

Bulletin №71/2020

ANTI-DISCRIMINATION



NEW ETHICS, SAME OLD REALITY

The results of two different sociological studies on racism and the “national question” were published recently. One of the studies was a traditional survey conducted by the Levada Center, which has researched the level of xenophobia in the Russian Federation for many years. The second study, by Mikhailov & Partners, posed the vaguer question of “Tolerance: Is Russia for it or against it?”; the survey results were presented as part of a discussion about whether or not the time for an “ethical revolution” has arrived. There was also much talk about “new ethics,” which are much more apparent on social media than in the real life of Russians. As it turns out, ethical news includes the ideas of rejecting racism and sexism (including workplace harassment and domestic violence) and recognizing the rights of LGBT+ people, ethnic minorities, and “socially vulnerable groups,” to which researchers ascribe persons with disabilities and multi-children families.

Given this approach, it's no surprise that the older generation of respondents were more inclined to support “socially vulnerable” people, while younger people, who are active on social media and knowledgeable about Western trends, #MeToo, and #BLM, were more likely to acknowledge the rights of minorities, although they weren't prepared to take any positive measures to overcome discrimination (benefits, quotas, and so forth). Participants in the Mikhailov & Partners study, who learned about the terms used by the sociologists in focus groups, recognized to some degree that discrimination exists in Russia (almost one-third of respondents), but their personal experiences showed that it is almost impossible to combat it (the majority of victims did not try to complain, and of those who did, over half received no response at all, while 12 percent stated their complaints had a negative result). We don't know exactly what types of discrimination the respondents suffered from, but we do know in quite some detail which groups

respondents believed face discrimination: The study showed that Tajiks and Uzbeks ranked first (22 to 23 percent), followed by Russians (12 percent), while only three percent of respondents believed that Tatars and Romani people are discriminated against (this figure stood at two percent for Jewish people and four percent for African people).

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These numbers in no way reflect the true picture of discrimination; in fact, the survey's goal was to show if residents of Russia are “for or against tolerance,” or, in other words, to measure the subjective impressions of people about a topic they only vaguely understand. The question of “who faces discrimination” is more a question of how people perceive legal inequality: Some noted the problems of migrant workers (but not all migrant workers, for some reason—only a small percentage of respondents viewed Kyrgyz people as a target of discrimination), and many considered themselves victims of injustice (I think that's why a whopping 12 percent responded that Russians are discriminated against in Russia). At the same time, very few agreed that African people, Romani people, Jewish people, and indigenous peoples of the North and Siberia are affected by discrimination.

The results published by the Levada Center, whose poll was the latest in a series on xenophobia in Russia, were entirely different. This survey's results are of interest because it has asked questions on attitudes towards various ethnicities (Jewish people, Romani people, Chechen people, Chinese people) or groups of nationalities (immigrants from Central Asia and Africa) for the past 10 years, which gives us the opportunity to look at changes in public opinion. The Levada Center's work is also good because the questions are very specific: In responding to them, people do not “assess discrimi-

nation,” but instead state whether or not they are willing to live with these people, work with them, or welcome them into their circle of friends and family. Sociologists then use these responses to measure “social distance” in relation to most of these groups, which naturally provides a much more objective picture of reality. And it turns out that while respondents

in the Mikhailov & Partners poll were not prepared to acknowledge discrimination against Romani people, respondents in the Levada Center poll expressed reluctance to live with, work with, and befriend Romani people. Moreover, almost half of the respondents in the Levada Center survey once more supported “not letting them into Russia.” It's unclear exactly how residents could not be let into their own country, but that's how people have responded year after year; in the last three years, over 40 percent of respondents have adhered to this surprising opinion, and the number of such responses is only increasing. Interestingly enough, 11 percent of Ukrainian respondents supported “not letting them into Russia,” a position also held by 26 percent of Central Asian respondents. Similarly, 13 percent of Jewish respondents did not want to let “them” cross the border at all, while 14 percent were in favor of temporary stays; the percentage of respondents who rejected foreigners of Asian descent was comparable to the percentage for Chechen people, who are citizens of the Russian Federation.

For many years now, first place in “social distance,” or, to put it simply, level of racism, has gone to Romani people. Second place has gone to Africans.

Possibly the most significant thing here is how stable this survey's results have been—over the past 10 years, they have changed slightly, but not consider-

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ably. The pattern of xenophobic behavior against various groups has hardly changed at all. For example, in 2010 10 percent of respondents would have accepted Ukrainian neighbors, while only three percent would have wanted Romani neighbors. But what of 2020? After the war, after the Russian aggression, after all the hatred of Ukraine spewed out by the state-controlled media... 11 percent of respondents had no objection to Ukrainian neighbors and four percent would not mind having Romani neighbors. Tolerance of both groups grew by one percent over a decade, and it appears that no foreign-policy events had any impact on attitudes towards fraternal peoples. Five percent of respondents did not object to African neighbors 10 years ago as compared to six percent today. So there's "new ethics" for you, there's *#BLM*!

In light of this data, experts' arguments about an "ethnic revolution" and even "ethnic evolution," as Marina Maksimovskaya, the head of Mikhailov & Partners, proposed toward the end of the discussion, seem far from reality to me.

And reality is even more terrifying than the Levada Center data: Even though this data precisely measures public sentiment, it still concerns opinions; in real life, everything is much worse.

For many years (no fewer than the Levada Center has been tracking xenophobia in the country), ADC Memorial has been monitoring manifestations of actual discrimination, wholesale discrimination or, as human rights defenders say, structural discrimination, against the Romani population of Russia.

This structurality lies in the fact that all aspects of exclusion, deprivation of rights, and racism are interconnected. You end up with a knot no matter which thread you pull. The easiest is to start from early childhood, with education. If people do not get a good education, they will not get a good job, they will live in poverty, which will make others despise them, exclude them, and trample on their rights even more, and they will not be able to provide their children with a good education, thus setting off another vicious circle. Many well-off residents of Russia have no idea that thousands, tens of thousands of children in our times are being deprived of the right to even an elementary education because schools frequently simply do not accept Romani children. When schools do accept them, they put them in separate Romani classes, where they are taught almost nothing, as illustrated in the graphic story Alyona, which is based on real events (I myself am very familiar with the people and situation described in this story). The girl known as Alyona in the story became a mother herself long ago, but the situation in the school that she and her mother

attended and that her children will attend, has not changed. In some places the situation has even worsened; we discovered a sad scene this fall near Samara. We have been tracking the problems in this tabor, which is located next to the city, since 2006. We knew that children from the settlement, which is typically called Mekhzavod, did not attend school, but that at one point an agreement was reached for them to be accepted into the local school. People were very happy, even though the learning conditions were far below standard conditions.

” All aspects of exclusion, deprivation of rights, and racism are interconnected

Here is what former students told us about their happy school years. One room was allocated for Romani children; children in first to fourth grades attended classes in this room in two shifts. All four grades had the same teacher—Sergey Aleksandrovich, a retired colonel and veteran of the war in Afghanistan. He taught them Russian, math, and gym. According to the children, an English teacher came, but very rarely. Sergey Aleksandrovich always travelled on the school bus with the children to maintain discipline and control the number of students. None of the children were in a mixed class. In terms of food, the Romani children received free meals, but they were not allowed to visit the cafeteria with the other children. They were only allowed in after the children from the "Russian" classes finished eating. Prior to classes, they arrived on the school bus and immediately went to the "Roma" classroom; after classes, they walked with their teacher to the school bus in an orderly manner and were driven back to the tabor.

