

First results of the **ALL JOBS FOR ALL WOMEN** campaign in Russia: **RUSSIAN MINISTRY OF LABOR PARTIALLY ABOLISHES JOB PROHIBITIONS FOR WOMEN**

Over the last several years Anti-Discrimination Centre “Memorial” has been campaigning to abolish lists of professions prohibited for women in all countries of Eastern Europe and Central Asia #AllJobs4AllWomen. As a result of this campaign, Ukraine abolished its list at the end of 2017 and, a few months later, the Russian Ministry of Labor presented a draft of a revised list of professions, which proposed lifting restrictions for women for a number of jobs. The persistent struggle against discrimination carried out by female professionals, who have become the heroines of the campaign launched by ADC “Memorial” with the support of trade unions, and the use of means of judicial remedy and communication with state and international institutions have made it possible for women to exercise their right to work in their chosen professional occupations.

By initiating a review of the list of professions prohibited for women, the Russian authorities set about implementing the decision of the UN Committee on the Elimination of Discrimination against Women (CEDAW) in the case of Svetlana Medvedeva and the Committee’s recommendations for compliance with the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women. Attorney Dmitry Bartenev, who defended the interests of ship navigator/helmsman/motorist Svetlana Medvedeva with the support of ADC “Memorial,” achieved international recognition of the discriminatory nature of Russia’s ban and confirmation of CEDAW’s decision by the Supreme Court of the Russian Federation.

Although the original draft did not fully lift the ban on a number of jobs in maritime and river fleets, pressure from the Seafarers’ Union of Russia made it possible to introduce changes, which allowed women to work in the engine rooms of vessels.

RIVER FLEET WORKERS

“ It is clear that the list has been significantly reduced, the whole of transportation sector was withdrawn from the list. It will be easier now for women working in the fleet, there will be no pitfalls for employment. This is a considerable breakthrough, but still the draft remains discriminatory. There is still a huge field for work of human rights defenders: women have the right to make decisions themselves. Employers should inform women about possible risks and negative consequences, and also should provide safe working conditions for all workers, irrespective of their gender, to the greatest possible extent. ”

SVETLANA MEDVEDEVA

The determined efforts of the main heroines of the campaign “All Jobs For All Women,” including ship navigator Svetlana Medvedeva and long-haul truck driver Eugenia Markova, to assert their right to work in their chosen profession were not in vain. From now on, these women, who both persisted in their pursuit of the opportunity to exercise their rights in the professional sphere, and many other women will be able to hold jobs previously out of their reach and fill vacancies previously inaccessible to them.

The abolition of direct bans on women holding certain jobs in the transportation sector finally allows women to work as train/locomotive drivers and to operate public transport, intercity buses, tractors, and heavy trucks. Moreover, these changes partially solve the problem of the lack of employment for women, which is especially keen for women living in remote settlements and rural areas.

The draft provides for the lifting of restrictions on the employment of women over the age of 49, which at least gives women the right to apply for any desired job starting at this age.

Despite this, women still cannot realize their full potential in some professional occupations. For example, women are banned from working as firefighters and as printing press operators in certain printing shops. Women facing discrimination in the professional sphere must resort to comprehensive methods, including legal action, to ensure that all restrictive legal norms are abolished. Along with the right to make independent decisions on professional fulfillment and to take full responsibility for their own health (including reproductive health), women should also be provided with state guarantees of maternity protection.

CURTAILING OF THE RUSSIAN LIST OF PROFESSIONAL BANS FOR WOMEN: LEGAL ASPECTS

In March 2018, the RF Ministry of Labor presented a draft of a new “List of Harmful and Dangerous Workplace Factors and Jobs Restricted for Women.” During the public discussion, the first version of the amended list was criticized by women wishing to hold or already holding banned jobs, commercial companies, unions, and experts in labor law and health care. The current version of this document was prepared with account for this criticism.

The main purpose of the amendments to the existing regulation was to remove professions that are not applicable in today’s world. Another amendments are more ambiguous, not just from the standpoint of expanding women’s access to jobs and fighting discrimination, but also from the standpoint of creating explicit norms and rules.

Unlike the previous list of banned jobs in thirty-eight sectors, the new list consists of three sections: workplaces impacted by chemical factors, workplaces impacted by physical factors, and harmful and dangerous jobs. Only one section lists over 20 specific jobs, while the other sections contain a list of 152 chemical substances that may harm a woman’s reproductive health when permissible levels are exceeded and a list of restrictions regarding the impact of vibrations, radiation, and cooling or warming microclimates.

After the amendments are adopted, women will be able to hold dozens of jobs that were previously closed to them. These include jobs on all types of fleets: engine officers corps (mechanics, electromechanics, etc.) and engine crew (machinists, motorists, electricians, all types of turners and metalworkers, etc.), deck crew positions (boatswain, longshoreman, senior longshoreman), crane driver (crane operator) on a crane vessel and crane driver (operator) assistant, crane driver (crane operator) at sea, and members of a crane vessel engine crew; also accessible are crane operator jobs loading and unloading cargo in sea and river ports, drivers of intra-port transport, and workers operating machines and continuous action mechanisms to process cargo. Women will be able to take jobs in a number of railway specializations (including machinists and machinist assistants, yardmasters, cargo train conductors, and brakemen), agricultural tractor operators, and drivers of trucks and intercity buses with over 14 seats. Bans on women working as painters and carpenters (with the exception of jobs in cisterns and other hard-to-reach areas) have been partially lifted. A number of specializations for construction jobs and several metal worker

jobs (mechanics, fitters, ship repair mechanics) will be open to women. Direct restrictions on work at heights in several specializations are no longer relevant (for example, electrical engineering, operation and maintenance of radio and communications equipment on high structures, installation, repair and maintenance of overhead contact systems and overhead power lines at a height of over 10 meters). More than 10 different jobs in these spheres, such as jobs in felt-making, leather-making, the tanning industry, and the production of leather shoes, are still banned, but women can hold non-manual jobs in some areas of the textile industry. Women can also be hired for previously banned mechanized jobs.

The new list allows women to hold several jobs in a number of spheres involving exposure to chemical substances above established norms with the use of personal protective equipment. These include jobs in pharmaceutical production, medical and scientific research institutes, test labs, domestic services, temporary jobs in redecorating, painting, and finishing work, exterior work, and work in production facilities equipped with effective supply and exhaust ventilation.

In spite of this positive step to curtail the list of banned profession and move towards achieving equality between women and men in the labor sphere, the new regulations raise a number of questions for experts and potential employers. For instance, many jobs involve exposure to chemical substances that sometimes exceed acceptable limits; moreover, in many cases one of the substances listed can be used in several different specializations. The lack of ceiling limits approved by the RF chief public health physician for all the chemical substances listed in the amended list, as well as specific specializations, could potentially lead to an ambiguous interpretation of bans depending on the preferences of employers and inspection authorities.

Jobs involving exposure to cooling or warming microclimates continue to be banned. While comfortable working conditions can be created in the first case (below 13-20 °C), existing standards unfortunately do not provide for this in a warming climate (above 21-25 °C). Along with a ban on over a dozen furnace operator jobs, a permissive restriction is in place for several types of jobs at food service companies; however, these jobs are not listed anywhere, which may lead to differing interpretations and practical applications.

In its opinion on the draft, the Ministry of Economic Development pointed out provisions that introduce an excess of obligations, bans, and restrictions on female

workers and on employers and that result in unjustified expenses for all participants in the labor process. Difficulties determining the level of harm and danger of various factors may also arise during the performance of odd jobs that were not taken into account during a special evaluation of labor conditions.

The new list retains the ban on manually lifting and moving objects heavier than the established norms. Women in some positions can circumvent this ban at the discretion of employers, who are able to introduce new technologies or avoid overlapping positions that frequently result in a broader application of the bans.

Employers themselves have submitted their comments on the draft of the list of banned professions. For example, Severstal Public Joint Stock Company announced that, taking the new norms defining harmful factors instead of professions into account, “2,892 women held jobs with harmful and (or) dangerous working conditions” in 2017. Specifically, under the new act “637 women work in the harmful class relating to vibration. Because of this, the company must immediately perform several tasks: find men for the positions that women cannot hold and install the previously hired women in new positions. Both options are fraught with losses for the company, which is why its representatives proposed “allowing the use of women’s labor, provided that measures are developed to improve and enhance working conditions.”

