

Anti-Discrimination Centre Memorial is a Human Rights NGO working on protection of the rights of discriminated minorities and migrants in Eastern Europe and Central Asia through monitoring, reporting, advocacy on local and international level, opposing discrimination by litigation and human rights education.

2 April 2021

Input to the Report on promoting and protecting the human rights of women and girls in conflict and post-conflict situations on the occasion of the 20th anniversary of Security Council resolution 1325 (2000)"

**Challenges faced by Roma women and girls
affected by the Russia-Ukraine military conflict in Donbas (Eastern Ukraine)**

Summary

The situation in the East of Ukraine remains unstable to this day. 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, including women and girls, remain in the conflict zone, where they are forced to endure the cold; lack of a steady income, medical care, and essential items; and various forms of violence. At the moment, the [Ministry of Social Policy of Ukraine gives a figure](#) of 1.46 million people registered as IDPs. Mass migration from Ukraine to Russia remains intensive, on the background of harsh migration policies of Russia and at the same time granting Russian citizenship to the residents of non-recognized "Donetsk and Luhansk Peoples Republics".

The number of Roma who left their former places of residence in the war zone is estimated at about 6,000 people. All the problems typical for Roma communities in Eastern Europe (lack of personal documents, low level of education, poverty, risk of racist violence) had been aggravated in the situation of war. Roma women and girls appeared to be more vulnerable not only due to their ethnicity and migrant status, but also because of deeply-rooted gender inequality within the community. State efforts on integrating Roma communities in Russia and in Ukraine are insufficient or sometimes even counterproductive.

Problems of Roma in the war zone have been mentioned in the recommendations issued by CEDAW on Ukraine (2017), CERD on Ukraine (2016, 2020) and on Russia (2017), and CESCR on Ukraine (2018). The Committees highlighted the need to integrate Roma people into Ukrainian and Russian societies, with account for the intersectional discrimination faced by women and girls; female unemployment; failure to provide housing to Roma families; discrimination in education, particularly against girls, and the need to support their aspirations to graduate (provide them with the opportunity to return to school after they have left school); and the problem of placing children in correctional classes and schools. The Committees stressed the difficulties of forced migration and the need to inform Roma women of their rights and provide protection for these rights. In spite of these numerous recommendations, females in Roma communities continue to face multiple discrimination in all areas of life, both in Russia and Ukraine.

Recommendation

The respective UNHRC bodies (the UN Committees and Special Procedures), should include the issues of women and girls affected by the military conflict in Donbas, into their communications with Russia and Ukraine, in order not to left behind the most vulnerable representatives of minorities like Roma, with their specific situation aggravated with structural and intersectional discrimination.

Roma are the victims of the military conflict and are in very difficult situations both in Ukraine and in Russia. Many of them have tried to leave the conflict zone and flee the war. In addition to the hardships they experience as refugees, they also face xenophobia and biases that plague society in both Russia and Ukraine. The governments of these countries are not taking sufficient measures to deal with the problems that refugees and internal migrants face. There were virtually no public initiatives in Russia aimed at migrants, and Ukraine does not have sufficient resources to deal with this issue.

In Ukraine, many refugees returned home, but life in Luhansk and Donetsk oblasts is still fraught with danger and violence and is unsettled and difficult in material terms. The Roma were caught between two fires, and suffered from the violence and arbitrariness of various armed groups.

Almost all internally displaced women have had problems finding employment and housing, registering as IDPs, and acquiring the proper documents. Many have complained of a negative attitude towards migrants, caused in part by promises of state support for new arrivals, which offend local residents.

Roma women found themselves in a particularly difficult situation. In traditional Roma communities, the responsibility for housekeeping, cooking, and caring for children, of which there are generally many in the family, falls on women and girls of different ages. The war has brought enormous problems of daily life and survival to Roma residents of Eastern Ukraine – there was nowhere for them to live, nothing for them to eat, and nothing for them to burn for heat. They faced every day risk of violence from military groups.

Roma women faced difficulties in obtaining IDP status in Ukraine and the respective assistance; obstacles in access to medical care, including assistance for children and pregnant women. The problem is caused both by lack of personal documents and negative attitude and prejudice. Prejudice based on ethnicity is displayed most strongly against women: Roma women are more likely to be recognized as Roma, are more frequently insulted and subjected to hate speech and prejudice, and often feel helpless in a masculine society. Unfortunately, most media outlets continue to support stereotypes about “gypsy hypnosis” and fortunetelling and provide an inaccurate and biased portrayal of Roma women.