In spite of all this, the children still have happy memories about school; the school, however, did not take them back for a second academic year. This fall about 10 small children escorted us through the tabor, asking with sad faces, "Will you take us to school? We really want to learn, but they won't take us. We attended first grade, we really liked it, but then they kicked us out." Two women nervously asked, "Please, tell us, why aren't our children being accepted at school? Why is everyone accepted but them? Is it because we're Roma? Our children went to school for five years, they loved everything. They brought books home, read to us, and then they were all kicked out of there as if they were lepers!" A man around the age of 40 who was walking nearby joined them and said that "only fascists treated the Roma" the way that the school did.

Members of the tabor were summoned to the Department of Education of the Administration of the Municipality of Samara, where, in the presence of the de-

partment head, the school principal unexpectedly informed them that all Romani children would be excluded from school beginning September 1. When questioned about the reasons why 78 children from the neighboring settlement were being excluded from school, the principal responded, "Even if I wanted to, I wouldn't be able to find a teacher who would want to work with Romani children. Our enrollment was down when they attended because parents didn't want their children at the same school as Romani children, so they sent them to different schools. That really impacted our rating."

Thus, almost 80 children (and many more in reality, because we are not counting children who should be in secondary school and children below school age) were deprived of one of their fundamental rights—the right to an elementary education (no one ever offered a secondary education there) only because the parents of other children at the school did not like the very fact of their existence. For that matter, neither did the principal, who said: "Even if I wanted to," meaning that he himself did not want to see Romani children at the school. And neither did his colleagues, for example, the secretary, who met our question about excluding Romani children with the words: "We haven't had them here for a long time, and, for God's sake, don't bring them here." The Department of Education of the Administration of the Municipality of Samara also participated in this criminal violation of the rights of young students. One of this Department's direct responsibilities is to create an opportunity for learning for all children in the region, which means that officials can exert pressure on the school's principal, who decided that "they didn't want" to teach these children there anymore, and can induce another school to accept these children if they for some reason believe that the conditions in the first school are unsuitable. But none of this was done. The school drove the children off into nowhere, depriving them of the chance to learn how to read and write and offending and degrading these small citizens of Russia and their parents.

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THE UN CERD REQUIRED ADDITIONAL INFORMATION ON ANTI-ROMA POGROMS IN RUSSIA



The UN Committee on the Elimination of Racial Discrimination forwarded the official request to the government of the Russian Federation asking to provide information on the anti-Roma pogroms in Chemodanovka (Penza region, 2019) and on the forced eviction of Roma from their compact settlement in Ust-Abakan (Republic of Khakasia, 2018).

In December 2019, the Committee expressed its concern about the cases of inter-ethnic violence, deterrence, and abuse of power by law enforcement agencies in relation to Roma in Russia, and requested the government to provide detailed information about the incidents in Chemodanovka and Ust-Abakan. Having not received the answer, the UN Committee requested the information again to be provided by 30 October 2020.

THE UN CERD URGES BELARUS TO RESPECT THE RIGHTS OF ROMA POPULATION

The UN Committee on the Elimination of Racial Discrimination sent an official request to the government of Belarus regarding the measures aimed at guarantees of the rights of Roma minority following the massive arrests of Roma in Mahileu and other cities in May, 2019.

Before, in December 2019, the Committee forwarded a similar request, and the government of Belarus responded that on May 16 and 17, 2019 in the course of investigative actions 132 Roma were interrogated, 52 of them were brought to administrative liability; no physical force or special weapons were used against them, and the officers' actions were not racially motivated. Following that, the Prosecutor's General Office conducted a check and found that police officers had committed violations during administrative procedures.

In the new request, the Committee expressed doubts regarding the impartiality and effectiveness of the investigation given

that the commission had been composed of members of two departments of the Ministry of Internal Affairs. The experts of the Committee noted that the investigation was focused on procedural irregularities of the proceeding rather than on the allegations of discrimination against Roma by law enforcement. They also highlighted with concern that as a result of the investigation only disciplinary measures have been adopted against officers and senior officials, but no judicial prosecution has been initiated and no compensation has been provided to the victims. The Committee stated with regret that no information has been provided on measures taken to protect victims from any form of retaliation or reprisals for reporting these cases, and on measures taken to promote dialogue and understanding between Roma and non-Roma communities, and called the government to provide the updated information in the next periodic report on implementation of the Convention on Elimination of all Forms of Racial Discrimination.

ADC MEMORIAL REVIEWED THE SITUATION OF THE VULNERABLE GROUPS IN MOLDOVA FOR THE EU

ADC Memorial has prepared a review of the situation of vulnerable groups for the EU-Moldova Human Rights Dialogue.

ADC Memorial emphasized the situation of working migrants and their families forced to return to Moldova due to the pandemic. According to the International Organization for Migration, around a half of the Moldovan migrants have lost their jobs abroad last months and stopped sending money to their families. Not receiving remittances, around 100 000 Moldovans could fall under the poverty line. Even now, many families could not afford to cover their basic needs.

The economic recession seriously affected Roma minority: many Roma worked informally or as seasonal workers abroad, and now they neither have any income nor receive social payments. The normal educational process for Roma children and children from other vulnerable groups has ceased with the COVID-19 pandemic, due to the lack of computers and/or other devices for distance learning and access to the Internet.

As elsewhere, the pandemic has a negative impact on women: they comprise the majority of infected with the virus, domestic violence has raised.

ADC Memorial has recommended European External Action Service to draw attention of the government of Moldova at these problems and adopt measures improving the situation of the vulnerable groups.

Human Rights Dialogue of the government of Moldova and of the European Union takes place annually; the next meeting will be in autumn.

STATEMENT OF KHARKIV HUMAN RIGHTS PROTECTION GROUP AND ADC MEMORIAL ON THE SITUATION OF ROMA RIGHTS VIOLATIONS IN UKRAINE:

Report to the Committee on the Elimination of Racial Discrimination is an opportunity to assess the situation of Roma people and find effective ways to respond to hate crimes

In 2016, Ukraine delivered a report on its implementation of the Convention on the Elimination of Racial Discrimination. At the time, the overall situation did not appear critical. Many problems arose from the actions of the Yanukovich government or the armed conflict, and members of the new government agreed with the recommendations made by the UN Committee on the Elimination of Racial Discrimination, which took the opinions of the authors of alternative reports submitted to the Committee (including a report from KHPG and ADC Memorial) into consideration.

The prescribed four years have passed, and Ukraine was due to present a new report on its implementation of the Convention and the Committee's previous recommendations in April 2020. This report has not been submitted yet, although its preparation could provide a good reason for assessing the overall situation and developing systemic steps to improve it.

In 2020, on the threshold of a new review, the situation appears much worse and has even become critical in terms of Roma rights. Over the past four years Roma people in Ukraine have suffered pogroms and attacks with regularity. These included a pogrom in the village of Loshchinovka, Odessa Oblast (2016), an attack, arson, and the razing of a temporary Roma settlement in Kyiv (Lysaya gora, April 2018), attacks on Roma settlements in the villages of Rudnoye, Lviv Oblast and Bolshaya Berезovitsa, Ternopil Oblast (May 2018), an attack on a temporary Roma settlement in Kyiv (Goloseysky, June 2018), and the burning of two houses where Roma lived in Ivano-Frankivsk (March 2019). In 2017, a 50-year-old Roma man, Nikolai Kaspitsky, was shot after armed local residents organized an attack against a group of Roma people in the village of Olshany, Kharkiv Oblast. On June 23, 2018, a group of Roma people were attacked outside Lviv. A 24-year-old Roma man named David from the village of Rovnoe, Zarkapattia Oblast was killed and four people—two 19-year-old men, a 30-year-old woman, and a 10-year-old child—were injured.