While the draft of the amended list stipulates an age restriction of 49 on the bans, neither the draft or other acts contain a definition of “a woman’s reproductive age” or “reproductive health,” which frequently results in senseless bans for women who are not able to have children for physiological reasons.

Finally, it is impossible to completely agree with the statement of RF Minister of Labor Maksim Topilin, who believes that this new list of banned professions will guarantee fair working conditions for women: after all, being deprived of the freedom to find one’s own professional fulfillment can hardly be called equality when it comes with a lack of concern about the health of all citizens regardless of gender. Nevertheless, when the amended list enters into force, it will undoubtedly open up job opportunities for women, and some heroines of the #AllJobsforAllWomen campaign will officially be able to find employment in their chosen professions.

Inessa SAKHNO

LAWYERS COMMENT ON PROPOSED CHANGES TO THE LIST OF JOBS PROHIBITED FOR WOMEN



Lawyer Maxim Olenichev, representative of printing worker Anastasia in court, legal adviser to the LGBT spearhead group Coming Out

The list of jobs and positions with harmful and (or) dangerous work conditions established in the draft document has significantly curtailed the list of professions banned for women. But this reduction is purely cosmetic in nature

because types of jobs banned for women have been generalized. At the same time, there has been a certain relaxation of the list, and specific professions (for example, cargo train conductor under special work conditions, jobs involving the operation and maintenance of radio and communications equipment on structures (towers, poles) over 10 meters in height that are not equipped with elevators, and others) have become accessible to women. But this does not change the fact that gender stereotypes existing in society are still reproduced in regulations and create artificial barriers for women to access the labor market.

If approved in its current form, the list may, as it does now, create groundless prescriptive measures for women to access the labor market. For example, the draft envisages a ban on women performing work connected with manually lifting and moving heavy objects (regardless of position), if the weight of these loads exceeds the limits set specifically for women in 1993. This is just one example of the gender-based separation of labor that has no rational basis. All people are individuals and have different physical abilities. Many women who are physically stronger than men live in Russia, so the notion of women as the “weaker sex,” which predominates in patriarchal societies and carries over into legal regulations, does not meet the challenges of the times. Each person must decide for them-

selves which jobs they may and can perform and which they cannot. The state’s concern to the contrary is not help for a vulnerable group, but the reinforcement of gender stereotypes.

Unfortunately, the new document does not change the situation of Anastasia, whose interests I represent, since the profession of printer involves manually moving heavy objects that exceed limits set for women. After changing her gender marker, Anastasia, who had had a successful career as a printer, was suddenly unable to occupy this position under existing legal regulations because of the state’s expressed concern about her health. In practice, these declarative positions are actually a barrier to Anastasia’s work activities instead of concern about her. After changing her gender marker to female, she was fired from her position as printer. As of the current time, courts of two instances have refused to consider her individual abilities and provide her with the ability to work in her chosen profession. The courts focused on concern for women, but in practice they reinforced discriminatory treatment of Anastasia by depriving her of her profession and the means for existence that her work as a printer gave her. But we are not giving up and, with the support of Coming Out, we will continue to carry on the fight for Anastasia’s right to work in her chosen profession.



Attorney Dmitry Bartenev, the lawyer representing the interests of ship navigator Svetlana Medvedeva

In my opinion, the draft of the Ministry of Labor order substantially narrows down the list of banned professions for women, which is the result of Svetlana Medvedeva’s case, among other things. First of all, restrictions on the use of women’s labor only relate to women who are presumably of reproductive age (from 18 to 49), which makes sense. Second of all, this restriction only applies to specific types of employment where it has been independently confirmed that work conditions are potentially dangerous for a woman’s reproductive functions. Nevertheless, the general idea of a list of banned professions for women is retained: a number of professions continue to be viewed as traditionally “male” and are banned for women. The amendments to the list of banned professions are not in keeping with the recommendations made by the Committee on the Elimination of Discrimination Against Women, since the free choice of women, and not a government decision, should lie at the foundation of choice of profession, while all types of jobs and production should be equally safe for men and for women. Instead, the draft shows that “men’s” health is still deemed less valuable, since men are

not banned from working in conditions established to be harmful. The Ministry of Labor’s logic is apparently based on the fact that a number of workplace factors have a significantly more pronounced negative impact on a woman’s reproductive functions than on a man’s. Nevertheless, the question of choice of profession and the decision of whether to have children should belong to the woman herself in the same way as it does to a man. Furthermore, it’s astonishing that under the draft women are not banned from working in harmful conditions while providing domestic services or holding painting jobs or other types of traditionally “female” jobs. This kind of exception essentially justifies existing stereotypes in relation to women’s professions. One would think that the setting of restrictions on the use of women’s labor should be based on the objective results of studies on harm caused by various professions with account for the share of women employed in these professions. It’s no secret that Russia has an array of “harmful” and arduous jobs mainly held by women and that no real measures are taken to protect reproductive health due to profound indifference.

INTERVIEW WITH ANNA KANOPATSKAYA, A DEPUTY IN THE HOUSE OF REPRESENTATIVES OF THE VI SESSION OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BELARUS #ALLJOBS4ALLWOMEN CAMPAIGN

We frequently hear the opinion that the list of professions banned for women is a protective measure, since it protects women from arduous work conditions. Is this the case?

If we're going to speak about proper work conditions, then they should be observed for everyone, man or woman, young or old. In this sense, the list of banned professions for women is discriminatory in nature because it makes it possible to some degree for employers to be less conscientious about work conditions for men, so this list must be revoked. Another argument in favor of revoking this list: a great many regions of the Republic of Belarus have been identified as regions with difficult conditions on the labor market, meaning that it is impossible to find work there. Attractive jobs have not been created and the labor market is not developed for various reasons and circumstances. And if we create restrictions on female labor in the form of these lists, then women will not be able to find any work at all, especially because there are no legal or medical grounds for this list of banned professions. In addition, the Belarusian government has approved Decree No. 3, which compels people to work, while at the same time it has created barriers for people to find a job. Both employers and women know about the existence of this list, so if a woman is still hired for a "banned" job, she is in an unfair position from the start: she could be fired at any moment and her rights are not protected. It works out that with this list, the state is pushing both employers

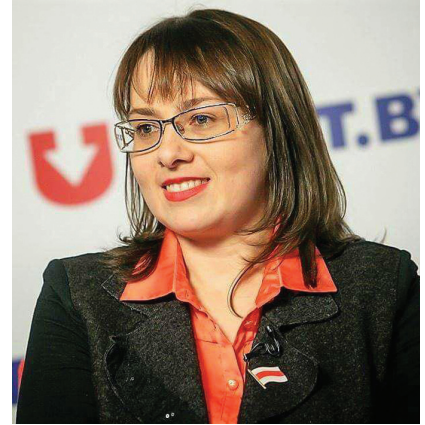
and women to commit a violation. I believe that these reasons should serve as grounds for revoking this list.

Has the list of banned professions had a negative impact on the employment of women in business?

Even though the list of banned professions does not contain any direct bans on female entrepreneurship, it does in actual fact make it difficult to solve the problem of self-employment. When the government speaks about how small businesses and individual enterprises, small and mid-sized businesses must drive the economy, the presence of a list of banned professions slows women down on their path to self-realization and self-employment. For example, if a women wants to buy a tractor and drive it, she can't do this, even from the standpoint of saving money to minimize operating costs. She cannot be a truck driver. Even according to official statistics of the Republic of Belarus, women are in a more vulnerable situation than men. Discrimination exists in Belarus, this is recognized by national and international experts, but the situation of women is further compounded by restrictions on employment.

How would the list's revocation impact women living in rural areas?

With the cancellation of the list, the ability for women to find employment, particularly in rural areas, will definitely improve. This will help not just women



looking for work, but also the employers that agree to hire them. Because while men have the opportunity to leave the country to earn money, women generally cannot do this because of various circumstances. They remain behind in sparsely populated localities and look for any work there is. And, as a rule, these jobs—all agricultural—are for some reason on the list of jobs banned for women. This list is at the very least unacceptable from the standpoint that employers must make sure that any worker, male or female, works in safe and acceptable conditions. And again, we're talking about work conditions: it's the 21st century and modern tractors should be come with power steering, safety forks, anti-dust devices, and air conditioners. This means that work conditions will improve for both men and women.

UN CEDAW URGED TURKMEN AUTHORITIES TO ENSURE WOMEN'S LABOR RIGHTS

Following the consideration of the 5th state report of Turkmenistan on the implementation of the Convention on the Elimination of All Forms of Discrimination against Women, the United Nations' Committee on the Elimination of Discrimination against Women (CEDAW) has adopted its final recommendations to the country during its 70th session.