In Russia, most of the Roma who fled the war in the Donbas for a long time lived in very cramped conditions, sometimes in technical buildings adapted for housing, built in a hurry as temporary houses. These dwellings are cold, gas or electricity heating is very expensive and creates a fire hazard. The poorest people still live in such conditions. Those who joined their relatives in segregated Roma villages in Russia, found themselves in conditions typical for such settlements: overcrowding, congestion, and lack of basic conveniences. There is also the risk of demolition and eviction. There is no way to set up safe and legal connections to electrical, gas, and water-supply systems in these houses.

Many women faced difficulties in access to medical care, receiving pensions and social benefits, as the cards and passbooks issued by Ukrainian banks could not be used in Russia. There were also problems with birth registration and obtaining personal documents.

Many children have been forced to interrupt their studies at school because of the war, and only very few have been able to continue studying in Russia; girls are more vulnerable in this sense. It is difficult for children from crowded Romani settlements to receive an education for various reasons. These difficulties also apply to “native” Roma residents who are Russian citizens, but access to education is even more limited for the children of migrants. Parents, who are not traditionally terribly motivated to send their children to school, are occupied with construction and finding means for subsistence in their new places of residence. Even when parents plan on sending the girls to school, but meanwhile, local school authorities showed no initiative despite the fact that they had information about families who came with children from the zone of military conflict.

Deeply-rooted gender inequality discrimination within the community, where patriarchal values reign, poses another major problem for Roma women. Instances of physical, psychological, and economic violence within the community rarely become known outside of the community and women hardly ever seek help.

Risk of statelessness

In Ukraine, as a lot of people have become internally displaced persons or have been forced to flee the country because they live in territories that are not controlled by the Ukrainian government due to the annexation of the Crimean Peninsula and the military conflict in eastern Ukraine. This means that the risk of statelessness has become pressing for thousands of residents of these territories. There is particular concern for children born in these territories after the start of the conflict, since the very fact of their birth must be established in court. For example, of the 62,560 children born in territories outside of Ukraine's control from January 2015 to June 2016, only 20,891 acquired Ukrainian birth certificates through court proceedings from February 2016 through July 2018 (data from Ukraine's Ministry of Justice).

In Russia, there is still no effective way to legalize the tens of thousands of stateless people who have spent years trying to become Russian citizens. According to published data, there were 75,679 persons as of early 2019. There is no doubt that the actual number of stateless persons in Russia is much higher.

Current Russian laws make no account for the special aspects of stateless persons and equate them with foreign nationals, even though the legal situation of these two groups could not be more different. Now stateless persons in Russia are arrested for "violation of migration rules," sentenced to court-ordered expulsion, and then deprived of their liberty, to all intents and purposes indefinitely, since it is not possible to deport them to any country. They are released after two years (the maximum possible time to "secure deportation"), but they are not issued any documents that would allow them to remain in Russia legally. As a result, they are often imprisoned again as violators of migration rules.

Even though decades have passed since the fall of the Soviet Union, the problems of statelessness, whose roots reach way back into the past, have yet to be overcome in either Russia or Ukraine. The laws and practices of both countries are unfriendly to stateless persons, most of whom are citizens of the former Soviet Union. The Roma community is very much affected with the problem of statelessness.

Ukraine now faces the challenges of adapting laws and practice to the Convention Relating to the Status and of Stateless Persons (1954) and the Convention on the Reduction of Statelessness (1961).

Russia, which agreed with recommendations made within the framework of the Universal Periodic Review (2018) concerning accession to these Conventions, must implement the ECtHR's strategic judgment in the case of "Kim v. Russia" and the subsequent RF Constitutional Court judgment in the case of Mskhiladze. In the absence of general measures, systemic violations of the rights of stateless persons continue. These include the practices of confining stateless persons in foreign national temporary detention centers for an indefinite period without judicial control and of ordering expulsions that cannot be enforced.

The matter of the citizenship of residents of Donetsk and Luhansk oblasts who are now governed by the self-proclaimed DPR and LPR is particularly critical in light of the military conflict. Russian passports issued to residents of these territories under simplified procedures are not recognized by Ukraine and will likely be boycotted by other countries as well. This means that holders of these passports may be deprived of their Ukrainian citizenship. Children born in these territories who do not have any documents other than the ones issued by the de facto authorities are now hostage to this situation.

As of beginning of April, 2021, the risk of escalation of the conflict is very high again, and it is especially important to do everything possible to protect such vulnerable groups as women and girls from minorities, people without documents, people at risk of statelessness.