There have been two cases of racial discrimination and violation of Roma rights over the past month (April 2020).

In late April, the mayor of Ivano-Frankivsk gave an order to remove Roma people from the city and criticized the police for being unable to manage this task. The next day he explained that he was referring to a specific group of Roma who were panhandling in the city center, violating quarantine, and living in a square, and said that he did not believe his statement was discriminatory. Several days later, unknown assailants in Kyiv attacked Roma people, lighting their tent on fire, beating a man, and threatening a pregnant woman.

Even though law enforcement bodies have instigated criminal cases in the attacks and several of these cases have gone to trial, the level of aggression against the Roma has not dropped. Rather, this aggression has become systemic and widespread. There are many reasons for this, including the non-integration of Roma people into Ukrainian society and structural discrimination, the activities of right-wing groups and their ties to local governments, society's overall aggression and fatigue from the armed conflict, and other deeply-rooted causes and conditions.

An assessment of Ukraine's implementation of the Convention on the Elimination of Racial Discrimination and preparation of the state report could create a forum for thoughtful discussion about the current situation. This discussion must have the goal of assessing the entire situation and its causes and conditions and should involve not just representatives of national state bodies and NGOs, but also the victims' families, local government bodies, and the media. The results of this public conversation must then be discussed with experts from the Committee, whose opinion will help develop viable mechanisms for improving the situation. This situation will not solve itself on its own, and without a response, the violence and discrimination seen over the past five years will only continue to surge and result in new victims.

EUROPEAN COMMISSION AGAINST RACISM AND INTOLERANCE: Ukraine failed to implement priority recommendations

In 2017 the European Commission against Racism and Intolerance (ECRI) addressed 19 general and two priority recommendations concerning combating racism and intolerance to the Ukrainian authorities. The Commission recently came to the conclusion that its urgent recommendations, which had addressed the situation of the LGBTI+ persons and the country's Roma minority, were not been implemented over the past three years.

The Ukrainian authorities failed to add sexual orientation and gender identity (SOGI) to the list of protected characteristics of Article 161 of the Criminal Code ("Violation of equality of citizens"), and also did not include grounds for committing hate crimes on the basis of SOGI to the list of aggravating circumstances (Article 67 of the Criminal Code), despite the fact that the latter had been outlined in Ukraine's Action Plan for the Implementation of the National Human Rights Strategy. The amendments to the Criminal Code, which came into force on October 31, 2019, have included gender to the list featured in Article 67. However, as was noted by the Commission's experts, this applied only to the gender aspect and did not apply to SOGI, which was not in line with the Commission's recommendation.

Lawyer Oksana Guz', an expert on SOGI, believes that one of the main reasons for the ineffective protection of the rights of LGBTI+ persons in Ukraine under the criminal law is the imperfection of the legal framework and the lack of changes that would facilitate both the proper qualification and pre-trial investigation of hate crimes.

The second priority recommendation dealt with the abolition of court fees when Roma people apply to court in order to obtain personal documents. ECRI indicated that the existing legislation provided for deferred payment of court fees and was ineffective for Roma people, as the latter were required to provide documents proving their inability to pay the fees. Experts were not able to find any judicial practice concerning such cases.

The UN Committee on Economic, Social and Cultural Rights (CESCR) has earlier drawn attention to the need to simplify the procedure for obtaining personal documents for Roma people.

EXCESSIVE POLICE ENTHUSIASM

Video recordings and footage of police violence have a powerful emotional impact and attract much more attention than the accounts of witnesses and victims. It has been noted repeatedly that video played a particularly important role in the story of George Floyd's death by creating the effect of being present for the murder, when a police officer knelt on the neck of Mr. Floyd, who was desperately whispering "I can't breathe." This video spread across the internet instantaneously, shocking millions and sparking protests against police violence and racism.

These last words of George Floyd became the battle cry of the protest. They were written on banners, chanted at demonstrations, and printed on the mask worn by Minneapolis mayor Jacob Frey when he appeared in public and knelt down in memory of Mr. Floyd. Immediately following George Floyd's killing, Mayor Frey called for the arrest of the guilty officer, stating "Let them give you a thousand reasons not to do something. To not speak out. But we can't turn a blind eye. George Floyd deserves justice. The Black community deserves justice. His friends and family deserve justice."

On June 30, the journalist and photographer David Frenkel was thrown down on the floor at a St. Petersburg polling station where voting on constitutional amendments was underway. A video recording shows him being pushed, falling, crying out in pain, and then repeating "Call an ambulance!" when he realized that his arm was broken. He was later diagnosed with a broken shoulder and needed a serious operation. And what was the mayor's reaction to this flagrant example of police violence, to the video deemed "intolerable" by many who watched it? No, Governor Beglov did not put on a mask bearing the words "Call an Ambulance!" or demand the arrest of the guilty officer. Instead, he good naturedly called the actions of the police "excessive enthusiasm."

American experts on race relations noted with some resentment that the video's effect was much more powerful than the accounts of earlier Black victims of police violence in the United States: "No one listened to us. We needed that video for people to understand what is going on." In Frenkel's case, the recording was of no help—this documentary proof of police violence did nothing to convince the authorities. There were many statements to the effect that the scene was staged:



Frankel broke his own arm, Frankel fell on his own, Frankel attacked them... There were plenty of anti-Semitic insults as well.

And this all in the case of an educated person, a person who writes and takes photographs, a person with the protected status of journalist, a person quite well known. How vulnerable, then, are people no one knows? In the same way, no one believes the victims of ethnic profiling—the migrants, Roma, and Caucasians who have no platform to speak out from, who are definitely not heard by anyone. Even attempts by human rights defenders to speak about their plight and suffering is met with resistance, often with racist overtones.

It was like this back in 2013, when a court was asked to rule that the Anti-Discrimination Center Memorial was an "NGO performing the functions of a foreign agent." The prosecutor's charges were based solely on the content of the human rights report "Roma, Migrants, Activists: Victims of Police Abuse." In the prosecutor's claim, Memorial's information, which was collected from Russian Roma, was dismissed and called "the stories of members of the Roma minority." In court, we noted that: "This approach to the victims of harassment from a vulnerable group of the population is discrimination to the highest degree."

But neither videos nor human rights reports help—nothing has any credibility, and few understand that it is terrifying for a person of color to walk around in the city or take the metro. They suddenly understood this in the United States—and this is important. Europeans also responded. They started speaking out against police violence, against the aggrandizement of the colonial past. In

Russia people generally don't understand that racism isn't just against Black people, that the contemporary definition of racism includes any ethnic discrimination. But even when you know that racism can affect members of all national minorities and migrants from countries before which Russia is just as guilty as European colonizers are before African peoples, it's still hard to measure all of this against yourself.

