oblast. Even when there were available spots in temporary housing and food and warm clothing to be distributed, staff members responsible for resettlement at humanitarian services refused to receive clients when they learned at the last minute that the clients were Roma. At the same time, Crimean Tatars, for example, never encountered any problems. There were also cases where Roma were denied medical treatment because they did not have documents.¹⁴⁶

Often xenophobia against Roma refugees is spread via mass media that creates a negative image of this ethnic group. Examples include: "Roma from the Anti-terrorist Operation Area Terrorizing Volunteers", "'Refugee' Roma from Donbass Set up Drug Trafficking Operation in Zaporizhia", "Roma Turn Darnitsa into Dump", and so forth. These kinds of publications and statements cast Roma in a negative and criminal light and make readers think that the resolution to drug trafficking or fraud depends directly on the fight against representatives of this ethnic group. All this has had the effect of aggravating their already disastrous situation.

144 Interview conducted by ADC Memorial experts with N., a volunteer with Stantsiya Kharkiv. Kharkiv, 16 October 2014. ADC Memorial archives.

145 Interview conducted by ADC Memorial experts with N., a Romani refugee from Luhansk. Merefa settlement outside of Kharkiv, 18 October 2014. ADC Memorial archives.

146 Interview conducted by ADC Memorial experts with Olga Zhmurko, director of the Roma program initiative at the International Renaissance Foundation. Kyiv, 15 October 2014. ADC Memorial archives.

Staff members at NGOs list one other reason that makes it difficult for Romani migrants to receive assistance. That is the distrust Roma have for other people resulting from the traumatic experiences they had in the conflict zone and the fear they had of dying from shelling or at the hands of armed bandits. For example, Romani refugees who lived through the pogroms in Sloviansk refused to speak with the press or human rights defenders in Kharkiv because they feared that the attention would lead to an attack by nationalists or other aggressors. Yevgeniya Levinshteyn, an activist from the NGO Stantsiya Kharkiv, which provides assistance without charge to migrants from Eastern Ukraine, reported that none of the Roma with whom she personally worked wanted to separate themselves from the entire group of migrants and tell anyone that they were Roma. "The women were simply afraid to say anything. The men would sometimes let it slip that the separatists forced them out of their homes, beat them, and forced them to dig trenches."¹⁴⁷

Thus, Romani refugees from Donetsk, Luhansk, Kramatorsk, Sloviansk, and other cities were sometimes deprived of their ability to gain legal status in other regions of Ukraine and realize basic rights guaranteed to internal migrants due a lack of identity documents, a low level of education, the closed nature of Romani communities, insufficient efforts on the part of government agencies, and the failure of various organizations to coordinate their activities.

More information about Roma from Eastern Ukraine can be found on in the report *Roma and War in Eastern Ukraine – refugees, displaced persons, victims of violence* (2015) and the up-date of the report "For today, they don't seem to be shooting..." (*Roma in Donbass an unquiet post-war peace*) (2016) published by ADC "Memorial" on adcmemorial.org.

¹⁴⁷ Interview conducted by ADC Memorial experts with Yevgeniya Levinshteyn, an activist with Stantsiya Kharkiv. Kharkiv, 16 October 2014. ADC Memorial archives.



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