Members of the CEDAW urged the authorities of Turkmenistan to change the country's legislation, to prohibit direct and indirect discrimination, to

exclude all discriminatory provisions from the nation's laws, including restrictions on women's access to a number of professions.

The experts of the Committee urged the Turkmen authorities to abolish discriminatory lists of professions prohibited for women, while keeping only protective measures aimed at pregnant women and mothers caring for their babies. Anti-Discrimination Centre "Memorial" also advocates abolition of the lists of professions prohibited for women as it continues its campaign #AllJobs4allWomen.

While noting the positive impact of the recent educational reforms, CEDAW experts noted the lack of progress in promoting equality in the professional sphere and economic opportunities for women and men in Turkmenistan, which is also reflected in the existing wage differences. Many women hold low-paid positions in unskilled jobs, mainly in the agricultural sector, but very few women work in other sectors of industry. The close relationship between education and employment, according to the members of the UN Committee, requires the state to implement

programs aimed at improving access to vocational and higher education for women, including to positions rarely occupied by women, and adoption of measures needed to protect women from harassment in workplaces, where men dominate.

Stressing the inadequacy of measures taken by the Turkmen state to overcome gender stereotypes, CEDAW considered it necessary not only to recommend developing programs aimed at achieving equality between women and men, but also called to reject discriminatory practices such as special requirements for the appearance of women working in public service and education, restrictions on the movement of women (existing problems in acquiring driver's licenses by women), the difficulty of travel for unaccompanied women in Turkmenistan and beyond, forced early marriages, examination of girls by a gynecologist to determine their virginity, etc.

Obstacles to the departure of girls and women for work or training abroad often force them to return to Turkmenistan, while there are also cases of threats against members of their families. The Committee urged the authorities to ensure security for these women and their families.

Among other issues considered by the UN CEDAW, the experts pointed out the need to create opportunities for safe work of female human rights defenders and employees of non-governmental organizations.

Noting discrimination and hate speech against non-Turkmen women, members of ethnic minorities, people who have non-Turkmen names and surnames, the UN CEDAW called on the country's government to adopt measures for respecting the rights and guaranteeing equality for non-Turkmen women in various spheres.

Pointing out the problem of violation of the rights of stateless persons, including the difficulties they face in getting education and employment, UN experts called on the authorities of Turkmenistan to simplify the procedure for granting citizenship and refugee status, to guarantee foreigners living in Turkmenistan access to basic services.

In two years Turkmenistan is expected to report on the implementation of some of these recommendations, in particular, providing results of the studies of how education reforms affect the problem of women's underrepresentation in many professions, especially in highly paid jobs where men predominate.

RIGHTS OF LBQ WOMEN IN KAZAKHSTAN

Presentation of the Kazakhstan Feminist Initiative 'Feminita' at the side event during the OSCE HDIM, Warsaw, September 2018

In 2016 and 2017, Feminita conducted a study of the needs of lesbian, bisexual, and queer women in Kazakhstan and published a report titled "I Call my Partner Sister." Women from 16 Kazakh cities were polled through surveys and in-depth questioning. Women in Kazakhstan hide their sexual orientation, so it was difficult to get them to participate in the study. The results of this work helped dispel the myth that no Kazakh women are lesbians: it turned out that exactly 50 percent of the LBQ women surveyed were Kazakh, while approximately 30 percent were Russian. Some women preferred to identify as queer because this word is still not understood by Kazakh society, while lesbian and bisexual women face severe stigmatization.

We believe it is necessary to devote a great deal of attention to the health of LBQ women: the surveys we conducted show that over 65 percent of women are not aware of the specific risks. LBQ women seeking medical help, including from gynecologists, rarely tell doctors about their sexual orientation because they fear displays of homophobia, which is widespread in Kazakhstan.

LBQ women in Kazakhstan regularly face discrimination, various forms of violence (psychological, physical, social, economic, and verbal), and insults, blackmail, and outing by police officers, colleagues, friends, and acquaintances. Many respondents spoke about negative experiences interacting with representatives of law enforcement agencies who failed to perform their professional duties (failed to provide assistance, refused to accept complaints at the police precinct) or took violent actions against LBQ women.

According to needs assessment research of LBQ-women in Kazakhstan conducted by Kazakhstan Feminist Initiative "Feminita" in 2016-2017, the most important services for respondents included the help of psychologist (for 105 respondents), informational-resource center (105) and medicine services (93). Also 64% of respondents answered that they do not know anything about specific health needs for LBQ-women.

Example: When visiting clinics, lesbian woman A. often pretends that she is a heterosexual, because when once she informed a medical specialist about her sexual orientation she was forced to listen to gynecologist's instruction regarding the importance of having children and that men's sexual energy is important for women's health and life purpose. (Published with the researchers' permission)

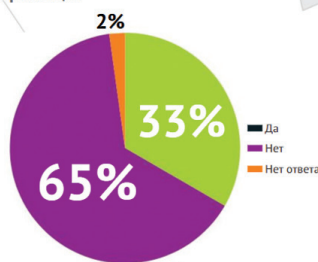
Часть 2. Здоровье ЛБК-сообщества в Казахстане



Специфические риски для здоровья ЛБК-женщин

Согласно многочисленным исследованиям^{22,23,24,25} ЛБК-женщины имеют более высокие риски для здоровья, следующие из возможного злоупотребления алкоголем, табаком, наркотиками, бесплодие, обусловленных психологическим и физическим насилием со стороны ближнего круга и общества в целом.

Осведомленность о специфических рисках для здоровья лесбиянок, бисексуалок и квир-женщин

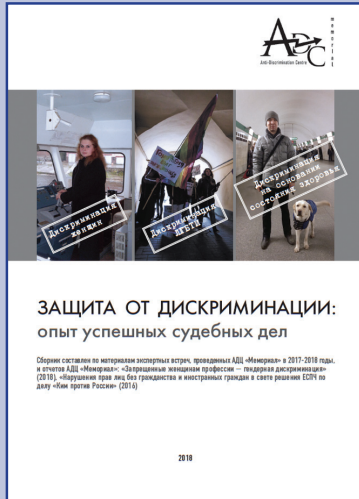


Перечисление специфических рисков для здоровья лесбиянок, бисексуалок и квир-женщин

- 165 Нет ответа
- 21 ИППП
- 12 ВИЧ/СПИД
- 8 Специфических рисков нет
- 7 Несоблюдение гигиены
- 6 Инфекции
- 5 Сифилис
- 4 Гормональный сбой
- 2 Онкология матки, груди
- 2 Агрессия и насилие в семье
- 3 Психологические заболевания, применение избивания
- 1 Повреждение внутренних органов
- 1 Бесплодие
- 2 Болезни органов мочеполовой системы, молочных желез
- 2 Гепатит
- 15 Другие ответы

²²Mravcak SA. Primary care for lesbians and bisexual women. Am Fam Physician 2006;74:279-86, available at [http://www.aafp.org/afp/2006/0715/p279.html]
²³Riccio M. Elevated substance use among lesbian and bisexual women: possible explanations and intervention implications for an urgent public health concern. Subst Use Misuse 2008;43:1268-70, available at [https://www.ncbi.nlm.nih.gov/pubmed/18649245]
²⁴Weisz VK. Social justice considerations for lesbian and bisexual women's healthcare. J Obstet Gynecol Neonatal Nurs. 2009 Jan-Feb;38(1):81-7, available at [https://www.ncbi.nlm.nih.gov/pubmed/19208051]
²⁵Health care for lesbians and bisexual women. Committee Opinion No. 525. American College of Obstetricians and Gynecologists. Obstet Gynecol 2012;119:1077-80. Available at [https://www.acog.org/Resources-And-Publications/Committee-Opinions/Committee-on-Health-Care-for-Underserved-Women/Health-Care-for-Lesbians-and-Bisexual-Women]

NEW PUBLICATION BY ADC MEMORIAL PRESENTED AT THE SIDE EVENT DURING THE ANNUAL OSCE HDIM IN WARSAW



The side event “Strategies in overcoming discrimination in Eurasia region” took place on September 20, 2018, in the framework of annual OSCE HDIM.