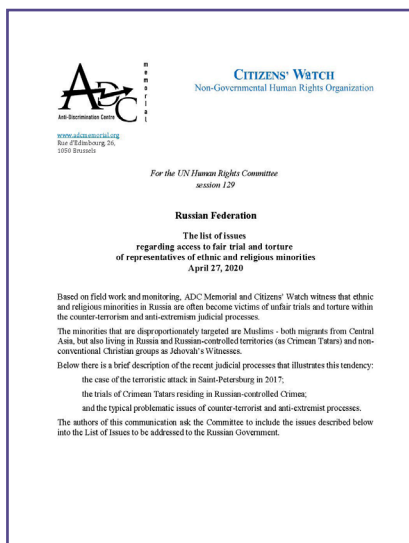
The first time I understood the strength of the feeling of traveling on the St. Petersburg metro in fear of every police officer was when I was with a young colleague, a Roma from Pskov. The danger of being arrested, beaten, and harassed was faced by him, not me, but we were on this trip together, which meant that his risk was also mine. I had never before noticed how many law enforcement officers were present at each station, how vigilantly they watch for potential victims, how frequently they stop people and lead them off somewhere. I was ashamed: After all, I had never been threatened by anything when I was at these stations every day. I moved around the city without a care in the world, without having to press myself up against the columns in the vestibule, hide in dark corners while waiting for the train, or cover my face with a hat and melt into the crowd.

The Minneapolis mayor acknowledged that George Floyd "would be alive right now" if he had been white. The problem isn't with the "excessive enthusiasm" of an individual police officer. The problem isn't with the licentiousness of people in uniform. The cause of this Black American's death was racism, discrimination. Once society starts to understand this, the authorities also do, and the police will have to as well whether they want to or not. The rights of minorities can be not just violated, but also protected, by people in uniform, but what national minority would ask a police officer for protection from racism in our times? The only thing that can change the situation is the public's reaction and the acknowledgement that racism is the problem of every person and not just of those eyed by the police.

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THE LIST OF ISSUES REGARDING ACCESS TO FAIR TRIAL AND TORTURE OF REPRESENTATIVES OF ETHNIC AND RELIGIOUS MINORITIES



Based on field work and monitoring, ADC Memorial and Citizens' Watch witness that ethnic and religious minorities in Russia are often become victims of unfair trials and torture within the counter-terrorism and anti-extremism judicial processes.

- the case of the terroristic attack in Saint-Petersburg in 2017;
- the trials of Crimean Tatars residing in Russian-controlled Crimea;
- and the typical problematic issues of counter-terrorist and anti-extremist processes.

The authors of this communication ask the Committee to include the issues described below into the List of Issues to be addressed to the Russian Government.

The minorities that are disproportionately targeted are Muslims – both migrants from Central Asia, but also living in Russia and Russian-controlled territories (as Crimean Tatars) and non-conventional Christian groups as Jehovah's Witnesses.

Below there is a brief description of the recent judicial processes that illustrates this tendency:

THE BARENTS OBSERVER IS READY TO TAKE RUSSIAN MEDIA REGULATOR ROSKOMNADZOR TO SUPREME COURT

A court in Moscow on the 19th August turned down the Barents Observer's appeal case against the Russian state media regulator.

Present in the Moscow courtroom of the Second Cassation Court were representatives of Roskomnadzor, as well as state consumer control authority Rospotrebnadzor.

The appeal will now be addressed to the Russian Supreme Court.

"We want to have this case heard in the highest court in Russia," says Barents Observer Editor Thomas Nilsen. "We haven't published anything wrong. Blocking the Barents Observer for our Russian readers is the only wrongdoing in this case," he underlines.

"Suicide propaganda"

The Barents Observer took Roskomnadzor to court after it in February 2019 blocked the newspaper in Russia. The media regulators argue that an article about Dan Eriksson is "propagating suicide".

The court case is supported by ADC Memorial. It was filed in July 2019. After a loss, an appeal case was filed and subsequently rejected by the Moscow City Court in January 2020.

Story about survival

In the disputed interview with Dan Eriksson, the homosexual Sámi man from northern Sweden tells about how he struggled with prejudices and stigma and twice tried to take his own life.

Eriksson lived through years of mental distress before he came to terms with his sexuality. He is today a happy man who works with mental health among young gay men.

The Barents Observer argues that the story about Dan Eriksson in no way propagates suicide. On the contrary, it is a story that can help others overcome similar crisis.

"We consider the decision of the Second Court of Cassation to be erroneous. The story of how a person survived suicide attempts cannot be propaganda. And we plan to file a complaint with the Supreme Court of Russia – the last court in this case in Russia," says Publisher Atle Staalesen.

The ADC Memorial confirms that it will support the Barents Observer bring the case to the Russian Supreme Court.

Cross-border journalism

The online newspaper based in Kirkenes, Norway, has delivered daily news in both English and Russian since 2003. Thousands of stories about regional developments in the North have been made available to readers on both the Nordic and Russian sides of the border, as well as to broad international audiences.

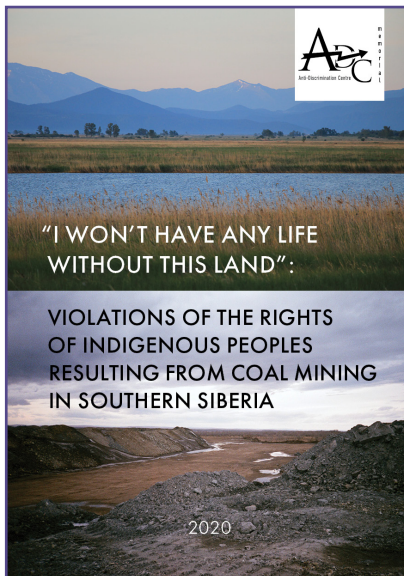
Since February 2019, people in Russia can not read the Barents Observer unless they use VPN.

The newspaper is available in the country through alternative domain barentsobserver.co

«We support the Barents Observer's decision not to unpublish this story from its website; we think that the interview with the gay Sámi man is very important and the ban of this article is a clear case of discrimination»,

says Director of ADC Memorial, Stephania Kulaeva

"I WON'T HAVE ANY LIFE WITHOUT THIS LAND"



"Uatu has died. The river is our mother, our father. And now she is dead." We have lost this river. It will never return." These were the words spoken by a woman from the Krenak tribe in southeastern Brazil about the Rio Doce, into which tens of millions of cubic meters of toxic waste were unleashed after a dam collapse in 2015. Following a global campaign to support the victims, a group action against the dam's owner, the industrial giant BHP, will start soon in Great Britain. Damages are estimated at \$6.3 billion.

"They killed the lake, they killed the river," said Dolgan and Nganasan fisherman suffering from the discharge of toxic waste into the Pyasina River on the Taymyr Peninsula. "For Taymyr, this will probably be like... Like Chernobyl." Norilsk Nickel is disputing the amount of damages caused by this environmental catastrophe.

"They started to blow up our sacred mountain, Lysaya gora. They say the explosions here were more terrifying than nuclear war, like in Hiroshima. Mushroom clouds sprouted after the explosion. They were yellow, black, there was so much smoke," said one resident of the Shor village Kazas, which was destroyed by a coal pit in Kemerovo Oblast. The question of just compensation for the Shor people has been debated by the UN Committee on the Elimination of Racial Discrimination, but has yet to be resolved.

"They killed," "Chernobyl," "Hiroshima" – this is how indigenous residents from different ends of the Earth

describe the destruction of their ancestral lands and, along with that, their traditional ways, languages, and cultures. The authorities are contributing to this catastrophe – the difference is just in degree of obviousness.

