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UNITED NATIONS
OFFICE OF THE UNITED NATIONS
HIGH COMMISSIONER FOR HUMAN RIGHTS

SPECIAL PROCEDURES OF THE
HUMAN RIGHTS COUNCIL

**Mandates of the Independent Expert on minority issues, Special Rapporteur on contemporary forms
of racism, racial discrimination, xenophobia and related intolerance**

REFERENCE: AL Minorities (2005-4) G/SO 214 (78-15)
UKR 3/2013

23 August 2013

Excellency,

We have the honour to address you in our capacities as Independent Expert on minority issues and Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance pursuant to Human Rights Council resolutions 16/6 and 16/33.

In this connection, we would like to bring to your Excellency's Government's attention information we have received concerning the following situation.

According to information received:

On 14 August, at 12:00 PM, Roma people living at Granite street, Uzhgorod, Transcarpathia region of Ukraine, informed local Roma NGOs about a visit to their community by representatives of prosecutors, police and journalists headed by the Mayor of the city, Mr. Victor Pogorelov. They stated that they were informed that the purpose of the visit was to warn the Roma community that they were being given notice that they must move out of their homes. They were reportedly informed that the reason for their eviction was the illegal construction of the Roma homes on the land. It is reported that 22 houses are under immediate threat of demolition, inhabited by 147 people (19 families), including 80 children. The Roma community has reportedly lived on the site for more than 20 years.

According to residents, police reportedly went into individual Roma houses and asked people whether they have registrations for their homes. It is alleged that the authorities acted in a "rough" manner towards the Roma. According to the Head of one Roma NGO in Thalmann, the Mayor of the city, Mr. Pogorelov, gave Roma residents only 24 hours to "evacuate" their homes. It is alleged that the city administration has not consulted or held dialogue with the community, local non-Governmental organizations or community leaders. It is further reported that it has not provided information or any appropriate options, including options for alternative settlement sites, social housing or for legalization of their houses, for Roma families that have to leave their houses.

It is reported that similar actions against residents of other Roma settlements are occurring in other localities in this region. For example, the city administration of Khust is reportedly also trying to expel 300 Roma families on the grounds of unauthorized construction of houses and has reportedly provided no alternatives for affected families or consulted with the affected community. It is reported that the proposed evictions may have implications for the enjoyment of human rights by affected Roma families, including their right to adequate housing, access to healthcare, and education for Roma children.

While we make no judgment as to the accuracy of the above allegations, we express serious concerns regarding these allegations. We would like to remind your Excellency's Government of its obligations under the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (CERD). Article 2 of the ICCPR requires that State Parties afford all rights in the Covenant "without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status." Article 2 of CERD obligates each State Party "to engage in no act or practice of racial discrimination against persons [or] groups of persons... and to ensure that all public authorities and public institutions, national and local, shall act in conformity with this obligation." The Universal Declaration of Human Rights (UDHR) states in article 2 that "[e]veryone is entitled to all the rights and freedoms set forth in this Declaration, without distinction of any kind, such as race." Additionally, the European Convention on Human Rights (ECHR), ratified by Ukraine, requires in article 14 that "the rights and freedoms set forth in this Convention shall be secured without discrimination on any grounds such as... race,... national or social origin, [or] association with a national minority."

In addition, we wish to draw the attention of your Excellency's Government to the provisions of the 1992 United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities. Article 1.1 of the Declaration provides that "States shall protect the existence and the national or ethnic, cultural, religious and linguistic identity of minorities within their respective territories and shall encourage conditions for the promotion of that identity." Article 4.1 of the Declaration establishes that: "States shall take measures where required to ensure that persons belonging to minorities may exercise fully and effectively all their human rights and fundamental freedoms without any discrimination and in full equality before the law." Particular attention is drawn to the need for law enforcement personnel and public officials to exercise their duties and responsibilities in full compliance with international and national standards of non-discrimination.

Further, we would like to draw your Excellency's Government's attention to the General Recommendation XXVII on discrimination against Roma, adopted by the Committee on the Elimination of Racial Discrimination, which monitors the International Convention for the Elimination of All Forms of Racial Discrimination, in which the Committee recommended:

31. "To act firmly against any discriminatory practices affecting Roma, mainly by local authorities and private owners, with regard to taking up residence and access to housing; to act firmly against local measures denying residence to and unlawful

expulsion of Roma, and to refrain from placing Roma in camps outside populated areas that are isolated and without access to health care and other facilities.”

Moreover, since it is our responsibility under the mandates provided to us by the Human Rights Council, to seek to clarify all cases brought to our attention, we would be grateful for your cooperation and your observations on the following matters:

1. Are the facts alleged in the summary of the cases accurate?
2. Have complaints been lodged with regard to the situations mentioned?
3. Please provide the details, and where available the results, of any investigation, and judicial or other inquiries in relation to these incidents. If no inquiries have taken place, or if they have been inconclusive, please explain why.
4. Please provide details of any legislation and policy that exists to protect and promote the rights of persons belonging to the Roma ethnic minority.
5. Please indicate what measures are in place or envisaged to ensure the rights of affected families, including their rights to adequate housing, to healthcare, and to education for their children?

We would appreciate a response within sixty days. Your Excellency’s Government’s response will be made available in a report to the Human Rights Council for its consideration.

While waiting for your response, we urge your Excellency’s Government to postpone action to evict affected families and demolish their homes. We also request that your Excellency’s Government adopt effective measures to prevent the recurrence of these acts.

Please accept, Excellency, the assurances of our highest consideration.

IZSÁK Rita
Independent Expert on minority issues

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discrimination, xenophobia and related intolerance