Speakers discussed the problems typical for all countries in the region of Eastern Europe and Central Asia, as well as the experience of protecting representatives of vulnerable groups from multiple discrimination, including women, Roma, LGBTI people, people with disabilities. A new publication by ADC Memorial was presented – «Protection from discrimination: summary of successful legal cases» (in Russian); the book will be useful for lawyers and experts working in the field of anti-discrimination.

As part of the OSCE events, the experts of ADC Memorial also spoke at the FIDH side event “Human Rights in Contested Entities: The Price of Living in the ‘Black Holes’ of International Law”, and participated in plenary sessions on Roma rights, migrants’ rights and ensuring equal opportunities for women and men.

MULTIPLE DISCRIMINATION OF WOMEN LIVING WITH HIV IN CENTRAL ASIA Presentation of the Kazakhs Union of People Living with HIV at the side event during the annual OSCE HDIM in Warsaw, September 2018

Women living with HIV in Central Asia are discriminated against in double measure: in terms of gender and in terms of state of health. One of the main causes of the discrimination of HIV-women in Central Asia is the presence of persistent gender stereotypes.

KAZAKHSTAN

The existence of a Kazakh law stipulating criminal punishment for the risk of infection with HIV does nothing to solve the problem of infection and contributes to a growth in violence and gender inequality in the family, health-care, and society.

Women living with HIV in Kazakhstan have limited access to shelter services in existing crisis centers intended to victims of violence.

“I warned them that I am registered at the AIDS Center, to which they told me to call back. The reason I wasn’t accepted at the special crisis center was my HIV status, because they questioned me for a long time about my HIV status when I called back...”

Anastasia, 27. Almaty, Kazakhstan

In Kazakhstan, violations of women’s reproductive rights are manifested

in forced sterilization (six times more frequently than men) and in recommendations not to have children (1.5 times more frequently than men). Twenty-four point two percent of HIV-positive women are forced by medical personnel to terminate their pregnancies (have an abortion), while 34 percent of women living with HIV have never received a consultation on their reproductive capabilities.

“A group of health professionals talked me into getting rid of the baby, even though I was five months pregnant. Their reason for this was that I use drugs and am HIV positive.”

Olya, 31. Temirtau, Kazakhstan.

TAJIKISTAN

The problem raised by women in interviews is that their husbands do not allow them to seek treatment at a hospital. One of the reasons for this behavior is that husbands fear that their wives’ illness will become known. Another reason is the extra cost for treating their wives, who, they believe, are financially dependent on them. The result of this behavior has been the deaths of women.

When women’s rights are violated, there is generally nowhere to turn. One of the main reasons for this is the

lack of funds to pay for a lawyer’s services. Another important reason is that many HIV positive women and women from groups affected by HIV have little knowledge of the law and fear self-stigmatization and disclosure.

Many women living with HIV in Tajikistan are subjected to various forms of violence in the family: psychological violence in the form of insults, indignities, removal of a child, and use of separate plates and other items; physical violence (beatings); different kinds of bans on receiving treatment connected with HIV and tuberculosis and doctor’s examinations; and economic violence (they have been thrown out of their husband’s relatives’ homes and not accepted in their own relatives’ homes).

In most cases, women living with HIV face discrimination in the family. If the husband does not have HIV and his wife does, she is immediately thrown out of the house with her children. HIV positive women are also discriminated against after their husbands die from AIDS, when it was the husbands themselves who infected their wives. In some cases, they are not even accepted in their own families.

Published with the researchers’ permission.

STRIPPING A GAY MAN OF HIS HOUSE BY THE SEA: POLICE TORTURE IN CRIMEA

The use of torture by Russian law enforcement agencies has long ceased to shock or surprise the public.

In recent months, the media has reported several cases of the use of violence against suspects and detainees by servicemen from the Center for Combating Extremism in Ingushetia and in a Yaroslavl penal colony. Ingush officers have already been convicted of abuse of authority and use of violence. A trial has begun in St. Petersburg against officers of the 70th police department who stand accused of forcing detainees to confess to committing crimes by pouring boiling water over them and burning their nostrils. The St. Petersburg Investigative Committee opened a case on the perverted torture of a businessman by an FSB officer. Numerous servicemen at the Yaroslavl penal colony were arrested for torturing prisoner Yevgeny Makarov.

This last case received international publicity: the UN Committee Against Torture (CAT) requested an effective investigation of the Makarov case to bring the perpetrators to justice. The painstaking work of members of the public monitoring commission and lawyers and international support for anti-fascists and anarchists helped gain wide-ranging coverage for the “Set’ (Network)” case, in which suspects and witnesses were arrested and beaten and tortured with stun guns in St. Petersburg and Penza. An FSB officer involved in the use of violence and torture in Penza was later exposed by a businessman who had also been tortured and forced to hand over part of his business. It was only after leaving Russia that the victim was able to recount what had happened, but the perpetrators have not yet been brought to justice.

Some cases of the widespread use of physical violence and psychological pressure by law enforcement agencies are being publicized through the joint efforts of victims, lawyers, human rights defenders, journalists and civil activists. However, numerous instances of torture have not been investigated and have in fact never been disclosed for various reasons. Members of vulnerable groups, who are systematically subjected to violence on the part of representatives of law enforcement agencies, especially in territories where a de facto state of lawlessness persists, find themselves in an even more difficult situation.

More than a year ago, cases of mass abductions and torture of LGBTI persons in the Northern Caucasus became widely known. In the course of an international campaign, launched by the Anti-Discrimination Center “Memorial,” we called for an end to persecution on the basis of sexual orientation or gender identity (SOGI), not only in Chechnya, but also in the eastern regions of Ukraine. In the human rights report “Violation of LGBTI Rights in Crimea and Donbass: The Problem of Homophobia in Territories Beyond Ukraine’s Control,” we provided evidence of the use of violence by armed men against members of the LGBTI community in these regions. Now, ADC “Memorial” has released this first-hand video account of a gay person from Crimea who notified human rights activists about the use of torture by law enforcement officers in Crimea.

According to Alexander, he was forced to leave Crimea after being tortured at a local police department in the fall of 2014. Officers of the district police precinct forced him to surrender the title to the house he owned along the coast. Two policemen took Alexander out of his house under the pretext of checking his alleged involvement in a robbery at a nearby sanatorium. When they arrived at the police precinct, the officers began torturing him, beating him with their fists, bottles of water, and other objects, forcing him to do a split, threatening him with rape, and humiliating and insulting him because he was known to be gay.

The torture lasted for many hours and stopped only when Alexander signed over the title to his home in the resort area. The victim was forced to clean up any trace of the violence at the police precinct and was then released. When his injuries healed, Alexander left Crimea. He was forced by the police officers to sign documents under duress, but he still does not know what kind of documents he signed and what became of his house. He has no relatives in Crimea, and he had to cut off all contacts with this region because of the risk of new persecution. Alexander claims that his case is not unique: another gay person, V., who lived alone in a house he owned on the coast in the same village as Alexander, was arrested in the summer of 2014 under charges that were presumably fabricated and died in jail a few months later. Real estate

is also being taken from other people at risk, including people who live alone, are drug-dependent, or are otherwise vulnerable. The majority of such victims in Russia prefer not to report the torture and arbitrary actions of state officials. Now residents of Crimea who fear for themselves and their loved ones also prefer not to publicize such cases. Not only did Alexander never consider the possibility of appealing to the police with a statement about the crimes committed against him, but he also did not even try to ask for help in medical institutions: he feared that health workers would pass on information about him to the very same policemen.

Even under the Ukrainian government, the police officers who tortured Alexander indulged in making homophobic statements and improper behavior (punching people with police batons) and regularly conducted various checks of the members of the local LGBTI community known to them by name and in person. The change of power in Crimea allowed them to move “from words to deeds”: cases of violence against LGBTI persons in Crimea have increased in frequency and Russia’s official homophobic rhetoric has further exacerbated society’s rejection of gay people.

In an attempt to forget these traumatic experiences, many people avoid these distressing topics and do not allow themselves to talk about what happened to them. In an environment where little information about the torture of LGBTI persons in Crimea is available, any cases that become known to the public are of great importance. The arbitrary actions of law enforcement officers are not just a form of political repression and homophobic violence, but also an expression of their personal economic interest in taking other people’s property. At the same time, the use of torture continues unpunished and has become a sure way to achieve criminal goals.