In July, Brazil's President Jair Bolsonaro vetoed provisions of a law guaranteeing additional aid to the country's indigenous population during the coronavirus epidemic, stating that these measures (drinking water, information on coronavirus, greater internet access, and so forth) were "against the public interest" and "unconstitutional," since they require expenses from the federal government without sources of revenue to cover them. This is not Bolsonaro's first stunt against indigenous peoples, who have been left defenseless in the pandemic: His priorities – reviewing approaches to demarcating reservations, assimilating indigenous peoples, and giving mining companies and agribusiness broad access to their lands – were made clear during his campaign.

It's hard to know what's worse: Bolsonaro's open right-wing populism or the legislative hypocrisy we are seeing in Russia. After recent voting, Article 114 of the Russian Constitution was amended to read that the government "will take measures to reduce the adverse impact of business and other activities on the environment and to preserve the country's unique natural and biological diversity..." At the same time, laws are being adopted and debated that would allow for changes to the borders of national parks and to land designations (cf. amendments made to the law "On the Protection of Lake Baikal" that allow for clearcutting to expand and modernize the Baikal-Amur and Trans-Siberian railways and cancel an obligatory environmental impact assessment for this modernization, and planned amendments to the law on specially protected natural areas).

But even without new amendments expanding business opportunities, the activities of mining and manufacturing companies are having a pernicious impact on the situation of indigenous peoples: Their traditional areas of residence and nature use are being destroyed in a way that mirrors the "genocide, ethnocide, and ecocide" that the indigenous peoples of Brazil are accusing Bolsonaro of. In fact, these same words can often be heard from members of Russia's indigenous peoples. The response of the authorities in many countries is the same: They use "the public interest" and "state needs" to justify land seizure, since it

serves as a source of taxes and revenue. But how can the damage caused in the here and now not just to the Earth, but to humankind in general from the disappearance of peoples, languages, and cultures be justified as "in the public interest?"

It might be hard for city residents to understand that for many indigenous peoples, ancestral lands serve not just as a place to live, but also as the foundation of their identity and well-being. The Earth is part of their worldview and spirituality, and indigenous peoples can easily lose their identities, languages, and cultures when separated from their lands and their ability to follow a traditional way of life. This is why the collective right of indigenous peoples to land, territory, and other resources is fundamental in nature and is enshrined in the core human rights documents on this topic – the UN Declaration on the Protection of the Rights of Indigenous Peoples and ILO Convention 169.

On the eve of August 9 – International Day of the World's Indigenous Peoples – it is appropriate to recall that the Russian Federation has not ratified ILO Convention 169 (1993) and abstained from adopting the UN Declaration in 2007: The sticking point was articles about the self-determination of indigenous peoples, their self-government, their right to land and other resources, and their right to restitution. As Mikhail Todyshev, an indigenous rights expert who helped develop the Declaration, wrote, the Russian delegation stated at the time that the article on the right to land "contravenes current Russian law. In addition, Russia could not support adoption because of the large number of disputed questions regarding relationships between indigenous peoples and businesses operating within their area of residence. Setting special land rights for indigenous peoples could complicate the search for compromises in resolving these problems."

These questions are still unresolved: the federal law "On Guarantees of the Rights of Indigenous Peoples in the Russian Federation" only enshrines the right to free use of lands; the absence of a concrete mechanism for applying the federal law "On Territories of Traditional Nature Use of Small Indigenous Peoples of the North, Siberia, and the Far East of the Russian Federation" creates a wide field for the authorities to behave in an arbitrary manner.

How coal mining turned out for the Shor, Teleut, and Khakas people in South Siberia is the subject of a new report by ADC Memorial.

"We fed ourselves off the taiga starting in the spring. But now that's all been destroyed and we have been left with this moonscape, where there's nothing for your eye to fasten onto. Only holes, rocks, lifeless landscapes," said a Shor man from Kemerovo Oblast.

The Khakas, who number over 50,000 people, are not on the list of "small indigenous" peoples and therefore do not qualify for special protection – their privately-owned holdings are being seized for "state needs." As a resident of one of the Khakas villages recounted:

"I was one of the first owners to learn that our lands would be seized for the coal companies. My meadow fell right within the territory that the mine wanted to take. I lost in the district court, but the oblast court issued a partial decision in my favor. This means that part of my land still has to go to the mine, but the rest stays with me. I didn't appeal anywhere else after that. Even though I won't have any life without this land, I

also don't have to strength or means to go on fighting. I've become accustomed to working all the time, so losing this land is like death for me."

The presence of indigenous peoples on the territories of coal mining operations and the need for special support measures for these peoples are not mentioned in the Development Program for the Russian Coal Industry. The draft strategy for Kemerovo Oblast's socio-economic development "Kuzbass – 2035" says nothing about the Shors or Teleuts, even though representatives of these peoples submitted amendments to this document in 2018. After listening to a speech by the official Russian representative to the UN High-Level Political Forum on Sustainable Development (HLPF, July 14, 2020), indigenous representatives prepared their own statement, which says that "The indigenous peoples of Siberia and the goals of sustainable development are like two parallel worlds that don't intersect. Moreover,

Russia's current policy is clearly geared towards violating our rights to land, territories, and natural resources. Because of corruption and the policies pursued, our traditional lands and waters are being transferred to the state and private businesses. At the same time, indigenous peoples' access to traditional food is being limited, leading to a rise in the number of poor and hungry in our environment, making our peoples feel like pariahs on their native lands."

The indigenous peoples of Russia and the world need our solidarity so that, as then UN Secretary-General Kofi Annan said in 2005, "they enjoy the development, peace and security, and human rights that too many have been denied for too long."

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HOW COAL INDUSTRY IS DESTROYING THE INDIGENOUS PEOPLES OF SIBERIA

The Khakas, Shor, and Teleut peoples are indigenous residents of southern Siberia. The lands on which they live and practice traditional types of farming are rich with coal, which means that their territories have been rapidly developed by coal companies over the last decade. Here coal is mined using the surface method, that is, the cheapest and dirtiest method. Indigenous communities have to grapple with the illegal confiscation of their lands. They suffer from systematic environmental pollution and the irreparable harm caused to their habitats. In addition, their cultural and religious objects are being destroyed and activists and defenders of indigenous rights are being persecuted.



«Kiyzayssky» Pit. Photo: Vyacheslav Krechetov

The coal industry is one of the most questionable industries in Russia's fuel and energy complex in terms of profitability and one of the most dangerous in terms of adverse impact on the environment and human health. Even though many countries have recently turned away from coal in favor of alternative energy sources, leading to a decline in demand for and value of this type of fuel, the Russian government still believes that coal has a future and is taking strategic measures to heighten production. According to environmentalists, Russia

is already producing more coal than it can use or export – approximately 400 million tons a year, putting it in sixth place among world leaders in coal mining; if the Development Program for the Coal Industry through 2035 is to be believed, this volume will increase by a factor of 1.5 over the next 15 years.

While the benefits of coal to the Russian economy are unclear, the harm caused by the operations of most Russian coal companies is obvious. Coal mines and pits pollute the atmosphere

and bodies of water, poison and forever destroy the soil's genetic profile, and are a source of tremendous amounts of hazardous waste and industrial refuse. The coal dust, soot, and suspended particles that enter the atmosphere during the mining and transport of coal can cause oncological and other illnesses of the heart and the respiratory tract and have caused the premature deaths of hundreds of people. Official statistics confirm that air, water, and soil pollution and morbidity and death rates are much higher in places where coal

is mined than in areas that are far-removed from coal operations. In most cases, however, the authorities and regulatory bodies prefer not to speak about this openly.

