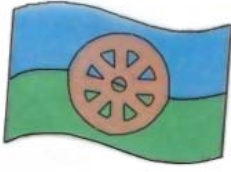


The Initiative Group
«Roma of Ukraine»



Strasbourg July, 18th 2006

**THE OPINION OF THE INITIATIVE GROUP «ROMA OF UKRAINE»
ON THE SECOND NATIONAL REPORT SUBMITTED BY UKRAINE PUR-
SUANT TO ARTICLE 25, PARAGRAPH 1
OF THE FRAMEWORK CONVENTION FOR THE PROTECTION OF NA-
TIONAL MINORITIES**

Dear Sirs

Having studied the Second State Report of Ukraine in detail, we wish to clarify to you the real position of the Roma population, resident on the territory of Ukraine. We shall try to explain in detail our opinion on every disparity in the State Report with the real situation of the Roma of Ukraine. Article 4-19 of the Framework Convention for Protection of National Minorities is being violated.

- 1. The quantity of the Roma population resident on the territory of Ukraine doesn't match.**
- 2. Lack of communicating the Framework Convention in the right way.**
- 3. The problem of satisfying the ethno-national requirements of the Roma.**
- 4. The problem of observing the provisions of the Framework Convention in regard to the Roma.**
- 5. Incompetence of leaders of Roma public organizations.**
- 6. The problem of relations with Ukrainian mass media.**
- 7. The problem of the statistics of the mother-tongue of the Roma of Ukraine.**
- 8. The problem of adapting the Ukrainian legislation to the Framework Convention.**
- 9. The problem of financial character.**
- 10. As a result – the inconsistency between the State Report and the real situation of the Roma, resident on territory of Ukraine.**

- 1. The quantity of the Roma population resident on the territory of Ukraine doesn't match.**

In the 700 years' period of the Roma residence on the territory of Ukraine, a national census has never been conducted, because our nation has led tribal and nomadic way of life. The free nomadic way of life of the Gypsies on the territory of Ukraine was stopped in 1956 by the Decree of the USSR Supreme Soviet Presidium on Legalization of the Nomadic People resident in the USSR. This Decree has given the Gypsies the right to have a passport and a residence permit which has led to a settled way of life of Gypsies on the territory of Ukraine. We want to add that in Soviet times Gypsies, just as Jews, were trying to hide their nationality because of the constant discrimination and political pursuit on the behalf of soviet regime. The number that constitutes 47,6 thousand Roma living on the territory of Ukraine, corresponds to the number of the Roma before 1990.

In reality, by the preliminary estimates of communication within our nation, only the East of Ukraine has approximately 150 thousand Roma nationals, and we are sure that the Roma population on the territory of Ukraine reaches more than 400 thousand people. In this light our nongovernmental organization intends to put forward a

proposal to the government about joint preparation and work on the all-Ukrainian census of the Roma living on the territory of Ukraine. Having taken place the census will give a clear picture of the quantity of the Roma population in Ukraine and there will be no more questions on this account.

All our attempts not only in this question but also in many others were ignored by the Ukrainian government.

2. Lack of communicating the Framework Convention in the right way.

The state does not fulfill Section 4 of the Framework Convention that deals with raising community awareness. In fact, the state laid these responsibilities on the Roma community organizations listed below.

As regards the communicating of the Framework Convention, we consider that the attention paid to this question was insufficient, and sometimes wasn't there at all. The state authorities informed the specific leaders of the Roma community organizations, namely:

Grigorichenko – the ex-president of the «The Roma Congress of Ukraine»

Condur – the Roma organization «Chirikli»

Adam - the Roma organization «Romani Jag»

The leaders in question have never given an effort to inform the Roma nation about the Framework Convention. We are more than sure that they haven't studied the Convention themselves and don't know the main provisions stated in the Framework Convention, although these people are in close contact with the state apparatus.

These nongovernmental organizations haven't conducted the educational work among the Roma population, haven't conveyed the norms of the Framework Convention to the community. This situation arose because the named organizations work only formally and aren't cooperating with the Roma people.

3. The problem of satisfying the ethno-national requirements of the Roma.

The ethno-national needs that are a part of each human being are also a part of every Roma in Ukraine; they are an important part of spiritual harmony and contribute to spiritual welfare.

The ethno-national requirements are influenced by many social, economical, political and spiritual aspects, to which Ukraine and its citizens should be paying special attention. During the 50 years of the settled life of Gypsies in Ukraine their main problems have been: weak integration into economic, political and culture life of the country, the low standard of living, education, unemployment and, consequently, isolation of Gypsies from Ukrainian society. This gives birth to negative stereotypes concerning this nation and is the source of discrimination at workplace and in public places, humiliating treatment from the local authorities and security services.