Inessa SAKHNO

First published
in the blog of Radio Liberty

ADC MEMORIAL PRESENTED ITS COMPILATION REPORT ON DISCRIMINATION AGAINST ROMA IN EASTERN EUROPE AND CENTRAL ASIA TO EUROPEAN INSTITUTIONS AND THE OSCE



Participating in the Human Dimension Implementation Meeting organized by the OSCE in September 2018, experts from ADC Memorial disseminated the report “Structural discrimination against Roma in Eastern Europe and Central Asia” and made a statement during the working session dedicated to Roma rights (“Tolerance and non-discrimination, including Roma and Sinti issues, including implementation of the OSCE Action Plan on Improving the situation of Roma and Sinti”).

Previously, in April 2018, the report was presented during the Roma week held in Brussels under the patronage of the European Parliament, the European Commission, the European Economic and Social Committee, Council of Europe and City of Brussels. It was the first time that an NGO representing the rights of Roma people in Eastern Europe and Central Asia co-organized the event. ADC Memorial attended events and high-level discussions organized in the European Parliament and the European Economic and Social Committee and took this opportunity to present the situation of Roma people in Eastern Europe and Central Asia.

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 and 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.

Today, most Roma children do not receive quality education or are even denied their right to education. 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.

At the OSCE, ADC Memorial also expressed its deep concern about the recent outrageous pogroms that took place recently in Russia and Ukraine that are other outrageous examples of the vulnerability of Roma people. Those unacceptable attacks on Roma showed the authorities’ failure to firmly respond to these incidents created 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. Governments should take consistent measures to prevent those pogroms. Consistent measures are also 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, with the participation of the Civil Society Institute in Armenia, Promo-LEX association in Moldova and Our House in Belarus.



POGROMS OF ROMA SETTLEMENTS IN URAZOVO (Belgorod Province, Russia)



A tragic incident occurred in the village of Urazovo (Belgorod region), which the entire Roma population was forced to leave after the rape and murder of a local minor girl. The suspect was a Roma man. Although his guilt was not proven, the local residents organized a pogrom of Roma houses there. Several Roma were attacked.

Dozens of houses had their windows broken, three houses were set on fire. The pogromists threatened the Roma people with violence and forced them to leave their homes and the village itself.

The authorities did not interfere in any way with the actions of the pogrom-

ists. Moreover, the administration asked the Roma people to leave the village, because they were not able to guarantee their safety.

At the moment only two families have returned to Urazovo. The rest are trying to sell their homes and buy or rent housing somewhere else. None of them is going to return to Urazovo because of fear for their lives.

The police initiated legal proceedings on arsons of houses. Only three people have been detained so far. They are under investigation now.



ROMA WOMEN IN THE REPUBLIC OF MOLDOVA Presentation of Cristina Raducan at the side event during the annual OSCE HDIM in Warsaw, September 2018

Roma continues to be one of the most excluded and discriminated group in my country. According to the Study on perceptions and attitudes towards equality in the Republic of Moldova, developed in 2015 by the Council for prevention and elimination of discrimination and ensuring equality, the level of acceptance of Roma by the community represents 3,1 points. Within the study, the respondents were proposed a set of 12 questions to measure the attitudes towards Roma.

According to the findings, 44,5% of respondents consider Roma are thieves, 39,8% consider that Roma are liars and 33,4% consider they are beggars. Same study reveals that 78,3% respondents acknowledge the statute of citizens hold by Roma and support the idea that Roma should be integrated in the society, with respect of their identity. Besides this, according to a sociologic study issued in 2014 by Institute for Public Policies, 63,7% of respondents would accept Roma to live in the Republic of Moldova, but only 37,5% of respondents would accept a Roma person to be their neighbor.

Official statistics data on the Roma population in Moldova, Census, 2013 - 9423.

De facto (unofficial), 2013
150 000 - 200 000

The level of discrimination is even higher than Roma population in general. According to a 2014 UN comprehensive study on the situation of Romani women in Moldova, Romani women represent one of the most vulnerable groups in the Republic of Moldova. This means that they have lower levels of education, much higher rates of unemployment, significant lower level of income and poorer health than the rest of the population. Existence of double discrimination of Romani women is not only a statement, but it's a rough reality which conducts to a dramatical elimination of Romani women from the decision-making process.

Child marriages which are practicable in Roma communities bring to an early school drop out of the girls. Parents tend to ignore the need of their daughters to be enrolled in schools, considering their primary role should be getting married and raising children. This results in the fact that women are less educated than men.

Overcoming barriers on account of both gender and ethnicity, two ethnic Roma women ran for local office for the first time – and won – after receiving campaign training supported by UN Women.

Published with the researcher's permission

TRAGEDY IN UST-ABAKAN

The problems of Roma people are rarely reported on TV or in the press, and, if they are being discussed, then, as a rule, the media often use negative stereotypes and myths that have little to do with real life. An incident that occurred recently in the small town of Ust-Abakan in Khakassia region went almost unnoticed. It happened in a place where a Roma settlement had existed quietly and peacefully for the 20 years until last May, when a Russian young man named Petr died next to the Roma houses. During a conflict, Peter received a blow on the head and died. Following the death of a young man local investigators opened a criminal case with charges of “deliberate infliction of serious harm to health”.

Almost immediately after the incident, the residents of the Roma settlement, which counted more than 500 dwellers, were forced to leave their homes and flee the place. According to the local Roma, their settlement was fired at, and one day unknown masked persons came on motorcycles and scattered funeral wreaths near the Roma houses. Roma people fled anywhere they could: some lived in the forest for several days, others spent nights on the road at nearby roadside cafes, those who could, went to stay over with their relatives elsewhere.

The morning after the flight of the Roma, the plundering of their houses by local people began. People began to come to the settlement, first one by one, then in groups. They carried away everything they could from the Roma houses: household equipment, furniture, utensils. Some people even tore out window frames and dismantled heating batteries. Looting lasted for 5 days.



Ust-Abakan, 2000s

Immediately after the flight of the Roma from the settlement, pogroms began there that lasted for five days. During this time, the locals stole almost everything that could be carried away: furniture, home appliances, windows, roofing. Some

even broke down the stoves and sawed off heating pipes. Some neighbors tried to report the pogroms, but they were told by the police that nothing could be done, that supposedly there were reports that the houses and other property there were sold to new owners, and that somehow there was no reason for police to come.

It was only after local journalists publicized the horrendous pictures of the consequences of the pogrom that the police finally arrived and reported that they would check “the appeals of citizens”. There was no talk of initiating a criminal investigation concerning destruction of the whole settlement, as the police somehow did not consider these actions of the local population to be criminal. Now police officers are on duty round the clock at the settlement, but it is unclear why: there is nothing to take out of the houses anymore. If the police is still afraid of arson, then why did not they come when they were called earlier, since the vandals could have hypothetically committed arsons before?

In order to find out what happened, we travelled to Ust-Abakan, to the place where a Roma settlement had stood just two months before. The ravaged Roma settlement resembled the photo chronicle of Jewish pogroms of the last century: dilapidated houses with broken doors and windows, everything thrown outside into the courtyards. Only flocks of dogs running from place to place in search of food served as reminders of the former life there.



About 200 Roma tried to settle near Sosnovoborsk, buying land there but local residents organized signing a petition for expulsion of the Roma, giving “the risk of an epidemia” and “the lifestyle of Roma which is dangerous for the town” as the reasons for expulsion.

When we began to interview the locals about what really happened there, a slightly different picture began to appear than the one given in the majority of reports. Town residents said that the Roma settlers had never harmed anyone, and the death of a young guy was a tragic accident that resulted from a conflict provoked by the deceased himself. According to eyewitnesses, he appeared in the Roma settlement already drunk and tried to provoke a fight, and when he was pushed back, he fell and smashed his head. This was preceded by a skirmish provoked by himself in a local pub, which had to be settled by the police, who arrived on the spot. Petr was not detained then and the police only limited their intervention to oral restraint. After arriving to the Roma settlement, next to which lived one of his friends, Petr began to speak aggressively with the local residents, insulting them. An argument arose, which ended with one of the Roma people pushing Petr.

It is the duty of the investigators to define who was to blame and how it all happened. The guilty person must certainly be found and punished by law. However, those who have ruined dozens of houses of innocent people must be held accountable. Some people suggested that the Roma people were hiding the murderer, and if they had “surrendered” him at once, then perhaps the pogrom of the village could have been avoided. However, the latter would hardly be possible, because the actual cause of the riots was not the death of a young man – people who smashed the settlement did not want to take revenge on the murderer. Why wasn’t the local administration concerned about the safety of the Roma population after the incident,

while it obviously knew that the death of a Russian young man in the settlement could provoke revenge on the part of local residents? It is also unclear why the law enforcement agencies reacted in such a careless manner to the phone calls about the plundering of Roma houses, while the local authorities now actually cover the actions of marauders. The police refuse to classify the pogrom as a mass riot, or even as hooliganism, because there had been only one formal statement concerning theft, but there were no victims. As one of the residents of the Roma settlement told us: “We lived quietly and peacefully, but then came one drunk man and ruined our whole life”.