A significant percentage of Russia's coal resources are concentrated in the Republic of Khakassia and Kemerovo Oblast. The enormous Beysky Coal Deposit, which includes seven open pits, is located in Khakassia. Of these, four – Arshanovskiy, Vostochno-Beysky, Kirbinsky, and Mayrykhsky – operate on Koybalskaya Steppe – a place of traditional residence for the Khakas people. Kemerovo Oblast contains the Kuznetsk Basin, part of whose territory is located on Shor and Teleut lands. For many members of these peoples, their native lands serve not just as a place to live and practice their traditional economic and cultural activities, but also form the foundation of their identity and well-being. Nevertheless, the state plan to increase coal mining encourages local governments to give away as much territory as possible for exploitation, sometimes without even giving a thought to the value that this land has held for centuries for the people living on it.

In Khakassia, coal companies, acting with the full support of the authorities, are pushing for permits to conduct industrial activities and seizing agricultural land to build industrial sites. Indigenous peoples first encountered violation of the right to ownership and the right to land in 2013, when two large coal companies – Mayrykhsky Mine and Arshanovskiy Mine – started exploiting coal on Koybalskaya Steppe in spite of the lack of permits and protests on the part of the local population. As a result, regulatory agencies opened criminal cases on illegal coal mining and violation of environmental laws against the management of Mayrykhsky and Arshanovskiy mines, but these mines continued their work after paying small fines.

In 2018, Mayrykhsky Mine obtained a subsoil development license to a new plot, Beysky-Zapadny, where Arshanovskiy Mine was already operating, but indigenous farms and irrigation canals supplying water to the lakes of Koybalskaya Steppe were already located there. For farmers, these lands represent their main means of earning of living – grazing and haymaking.

From October 2018 to March 2019, coal company representatives organized public hearings, as required by law, to clear the construction of new pits with the local population. Counting on the legal illiteracy of local residents, the coal companies did not prepare any project documentation or information about the environmental impact of coal min-

ing. But residents voted almost unanimously against the construction.

In spite of this, the coal companies were able to obtain permits to start construction by falsifying votes with the support of the republic's leaders and in violation of the laws and regulations for holding public hearings. At the third hearing, inaccurate data was entered into the agenda and the conclusion according to which the majority of residents voted for the new pit, while in actuality most residents did not participate in the vote and those that did voted against the new mine. On the basis of this conclusion, amendments were made to the locality's general plan and representatives of Mayrykhsky and Arshanovskiy mines filed a petition with the government of the Republic of Khakassia to transfer 17 privately-owned land plots from agricultural use to industrial use; this petition was later granted.

Thus, by falsifying the results of the public hearings, neither the coal company nor the regional authorities obtained the de facto consent of the local population to build the pit, and Mayrykhsky Mine did not have the right to start work on the seized territories. Later, The Subsoil Use Department for the Central Siberian District published 14 orders concerning the seizure of over 50 land plots from 44 owners in favor of the coal mines.

Some farmers who did not want to reconcile themselves to the arbitrary will of the coal companies and the government attempted to appeal these orders in the republic's courts, but most of the courts refused to uphold the claims. However, in the fall of 2019, activists from the regional environmental organization Rodnaya Step filed a claim with the Supreme Court of the Republic of Khakassia regarding the resolution of the Government of Khakassia to transfer 17 land plots located in Beysky District from the category of lands designated for agricultural use to the category of lands designated for industrial use. This claim was rejected on November 11, 2019. Rodnaya Step activists filed an appeal with the Fifth Appeals Court of General Jurisdiction, which cancelled the Supreme Court's decision on March 12, 2020 and found the Government of Khakassia's resolutions invalid. The court noted that both mines had committed multiple violations of land laws and regulations for appealing to government bodies when filing their petitions.

Despite this ruling, the coal companies continue to illegally conduct subsurface work on the plots, and local residents say that the Subsoil Use Department for Central Siberian District is preparing new orders concerning the seizure of privately-owned land for coal companies.

The southern districts of Kemerovo Oblast, which borders Khakassia, are home to close-knit communities of Shors and Teleuts, small Turkic-speaking indigenous peoples. Over the course of centuries, they have hunted, fished, gathered mushrooms and berries on the taiga, and maintained vegetable gardens. Their way of life changed dramatically after coal was found on their lands. Coal mining has caused irreparable harm to nature: The rivers have become shallower and fish have disappeared from them, while wild animals have left the taiga. In recent times, coal companies have started to receive permits to exploit coal near villages.

In order to legalize and protect places of traditional activities and traditional residence of indigenous peoples from the barbaric exploitation of mineral resources, members of indigenous peoples have been appealing to the leaders of Kemerovo Oblast on a regular basis since 2001 to form a territory of traditional nature use in the region. However, not one territory of this type has been created in Kemerovo Oblast to this day.

The absence of any territorial or administrative autonomy for the Shors or Teleuts was reflected in the adoption of decisions in favor of the coal companies. After winning a tender to develop the Uregolsky coal deposit, which is located on the territory of the Orlov rural settlement in the middle of traditional Shor lands, Kiyzassky Mine started preparing for construction in 2011. Public hearings on this project were held in the rural settlement's administrative center, which is located several kilometers from the industrial site. Four local residents were present at the hearings; they all voted in favor of the project. On the basis of the minutes of these public hearings, the administration adopted Resolution No. 18 "On the Consent of Residents of the Municipal Formation Orlov Rural Settlement to the Design and Construction of Kiyzassky Mine Sites on the Settlement's Territory" of December 24, 2012.

In order to adhere to the formal procedure for public hearings, in 2013 the company held a series of consultations in the Shor village of Chuvashka, during which the majority of residents spoke out categorically against this project's realization. Residents collected signatures and sent an appeal to the RF president and to the 7th Assembly of Small Indigenous Peoples of the North, Siberia, and the Far East, and Chuvashka residents held daily one-person pickets near the city administration building over the course of five months. This had no effect whatsoever on the authorities' decision: Kiyzassky Mine was brought online in November 2014 and began mining coal, causing irreparable harm to the environment.

Coal mining caused the destruction of the Shor village Kazas, where Beregovoy Mine, which is owned by the Yuzhnaya Coal Company, has been mining coal since 2012. A condition of the license issued by the Federal Agency for Subsoil Use for the development of the Beregovoy mine was the relocation of the residents of 28 homes. Without consulting or notifying village residents, the Myski mayor signed a relocation agreement with Yuzhnaya, which started to force residents to sell their homes and land plots, offering a price 10 times below their actual value. If residents refused, oil company staff threatened to set fire to their homes and raze them with bulldozers. These threats were realized: Between November 2013 and March 2014, the homes of people who did not agree with the sale were burned down by unidentified people. Criminal cases on the arson were opened, but the guilty parties were never found.

VIOLATION OF THE RIGHTS OF INDIGENOUS PEOPLES TO A HEALTHY ENVIRONMENT

The mining of coal has a colossal impact on the environment and human health. The systematic failure to comply with sanitary norms and rules regulating coal company activities is having a grave effect on the life and health of the population living near the mines. The mortality rate from cancer in Khakassia grew by 10.3 percent over five years and 14.2 percent over ten years, with cancer of the lungs, trachea, and bronchial tubes ranked highest for the region. According

to the Ministry of Health, in 2017 Khakassia ranked third among Russian regions for one-year mortality rate from cancerous diseases. Kemerovo Oblast has seen even harsher consequences from coal company operations. The environmental situation there is one of the worst in Russia.