4. The problem of observing the provisions of the Framework Convention in regard to the Roma.

There exists a significant problem of observing the main provisions of the Framework Convention in regard to the Roma living on the territory of Ukraine, based on the problem of the insufficient and incompetent informing about the convention by the Ukrainian State. If only the information provided in the State Report existed not just on paper, but was being carried out as it should, it would have done much good to the Roma. Because the government officials act for their own personal good, this aspect has a lot of negative consequences. There is an agony within the nation, humiliation and disregard for the human rights and freedoms, discrimination by the national factor. This gives the Roma of Ukraine the feeling of having no place in the Ukrainian society, uncertainty as to what tomorrow will bring, and about the welfare of both present and future generations.

5. Incompetence of leaders of Roma public organizations.

In the time of Ukrainian independence, during the last 10-13 years, community movement has started among the Gypsies that brought about more than 88 gypsy community organizations.

Having studied and analyzed this community movement, we came to the conclusion that it is through the fault of many leaders, that the community actions have a negative impact on the development and the living standard of Gypsies, their integration into Ukrainian society and make for the separation within the nation. Many leaders of such organizations head them only formally, because they don't have the trust of their people, which has a ground underneath.

They think of this work as business and they have turned the simple gypsy people, illiterate in the majority, into the tool for personal gain. The cooperation of some leaders with the state machine was only created as a cover up for the authorities. This destroys the morale of the Roma people that has always safeguarded our Roma nation, which has led to the conflict within the nation. This government tactics reminds of the old KGB methods with the symbolic name «to bring foreheads together».

6. The problem of relations with Ukrainian mass media.

There is also a big problem of the relations with Ukrainian media.

This problem manifests itself in the following. In the period of Ukrainian independence there has been neither a gypsy radio-wave nor a gypsy TV program in the Ukrainian media that would inform the Roma people about the problems and the attempts to solve them on the part of the government. The gypsy speech can't be heard in the radio- or TV-broadcasting, which can't be said about the other nations. However, there exists a TV show dedicated to Jewish people on the Ukrainian television. It's insulting for the Roma people and creates the opinion of their deprivation from the

side of the Ukrainian media, which leads to the idea that there's no need to know their native language in the heads of the Roma youth.

We see the necessity of creation of an educational program on the First National channel of Ukraine that would have informational, educational and political character, with the demonstration of the rather rich craft work of the Roma people, under the working name TV «Club Romen». This is vital because the only Roma newspaper «Romani Jag» issued in Uzhgorod with Adam Aladar as its Editor-in-Chief, does not have the respect or interest of the Roma people due to its participation in the expansion of the intranational conflict, and because it carries out state orders with the purpose of creating new schemes.

7. The problem of the statistics of the mother-tongue of the Roma of Ukraine.

The problem of the statistics of the mother-tongue of the Roma of Ukraine originates from the absence of written language, alphabet, legal, scientific-technological, belles-lettres literary language. We disagree with the number demonstrated in the State Report because every Rom, regardless of the place of residence, considers the Roma language his native, and the second language is the language of the country of residence. Of course, there are those people who living and communicating in the big cities forget their native Roma language, due to the problems pointed out above. We consider that to protect and develop the Roma language for the present as well as for the future generation an educational tutorial program should be devised. For this program Roma language textbooks should be developed and printed, and also evening schools have to be created for the families that want to refresh or learn their native language. It would be a good way to start, but the government does not pay enough attention to this question because of their incompetence and ignorance.

8. The problem of adapting the Ukrainian legislation to the Framework Convention.

The state of Ukraine has not adapted the local legislation and practices to the Framework Convention, which violates Article 4 of the Convention.

As of today the state of Ukraine does not take enough effort to create the corresponding legal acts that would conform to the Framework Convention. During 2005 our Initiative Group «Roma of Ukraine» has developed draft legislation on the status and legalization of the Roma nation on the territory of Ukraine. However, in response we received humiliating answers from the officials of the state committee on nationalities and migration.

We think that the status of the Roma of Ukraine does not agree with the status of national minorities. Giving an example, one out of many, we want to stress that the state of Ukraine cannot create a legal act dealing with the Roma of Ukraine because we don't have our own country that could make an agreement with Ukraine on commonwealth, cooperation and partnership, as it is the case with other national minorities. We think that it is due to our initiative that a President's Edict was issued on «**The Action Plan for Fulfilling Duties and Obligations of Ukraine Influencing its Membership in the Council of Europe**» from 20, January, 2006 N 39/2006. After

this we have received an official invitation from the Ministry of Justice **from 03.07.06 N 18-6-664**, to delegate a representative of our organization for the draft development of the mentioned legislative acts. The Roma of Ukraine consider this their first victory in the government treatment of the Roma NGO.