The risk to find oneself without a roof over one’s head is faced by thousands of Roma people living all over Russia. And this is not because somebody from their communities commits crimes. As citizens of Russia, they have the right to both social and medical assistance, education, etc., but because of the multitude of prejudices it is somehow considered that all this is not necessary for the Roma people. The anger and aggression of the majority is caused by the simplicity and naivety of the Roma, and not by the footage of the whole settlement destroyed by the vandals or, as was the case in Tula region, the actions of riot police against elderly unarmed Roma women who had tried to protect their houses from demolition. All this is a direct consequence of the authorities’ lack of desire to deal with the problems of the Roma people, and consequently, to help them exercise their rights. That is why when the local administration sues Roma people for illegal construction, as was the case in Tatarstan and Kaliningrad, the matter is “easily solved” by means of demolition of the settlements,

and when the Roma people attempt to start a legal case on theft, as in Ust-Abakan, the investigation does not have enough reasons to look for the guilty party.

In August 2017 the Russian state delegation reported in Geneva on the implementation of the provisions of the UN Convention on the Elimination of Racial Discrimination. The state report noted that “Russia took an active part in the efforts of international organizations aimed at real improvement of the situation of the Roma, their integration into the life of modern society”. Despite such vocal statements, there are practically no positive examples of improving the life of the Roma in Russia, as the case in Ust-Abakan confirmed once again.

To this date, only a fraction of the residents of the Ust-Abakan Roma settlement have found refuge with relatives in neighboring Krasnoyarsk. About 200 people tried to settle near Sosnovoborsk, buying land there, but in the end could not settle there. No crimes were committed during their stay in Sosnovoborsk, no one was disturbed, as had been stated by the representatives of the Sosnovy Bor police department, but some local residents organized the collection of signatures for the expulsion of the Roma, giving “the risk of an epidemic of diseases” and “the lifestyle of Roma, which is dangerous for the town” as reasons for expulsion. Roma people have nowhere to go. It seems that in Ust-Abakan no one is waiting for them, too, same as everywhere in Russia.

Sergey MIKHEYEV

*First published
in the blog of Radio Liberty*

ADC Memorial in cooperation with a lawyer made attempts to launch a criminal investigation into mass rioting, as well as to bring to justice the policemen, who made possible the pogrom in the settlement. To date we continue the work on legalizing Roma houses in Ust-Abakan.



MOLDOVA REPORTED ON THE IMPLEMENTATION OF UN CERD PRIORITY RECOMMENDATIONS

The Moldovan authorities submitted a report on the implementation of two priority recommendations made earlier by the UN Committee on the Elimination of Racial Discrimination (CERD). These concerned the implementation of linguistic rights of ethnic minorities and the improvement of the situation of non-citizens in Moldova. The recommendations of UN CERD were based on the results of consideration of the state and alternative reports of Moldova at the 92nd session of the Committee in 2017. Anti-Discrimination Centre “Memorial” and PromoLEX NGO described some problems of the Roma minority in Moldova in their report submitted to the Committee.

In order to prevent discrimination against children belonging to ethnic minorities, the UN CERD recommended that Moldova create conditions for children to get school education in their mother tongue, as well as provide proper teaching of the state language that is not native for these children.

Although the problem of education of Roma children was raised by the Committee experts, national programs and action plans still do not provide for

the education of children in schools in Roma language, or at least its study as a separate or optional subject (although for a number of other minority languages such options exist).

The Moldovan government reported on the teaching of the mandatory discipline “History, Culture and Traditions of Russian, Ukrainian, Gagauz, Bulgarian, Roma and Other Ethnic Groups” in the 1st-9th grades. However, this subject was introduced only in educational institutions with instruction in languages of ethnic minorities, and given the absence of schools with instruction in Roma language, it is doubtful that this subject will be taught to Roma children.

The Moldovan authorities and members of the UN CERD recognize the problem of the low level of education of Roma children. But the statistics provided by state bodies raise some questions. Thus, according to information from NGOs, more than 40% of Roma children did not attend school in 2016, while according to official data for 2016-2017 there were about 10% of such children, and only 1% of Roma students were not covered by education at all. The high level of non-attendance of edu-

cational institutions by Roma children, especially girls, remains a problem, although the authorities do not seem to take special measures to improve the situation.

Unfortunately, the state report did not reflect the problem of the existing segregation of Roma children in schools and their inadequate knowledge of the state language. Additional lessons for improving the level of knowledge of the state language are provided for schools with instruction in the languages of ethnic minorities, but there are no such schools for Roma children.

Despite the recommendation of the UN CERD to ensure access of non-citizens to basic social services, it is not clear from the report provided by Moldova how the envisaged activities of the Action Plan 2016-2020 for the implementation of the national strategy on migration and asylum (2011-2020) will affect the improvement of the situation of migrants, refugees and asylum-seekers. There are no specific measures to improve access to education, healthcare, housing and employment, as well as actions aimed at combating discrimination in the implementation of the rights of non-citizens in these spheres.

TAJIKISTAN INFORMED UN CERD ABOUT IMPLEMENTATION OF ITS URGENT RECOMMENDATIONS

Based on the results of its 93rd session, the United Nations’ Committee on the Elimination of Racial Discrimination (UN CERD) made recommendations to Tajikistan, including two important recommendations, on which the country had to report urgently. The first concerned measures aimed at increasing the participation of representatives of ethnic minorities, especially women, in local and higher state authorities and political and public life; the second concerned the adoption of special strategies/plans and measures to overcome discrimination and improve the situation of the Mugat (Jugi) minority.

Anti-Discrimination Centre “Memorial” welcomes Tajikistan’s timely submission of information to the UN CERD, as well as the fact that in February 2018

a special governmental commission developed and approved the National Action Plan to implement the recommendations of the UN Committee on the Elimination of Racial Discrimination for 2018-2020.

At the same time, it is a matter of great concern that some Pamir ethnic groups do not appear in the statistics on the involvement of ethnic minorities in public administration and the public sphere, they are not mentioned in the information on the education system and the inclusion of ethnic minority languages in school curriculum; these groups are also absent from the census data. Meanwhile, for some Pamir languages there exist written language, literature, special teaching materials that can already be used in schools. It is also necessary to support the media, including radio and television broadcasts in the languages of ethnic minorities.

As for Mugat (Jugi) ethnic minority, the statistics presented by the Tajikistan government refer very eloquently to the low involvement of the Jugi children in school education: with an overall assessment of the Jugi population at more than 13,000, only 1,329 children attend public schools. Other problems of this ethnic minority also require special attention: Jugi people are poorly documented, they face difficulties in registering their housing, and their access to medical care and public services is limited.

In this regard, the adoption of a national special strategy to improve the situation of the Jugi seems to be necessary, and we express our hope that the study of this issue envisaged by the National Action Plan will lead not only to the adoption of such a strategy, but also to its financing and implementation, which will bring actual results.

PROTECTION OF INDIGENOUS PEOPLES OF THE RUSSIAN FEDERATION FROM DISCRIMINATION

ADC “Memorial” protects the rights of indigenous peoples by means of international advocacy. To this end, we analyzed the problems of Russia’s indigenous peoples in a report on Russia’s compliance with the Council of Europe’s Framework Convention for the Protection of National Minorities. We also prepared a report for the UN Committee on Economic, Social, and Cultural Rights that included information about the Shors and Teleuts, who live in Kemerovo Oblast and suffer from the activities of coal mining companies and the arbitrary decisions of government structures affiliated with them. The Committee gave Russia important recommendations and called on it to stop the persecution of indigenous activists and human rights defenders without delay.

The UN Committee on the Elimination of Racial Discrimination applied the so-called San Jose Guidelines (Reprisals Handbook, 2015) to Russia in a 2018 special communication concerning reprisals against Yana and Vladislav Tannagashev, who are activists and members of the Shor people. The Committee stated that it was unacceptable to persecute these defenders of indigenous rights and demanded guarantees for their safety. In a special report on the persecution of human rights defenders throughout the world, the UN Secretary General also responded to the persecution of the Tannagashevs, who were forced to flee Russia and apply for asylum in another country.