Indigenous peoples are particularly vulnerable to pollution and environmental destruction: They live in direct proximity to coal companies, and all aspects of their lives are inextricably connected with ecosystems and territories of traditional residence and nature use. Nevertheless, coal companies are most interested in the lands of the Khakas, Shor, and Teleut peoples because on many of their plots coal is located at a depth of less than 30 centimeters from the earth's surface, which means that it can be mined using a surface technique that employs pits, which are quarries under the open sky. This method is believed to be more productive and cheaper than shaft mining, but it is also the most harmful in terms of health conditions and environmental impact. Coal operations have an irreversible negative impact on traditional indigenous places of residence since they destroy its shallow fertile layer and fragile ecosystem forever.

POLLUTION OF THE ENVIRONMENT WITH COAL DUST AND INDUSTRIAL WASTE

Unlike mines, pits spew a tremendous amount of dust into the air during the mining and transportation of coal,

and also during its processing at coal preparation plants. This dust contains coal particles, unburned explosives, and mine dust that is toxic for animals and people and causes a whole range of oncological illnesses and other respiratory illnesses. During an explosion, about 500 tons of dust rises to a height of 1,500 meters; this dust disseminates within four to six hours within a radius of dozens of kilometers from the pit, falls on soil and vegetation consumed by animals, and pollutes water bodies.

In addition, the exploitation of coal leads to the formation of waste piles of overburden – artificial embankments consisting of coal production waste and the waste rock that covers coal deposits and is removed during open pit mining. The waste piles, like the pits themselves, are an active source of industrial dust and have forever destroyed the thin, fertile layer of Siberian soil. In Khakassia, many lands previously used for grazing, haymaking, and crop growing are becoming unsuitable for human life and activities. Waste piles surround many villages in both Khakassia and Kemerovo Oblast.

The industrial roads used to transport coal are also a major source of dust. For example, in 2012 Arshanovsky Mine built an industrial road for transporting coal along the territory of the Khakas village of Shalginov, right next to the homes and plots of local residents, even though all the rules state that industrial roads should be located outside of residential areas. Village residents get no rest from the never-ending rumble of trucks and feel short of breath from the dust, while the fruits and veg-

THE UN HUMAN RIGHTS COMMITTEE ASKED RUSSIA ABOUT VIOLATIONS OF THE RIGHTS OF INDIGENOUS PEOPLES

In the run-up of the review of the Russian Federation's compliance with the International Covenant on Civil and Political Rights, the UN Committee formulated a list of questions to the Russian authorities, based on alternative reports of civil society, including the report of ADC Memorial and the Myski city organization "Revival of Kazas and the Shor people".

The Committee paid particular attention to violations of the rights of indigenous peoples and requested information on measures taken "to respect and protect the rights of indigenous peoples, including their right to recognition as indigenous, and to ensure their free, prior and informed consent in any decisions affecting them, especially with regard to the operations of extractive industries"; on the measures taken in law and practice to prevent the pollution of the air and soil, the degradation of drinking water and the destruction of sacred sites and burial sites, such as the sacred mountain Karagay-Lyash, as a result of industrial operations. The Committee asks the Russian authorities to respond to the allegations of the harassment of indigenous human rights defenders, including Vladislav Tannagashev and Yana Tannagasheva, and the forced liquidation of indigenous organizations, such as the Centre for Support of Indigenous Peoples of the North.

The attention of international bodies to the problems of indigenous peoples of the Russian Federation is very important, since residents of traditional territories can't protect their rights at the local level. In southern Siberia, for example, Khakas and Shor indigenous peoples suffer from the activities of coal companies and face land grabs, destruction of natural and cultural sites, irreversible environmental pollution, while participants of peaceful protests are subjected to reprisals.

Locals protesting against the arbitrary actions of coal companies are being repressed. Thus, on August 24, 2020, in the Kemerovo region, a journalist and environmental activist Vyacheslav Krechetov was detained by police and convicted for organizing an unauthorized meeting. Administrative protocols were also drawn up on other defenders of the village of Cheremza, including Alexey Chispiyakov, a representative of the Shor people.

etables they plant in their gardens are poisoned by the coal dust that falls onto the soil and into the water.

The source of a tremendous amount of coal dust has been the “coal dragons,” which is what local residents call the dry coal separators used at the pits. Mayrykhsy Mine’s illegal commissioning of the Chinese-made FGX-48A separators in early 2019 caused the emission of a colossal amount of black coal dust containing phenol and other toxic substances. This dust settles on the land and nearby lakes and also falls on the territories of the Khakas villages of Arshanovo and Shalginov, which are located two kilometers from the separating plant. According to local residents, as soon as the separators start operating black soot fills the air and covers everything around, making it difficult to breathe. In the winter of 2020, the Federal Service for Supervision of Natural Resource Usage found that the mine had never received a comprehensive environmental permit for operating the separators. Violations were also noted in the operation of dust separators and the cleaning and drainage systems, and air pollution standards were significantly exceeded. In addition, information provided by the mine indicated that the separators were commissioned on January 27, 2020, when they actually started being used in early 2019.

According to official data from the Southern Siberian Interregional Department of the Federal Service for Supervision of Natural Resource Usage, in 2019 a total of 1.8 million tons of pollutants were released into the atmosphere of Kemerovo Oblast, which represents a jump of 13.1 percent over 2018. The bulk of emissions were released by coal production and processing companies. An egregious example of this is Kiyzassky Mine, which started shipping product in March 2014, but did not commission treatment facilities until 2018. Another example is a coal loading station located in the village of Borodino, where Shors and others live. This station has been operating for several years, but it has never been officially commissioned and does not have the sanitary protection zone stipulated by law. The environmental situation did not improve even after dust suppression equipment was installed at the station. In 2019, Borodino residents ordered an independent expert assessment of the snow, which they paid for themselves; the assessment found that the amount of suspended materials in the snow exceeded the norms thousands of times over.

POLLUTION OF WATER, RIVERS, AND RESERVOIRS

Every year, hundreds of thousands of cubic meters of tainted effluent from coal pits is discharged into riv-



Burial ground on Koybalskaya Steppe, Khakassia. Photo: Yevgeniya Pruss

ers and lakes that have traditionally been economically important to the indigenous peoples of Khakassia and Kemerovo Oblast. Environmentalists from Khakassia say that neither Mayrykhsy nor Arshanovsky mines, which mine for coal on Koybalskaya Steppe, have taken any water purification measures. As a result of numerous violations of environmental protection laws, a considerable volume of waste water containing remnants of explosive materials, petroleum products, heavy metals, and other hazardous alloys are discharged into drainage areas and water bodies without being treated, which causes sedimentation, salinization, and acidification, poisons flora and fauna in the water, and almost completely excludes future use of the water from these bodies for household or agricultural purposes. Local residents say that the water pumped from the pits is not treated and is not purified and is discharged directly into the Abakan River, which has not had any fish since 2019. On December 20, 2019, all of the fish in Lake Turpanye were poisoned and died.

The pollution of water bodies is a problem residents of Kemerovo Oblast have also experienced firsthand. The Kazas and Mrassu rivers, which flow through Shor villages and are formed from sources in the mountains, were pristine before the coal industry arrived. The Kazasik River used to be the main source of drinking water and a place for fishing. The fish started to disappear after the Mezhdurechensky and Krasnogorsky pits opened, and the water became unsuitable for drinking. Lake Tayezhnoye was turned into a sludge pit by the coal mine. In 2018, Shor activists and environmentalists announced that over 10 bodies of water on traditional Shor territories were

completely ruined or severely polluted over the five years of Kiyzassky Mine’s operations and that some of these bodies of water were spawning grounds for red list species.