9. The problem of financial character.

The problem of financial character manifests itself in the fact that in 1997-1998 the documents of the Ukrainian Roma have been gathered for making payments to the victims of the holocaust. As of today it is not known where the funds are, however it is certain that by the New York court decree, **Case «IN RE HOLOCOUST VICTIM ASSETS LIGATION» Common Case № CV-96-4889 (ERK) (MDG) (Combined with cases CV-96-5661 и CV-97-461)**, an agreement was completed that stipulates the creation of the \$1,25 billion fund plus percentage, accumulated by the date of the distribution of the funds. By the agreement the defendants were to pay the sum of 1,25 billion US dollars in four stages: 23, November, 1998 the Defendants by the Agreement transferred \$250 mln. to the conditional depositary fund; 23, November, 1999 the Defendants by the Agreement are to pay \$333 mln. more; 23, November, 2000 the Defendants by the Agreement are to pay \$333 mln. and 23, November, 2001 the Defendants by the Agreement are to pay \$334 mln. more. That brings us to the question who on the part of the state of Ukraine had access to the distribution of the compensatory funds intended for the holocaust victims, and what the exact sum of all four trenches, meant to be paid to the Roma of Ukraine, is. These questions are the above-the-water part of ice-berg. The Roma have the right and need to know the answers to these questions. However to our numerous inquiries we are getting the response that the money is in the International Migration Organization (IMO) in Switzerland. And yet when we turned to the Ukrainian fund of the «Mutual Understanding and Reconciliation» by the Cabinet of Ministers, in our conversation with the President of the fund Mr. Luzhnikov N.I. in his office he contacted the official representative of the IMO in Ukraine, Olga Ozerna, who talked to us through the speakerphone regime. Answering the question about being concerned with the payments to the holocaust victims, she said that IMO had no connection to the given payments. We want to say the following, in the period from 1998 to 2006, the payments were made only twice, and I want to stress that these payments were made during the election campaigns of the President of Ukraine and the Verkhovna Rada of Ukraine. We will not include all the details of the given situation, we just want to point out that the state of Ukraine is not interested in finding solution to the problem of payments to the victims of holocaust.

Below we provide some figures:

Allocated funds for national minorities for 2002-2006 (UAH. /\$ US):

2002 –	1 057 600 / 209 426
2003 –	2 196 700 / 434 990
2004 –	5 623 100 / 1 113 485
2005 –	4 420 000 / 875 248

2006 – 4 900 000 / 970 297
Total: 18 197 400 / 3 603 446

Allocated funds for the government for 2002-2006 (UAH. /\$ US):

2002 – 95 704 700 / 18 951 426
2003 – 97 746 600 / 19 355 762
2004 – 118 876 200 / 23 539 842
2005 – 183 206 300 / 36 278 475
2006 – 184 483 100 / 36 531 307
Total: 680 016 900 / 134 656 812

Total: 698 214 300/ 138 260 257 *

Rate 505 UAH for \$ US 100

*These data have been collected from the official web-site of the Verkhovna Rada <http://rada.gov.ua>

We turned to the State Committee on nationalities and migration with an official letter of inquiry – what sum out of the total of 18 197 400 was set aside for the Roma and for what purposes, or was it set aside at all? To this we got a reply that only revenue services can be provided with such information. We consider this an improper act on the behalf of the government.

This is only one of four points that alarm the Roma of Ukraine. To say nothing of the humanitarian aid from Europe that doesn't reach the Roma population at all, as a result of a certain corruption scheme created in Ukraine.

10. As a result – the inconsistency between the State Report and the real situation of the Roma, resident on territory of Ukraine.

We would like to say that feeling injustice and tactlessness to our people from the side of the government, and going through this situation ourselves, we take the liberty to say, that representatives of other national minorities are also in the same position. As to the documentary confirmation, we have partially provided the documents that we could to the Advisory Board. But our main proof is the Roma people of Ukraine, who hope for support of Ukrainian as well as of the European community.

SPECIFIC OPINION: in Ukraine there are present all public institutes performing the functions of public administration, but how efficient they are in their activity?

Sometimes they even fail to comply with their obligations to the people of Ukraine. The Ukrainians in their majority are not sufficiently aware of their Constitutional rights, let alone the Framework Convention, which provides the Ukrainian politicians with the possibility to manipulate the people and the community of Ukraine.

Leader of the Initiative Group

Mikhailo Kondenko