Unfortunately, reprisals against Russian indigenous activists continue. In one case, Lidiya Bainova faced criminal prosecution for social media posts calling for observance of the rights of the Khakas to live on their traditional lands and study and use their native language to the full extent. There have also been flagrant violations of the rights of indigenous people to access resources. For example, indigenous communities in the Far East are not allowed to engage in fishing and have become the victims of violence committed by armed guards at large fisheries.

ARMENIA REPORTED ON IMPLEMENTATION OF UN CERD PRIORITY RECOMMENDATIONS

Following the recommendations of the UN Committee on the Elimination of Racial Discrimination issued just over a year ago, Armenia reported on implementation of measures concerning two priority issues.

The experts of the Committee had earlier pointed to an extremely small number of citizens’ legal appeals on cases of racial discrimination. In response to the recommendations of the Committee’s experts and in order to ensure access of ethnic minorities to justice, the Armenian authorities started work on a draft law “On Ethnic Minorities”, which should guarantee implementation of the rights of the latter (including preservation of ethnic identity and traditions, establishment of the right to use native language, the right to education, religion, etc.). However, the law also

provides for a change in the status of the existing advisory body of ethnic minorities in Armenia: a special commission is to be formed within the Public Council affiliated with the Ministry of Justice, which will replace the currently existing Coordinating Council of Ethnic Minorities under the Prime Minister.

The second priority recommendation made by the UN CERD concerned discrimination against non-citizens, refugees and asylum-seekers on grounds of religion or ethnic or national origin. Previously, the problem of implementation of the rights to asylum and citizenship of ethnic non-Armenians was raised in the alternative reports, which were made by the Anti-Discrimination Centre “Memorial” and the Armenian Institute of Civil Society.

RUSSIAN AUTHORITIES PROMISED THE UN TO TAKE MEASURES AGAINST DISCRIMINATION

ADC “Memorial” and Russian LGBT Network, which submitted a joint alternative report on discrimination against vulnerable groups in the RF as part of the universal periodic review procedure, welcome Russia’s adoption of a number of important recommendations made by UN member states during the 39th Session of the Human Rights Council in September 2018. However, the Russian government’s refusal to adopt other important recommendations to protect human rights and overcome discrimination is cause for deep concern.

In terms of the topics raised by ADC “Memorial” and Russian LGBT Network in their report, Russia accepted recommendations to guarantee the protection of the Roma population from discrimination; protect the linguistic and cultural rights of indigenous peoples and their right to use the territories of their traditional lands, including by harmonizing laws; and integrate migrants, fight statelessness, and document any person in need of legal status. It adopted (or “partially adopted”) many recommendations to improve the situation of women, including Belgium’s especially important recommendation to cancel the list of banned professions and Mexico’s general recommendation to improve laws and eliminate discriminatory provisions preventing women’s full professional realization (which was later achieved by ADC “Memorial” as part of the #AllJobs4AllWomen campaign).

Regarding guarantees of LGBTI rights, Russia adopted recommendations concerning the investigation of torture,

disappearances, and other terrible crimes against sexual minorities in Chechnya and prosecution of the guilty parties, as well as general recommendations to observe the rights of LGBTI persons to freedom of expression and association and to prevent violence and discrimination against these people. At the same time, however, Russia unfortunately rejected a recommendation to repeal the law on “propaganda of non-traditional sexual relationships,” which effectively violates the right of LGBTI persons to freedom of expression.

Russia rejected many other of the most important recommendations made by member states during the UPR. Specifically, it declined proposals to stop persecuting NGOs and stigmatizing them as “foreign agents” and to repeal provisions of the law on “undesirable organizations.” It also dismissed recommendations to accede to the UN Declaration on the Rights of Indigenous Persons and introduce its provisions into domestic laws and to ratify the Istanbul Convention and criminalize domestic violence.

Of particular concern is Russia’s failure to adopt recommendations connected with acknowledging that the persecution of Muslims in Crimea and Jehovah’s Witnesses in Russia is a violation of the right to freedom of conscience and amounts to religious discrimination. The double discrimination of the Crimean Tatar people—both ethnic and religious, which is multiplied by political persecution that also affects Ukrainians—remains an acute human rights problem that the government refuses to acknowledge or overcome.

KYRGYZSTAN: ADC MEMORIAL AND BIR DUINO TARGETED AFTER ALTERNATIVE REPORT TO THE UN

KGZ 001 / 0918 / OBS 118
Judicial harassment
Kyrgyzstan
September 28, 2018

The Observatory for the Protection of Human Rights Defenders, a partnership of FIDH and the World Organisation Against Torture (OMCT), requests your urgent intervention in the following situation in Kyrgyzstan.

BRIEF DESCRIPTION OF THE SITUATION:

The Observatory has been informed by reliable sources about the ongoing judicial harassment of the human rights organisations Anti-Discrimination Centre “Memorial” (ADC Memorial) and Bir Duino Kyrgyzstan.

According to the information received, on January 2017 an Oktyabrski District Court of Bishkek declared an alternative report submitted to the United Nations Committee on the Rights of Migrant Workers as “extremist material” and banned the activities of ADC “Memorial” in Kyrgyzstan. The Kyrgyz authorities did not notify either ADC “Memorial” or Bir Duino Kyrgyzstan of the Court’s decision. Thus, the right of said human rights organisations to defend themselves in court and to appeal the decision within legally established deadlines was violated. The information about the court ruling became known to human rights organisations accidentally in May 2018.

An alternative report was submitted to the UN by ADC “Memorial” and Bir Duino Kyrgyzstan in 2015 for the 22th session of the UN Committee on Migrant Workers. Following the Court’s decision, the report which focuses on the violation of rights of Kyrgyz migrants in Russia was placed on the “List of extremist materials”, as published in a specific section of the website of the Ministry of Justice of Kyrgyzstan. Under Kyrgyz law the diffusion of extremist materials entails criminal penalties under Articles 1 and 13 of the Law “On counteracting extremist activities”.

In May 2018, during a visit to Kyrgyzstan, the United Nations Assistant-Secretary General raised the question with the Government and on June 25, 2018, the UN Committee on Migrant Workers addressed the government of Kyrgyzstan to express its concerns regarding this decision. No reaction is known to have followed from the gov-

ernment. The Observatory expresses its deep concern over the fact that human right reports, including alternative reports submitted to the United Nations, may be qualified as “extremist materials” by governments and that their authors may be banned from entering the territory of the Kyrgyz Republic setting a dangerous precedent for human rights defenders in the region.

Furthermore, the Observatory strongly condemns this unlawful judicial harassment of ADC “Memorial” and Bir Duino Kyrgyzstan, both of which are member organisations of FIDH. Accordingly, the Observatory calls on the Kyrgyz authorities to remedy the violated rights of ADC “Memorial” and Bir Duino Kyrgyzstan who are willing to appeal the Court decision. The Observatory also calls on all international organisations and national governments to support the human rights organisations in their endeavours and to use all possible advocacy instruments to protect human rights defenders working in Kyrgyzstan.

ACTIONS REQUESTED:

Please write to the authorities of Kyrgyzstan, urging them to:

- i. Put an end to all acts of harassment, including at the judicial level, used to sanction the human rights work of ADC “Memorial”, Bir Duino Kyrgyzstan and all human rights defenders and human rights organisations in Kyrgyzstan;
- ii. Declare the judicial decision adopted in January 2017 by the the Oktyabrski District Court unlawful, ensure remedy for the procedural violation due to the lack of notification to the two organisations involved in the case, lift the suspension of the activities of ADC “Memorial” in Kyrgyzstan;
- iii. Ensure that human rights reports, including those submitted to the UN as part of the human rights mechanisms ratified by Kyrgyzstan, are not placed in the list of extremist materials;
- iv. Comply with all the provisions of the UN Declaration on Human Rights Defenders, adopted by the United Nations General Assembly on December 9, 1998, in particular with its Articles 1, 5(c) and 12.2;

- v. Ensure in all circumstances respect for human rights and fundamental freedoms in accordance with international human rights standards and international instruments ratified by Kyrgyzstan.

Addresses:

- Mr. Sooronbay Jeenbekov, President of the Kyrgyz Republic, 205 Chuy Ave., Bishkek, Kyrgyzstan, Tel: +996 (312) 66-21-31, +996 (312) 62-23-78, e-mail: pisma@mail.gov.kg
- Mr. Kashkar Dzhunushaliev, Minister of Internal Affairs, 469 Frunze st., Bishkek, Kyrgyzstan, Tel: +996 (312) 66-24-50, Fax: +996 (312) 26-62-80, e-mail: secretariat@mvd.kg
- Ms. Ainur Abdylidaeva, Minister of Justice, 32 Molodaya Gvardiya Ave., Bishkek, Kyrgyzstan, Tel: +996 (312) 65-18-05, e-mail: ep@minjust.gov.kg
- Mr. Otkurbek Jamshitov, General Prosecutor Office, 139 Toktonaliev st., Bishkek, Kyrgyzstan, Tel: +996 (312) 54-24-63, e-mail: statement@prokuror.kg
- Permanent Mission of Kyrgyzstan to the United Nations in Geneva, Avenue Blanc 51, 1202 Geneve, Suisse, Tel: +41 22 707 92 20, Fax: +41 22 707 92 21, e-mail: kyrgyzmission@bluewin.ch
- Embassy of Kyrgyzstan in Brussels, Abdijstraat 47 1050 Brussels, Belgium, Tel: + 32 2 640 18 68, + 32 2 640 38 83, Fax: + 32 2 640 01 31, e-mail: kyrgyz.embassy@skynet.be

Please also write to diplomatic representations of Kyrgyzstan in your respective countries.

The Observatory for the Protection of Human Rights Defenders (the Observatory) was created in 1997 by FIDH and the World Organisation Against Torture (OMCT). The objective of this programme is to intervene to prevent or remedy situations of repression against human rights defenders. FIDH and OMCT are both members of ProtectDefenders.eu, the European Union Human Rights Defenders Mechanism implemented by international civil society.

To contact the Observatory, call the emergency line:

E-mail: Appeals@fidh-omct.org

Tel and fax FIDH: + 33 (0) 1 43 55 25 18 / +33 1 43 55 18 80

Tel and fax OMCT: +41 (0) 22 809 49 39 / +41 22 809 49 29

CONTENT

The campaign All Jobs for All Women

First results of the <i>ALL JOBS FOR ALL WOMEN</i> campaign in Russia: RUSSIAN MINISTRY OF LABOR PARTIALLY ABOLISHES JOB PROHIBITIONS FOR WOMEN	1
CURTAILING OF THE RUSSIAN LIST OF PROFESSIONAL BANS FOR WOMEN: LEGAL ASPECTS <i>Inessa SAKHNO</i>	2
LAWYERS COMMENT ON PROPOSED CHANGES TO THE LIST OF JOBS PROHIBITED FOR WOMEN	3
INTERVIEW WITH ANNA KANOPATSKAYA, A DEPUTY IN THE HOUSE OF REPRESENTATIVES OF THE VI SESSION OF THE NATIONAL ASSEMBLY OF THE REPUBLIC OF BELARUS	4
UN CEDAW URGED TURKMEN AUTHORITIES TO ENSURE WOMEN'S LABOR RIGHTS	4

Against discrimination

RIGHTS OF LBQ WOMEN IN KAZAKHSTAN. Presentation of the Kazakhstan Feminist Initiative 'Feminita' at the side event during the OSCE HDIM, Warsaw, September 2018	5
NEW PUBLICATION BY ADC MEMORIAL PRESENTED AT THE SIDE EVENT DURING THE ANNUAL OSCE HDIM IN WARSAW	6
MULTIPLE DISCRIMINATION OF WOMEN LIVING WITH HIV IN CENTRAL ASIA. Presentation of the Kazakhs Union of People Living with HIV at the side event during the annual OSCE HDIM in Warsaw, September 2018	6

Stop LGBT persecution

STRIPPING A GAY MAN OF HIS HOUSE BY THE SEA: POLICE TORTURE IN CRIMEA <i>Inessa SAKHNO</i>	7
--	---

Roma rights

ADC MEMORIAL PRESENTED ITS COMPILATION REPORT ON DISCRIMINATION AGAINST ROMA IN EASTERN EUROPE AND CENTRAL ASIA TO EUROPEAN INSTITUTIONS AND THE OSCE	8
ROMA WOMEN IN THE REPUBLIC OF MOLDOVA. Presentation of Cristina Raducan at the side event during the annual OSCE HDIM in Warsaw, September 2018	9
POGROMS OF ROMA SETTLEMENTS IN URAZOVO (Belgorod Province, Russia)	9
TRAGEDY IN UST-ABAKAN <i>Sergey MIKHEYEV</i>	10

Anti-discrimination advocacy news

MOLDOVA REPORTED ON THE IMPLEMENTATION OF UN CERD PRIORITY RECOMMENDATIONS	12
TAJIKISTAN INFORMED UN CERD ABOUT IMPLEMENTATION OF ITS URGENT RECOMMENDATIONS	12
PROTECTION OF INDIGENOUS PEOPLES OF THE RUSSIAN FEDERATION FROM DISCRIMINATION	13
ARMENIA REPORTED ON IMPLEMENTATION OF UN CERD PRIORITY RECOMMENDATIONS	13
RUSSIAN AUTHORITIES PROMISED THE UN TO TAKE MEASURES AGAINST DISCRIMINATION	13

Protection of human rights defenders

KYRGYZSTAN: ADC MEMORIAL AND BIR DUINO TARGETED AFTER ALTERNATIVE REPORT TO THE UN	14
--	----

HUMAN RIGHTS REPORTS BY ADC MEMORIAL

FROM PENURY TO PRISON:
The Vicious Circle of Rights Violations Against the Roma of Belarus

Alternative Report on the Implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination by the Republic of Belarus

Orshchikau – a man in the house of Roma in the Gomel region

For the 76th Session of the UN CERD
November, 2017

RACISM, DISCRIMINATION AND FIGHT AGAINST "EXTREMISM" IN CONTEMPORARY RUSSIA and its controlled territories

Alternative Report on the Implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination By the Russian Federation

Expulsion of Roma from settlements near p. 24, Pskov Province (Pskov region), 2016.

For the 76th Session of the UN CERD
July 27 – August 11, 2017

ALTERNATIVE REPORT
of ADC "Memorial" and the Human Rights Movement: Bir Daino Kyrgyzstan

ON THE KYRGYZ REPUBLIC'S COMPLIANCE WITH THE INTERNATIONAL CONVENTION ON THE ELIMINATION OF ALL FORMS OF RACIAL DISCRIMINATION

Myraa-Khosh in Kyrgyzstan. Photo by ADC Memorial

For the 76th Session of UN CERD
April 24 – May 11, 2018

ALL JOBS FOR ALL WOMEN

GENDER DISCRIMINATION - JOBS BANNED FOR WOMEN

Human Rights report of ADC Memorial, March 2018

VIOLATION OF LGBTI RIGHTS IN CRIMEA AND DONBASS: THE PROBLEM OF HOMOPHOBIA IN TERRITORIES BEYOND UKRAINE'S CONTROL

Human Rights Report

DISCRIMINATION AGAINST PERSONS WITH DISABILITIES WHEN EXERCISING THE RIGHT TO EDUCATION IN THE RUSSIAN FEDERATION

ALTERNATIVE INFORMATION on Russia's Implementation of the UN Convention on the Rights of Persons with Disabilities in connection with the review of the First State report by the UN Committee on the Rights of Persons with Disabilities

For the 76th Session of the CERD
14 February – 29 March 2018

STRUCTURAL DISCRIMINATION AGAINST ROMA in Eastern Europe and Central Asia

April 2018

Diagram labels: bad quality of education, attacks & evictions, high rate of unemployment, racism, social problems, poverty.

ЗАЩИТА ОТ ДИСКРИМИНАЦИИ: опыт успешных судебных дел

Сборник составлен по материалам ежегодных встреч, проводимых АЦД «Мемориал» в 2017-2018 годах, в отчетной АЦД «Мемориал» «Экстремизм: национальные традиции – традиция дискриминации» (2018), «Поздравление праволюбивых граждан и иностранных граждан и سایر решений ЕСПЧ по делу «Киев против России» (2018)

2018

MIGRANT CHILDREN IN CIS COUNTRIES: Lack of Adequate Legal Norms Regulating Cooperation Between Involved Countries

"The children are really only restricted from leaving the facility and doing what they wish," police major, senior upbringing, Temporary Detention Center for Juvenile Offenders (Russia).

2018

ALL REPORTS HAVE RUSSIAN VERSION AND AVAILABLE ON THE ADCMEMORIAL.ORG