VIOLATION OF THE RIGHT TO SELF-DETERMINATION AND CULTURAL DEVELOPMENT

Mining operations in both Khakassia and Kemerovo Oblast have resulted in the destruction of natural objects and burial grounds and religious and cultural sites that today’s population of these territories believes to be a part of its cultural heritage.

The law “On Cultural Heritage Objects (Historical and Cultural Monuments) of the Peoples of the Russian Federation” establishes the state’s obligation and responsibility to preserve and develop cultural and ethnic identity, protect, restore and preserve cultural-historical living environments, and protect and preserve sources of information about the origins and development of indigenous cultures in the Russian Federation. This law, however, does not provide concrete mechanisms to protect indigenous cultural and religious objects, so state and coal business interests often prevail in matters concerning the preservation of the cultural and historical values of a given people.

Right now, over 150 cultural heritage objects and hundreds of natural monuments and objects of worship are located in the business zones of the large coal mining companies operating on Koybalskaya Steppe. The majority of these – 122 – are located on licensed

plots of Mayrykhsy Mine. Many of them are currently facing the threat of destruction. For example, the ancient burial mound Kotozhekovsky chaatas, a burial ground from the VI-VII centuries, is located on a plot that was transferred to Mayrykhsy Mine for exploitation. In the spring of 2020, Mayrykhsy Mine used a coal waste pile to block access to the ancient ancestral burial ground from the late 2nd millennium BCE to the early 1st millennium BCE known as the Kotozhekov-5 burial site, which is a place of worship for indigenous peoples. These archaeological monuments may disappear in the near future, since, under Russian law, archaeological digs must be conducted at the location of such a monument when the monument prevents mining; then the monument is completely removed from the land and transferred to museum collections.

In March 2020, Mayrykhsy mine blocked a road leading to an active cemetery of the aul Khyzyl-Salda and Lake Turpanye with a mound of crushed rock and earth. Local activists assumed that this was an attempt to impede independent observations of a dry coal separator that was operating without any permits. Environmentalists and local residents took photographs and video recordings at short range of black clouds of coal dust, which later served

as evidence of illegal activity on the part of the mine.

In 2012, a coal company in Kemerovo Oblast blew up Karagay-Lyash, the sacred mountain of the Shor people where they held rituals in the belief that the spirit of the mountain would protect the nearby Shor village. A cemetery is located in the Shor village of Kazas, which was razed by the coal companies in 2013–2014, and the Shors do not have free access to the graves of their loved ones because a checkpoint and security were installed at the entry to the former village. The situation has not changed in spite of numerous complaints to Russian and international bodies.

The destruction of traditional places of residence and farming has forced members of indigenous communities to give up farming, leave their land, and move to the city. Unlike the Shors and Khakas, the Teleuts have almost completely lost their native environment because of coal activities. The villages of Bekovo, Shanda, Razrez 14km and rural areas of the Teleuts are in a state of environmental catastrophe and the question of their survival is more relevant than ever.

PERSECUTION OF ACTIVISTS AND DEFENDERS OF INDIGENOUS RIGHTS

The few members of indigenous communities who speak out against illegal coal mining and the activists and environmentalists who support them are subjected to pressure and persecution by the government, coal companies and associated criminal structures, the police, and other security agencies. They use various methods of pressure, including criminal prosecution, attempts to discredit the activities of certain activists in the media, anonymous threats online, and other methods.

In 2016, Yana and Vladislav Tanagashev, Shor activists from Kemerovo Oblast, reported on events in Kazas through UN mechanisms. They started receiving threats from the police and the FSB immediately after this. In 2017, after Yana and Vladislav traveled to Geneva, the threats only intensified and police started following their children. Yana, Vladislav, and their children were forced to flee Russia and request asylum in an EU country in 2018.

In Khakassia, indigenous activists, environmentalists, and independent journalists face persecution for participating in demonstrations, covering the illegal activities of coal mines, and even for merely supporting the victims of the coal industry.

KEMEROVO AUTHORITIES BAN CONSTRUCTION OF COAL LOADING STATION, CRACK DOWN ON PROTESTERS

Anti-Discrimination Centre “Memorial” continues to monitor the situation in the village of Cheremza, Kemerovo region, where on June 13, 2020, local residents began their peaceful protest against the activities of “Kuznetskiy Yuzhny” coal mining company, which had started building its coal loading complex near residential buildings without getting proper authorization. For two and a half months now “Kuznetskiy Yuzhny” open-pit mine was unable to convince residents of the settlements adjacent to Cheremza, who protested against construction of the coal loading station that loading operations were not hazardous for the environment and human health. Multiple attempts to restart construction works ended in stand off between protesters and representatives of the mining company. As a result, construction was stopped and the company’s construction equipment was removed from the site.

On August 21, it was reported that Sergey Tsivilev, governor of Kemerovo region, has revoked the permit for building the coal loading station in Cheremza. He stated that the reason for this was insufficient effort on the part of the coal company to establish dialogue with the local population. Construction works were thus officially banned.

However, on the very next day, August 22, police arrived at the protesters’ camp. Police officers announced to one of the activists that she was summoned to the local police department in order to draw up a protocol for violation of the rules for holding a mass rally (Article 20.2 Section 5 of the Administrative Code of the Russian Federation) following a “rally” on August 13. Some protesters were charged with violating several articles of the Administrative Code, one of them being Vyacheslav Krechetov, journalist and eco-activist who covered the events in Cheremza. On August 24,

Krechetov was detained by the police, and on August 25, the Central district court of Novokuznetsk fined him (for 20,000 rubles) for violation of Article 2 on charges of organizing a mass stay of citizens, which entailed a violation of public order, and on August 26 – for another 1,000 rubles for violation of Article 19.3 (disobedience to a lawful request of a police officer). The trials of other activists have already been held, five of the protesters have been fined for 25,000 rubles for violation of Article 20.18. The rest of the cases are yet to be considered by the courts in the coming days in the towns of Myski and Novokuznetsk.

Despite the de facto recognition by the authorities of the Kemerovo region that the activities of the “Kuznetskiy Yuzhny” coal mine were illegal, the law enforcement agencies continue to crack down on activists and local residents who oppose the mining company’s operations.

THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION SPOKE UP FOR THE DUNGANS LIVING IN KAZAKHSTAN

In August, within the early warning and urgent action procedure the UN Committee on Elimination of Racial Discrimination observed the situation of the anti-Dungan pogroms in the villages of Korday District, Jambyl Oblast in Kazakhstan (7-8 February 2020). In the official request, the Committee expressed its concerns regarding the pogroms, forced move of the Dungans, deterrence of victims and ineffective investigation of the crimes against the Dungans, torture of detainees and obstacles for legal aid to them, as well as prevention of access of independent observers at the site.

The Committee emphasized that Kazakhstan, being a participant of the Convention on Elimination of all Forms of Racial Discrimination, is obliged to ensure effective and independent investigation of events of February 7-8, 2020, effective protection of the Dungan minority, reparation of damage inflicted and support to victims, to guarantee the access to the Korday district for independent observers.

The government of Kazakhstan should provide its response to the Committee by October 30, 2020.

On February 7-8, 2020 the most extensive ethnic conflict seen in Kazakhstan in recent years occurred when hundreds of pogromists attacked the Dungan villages of Masanchi, Sortobe, Bular-Batyr. As a result, at least 10 Dungans and 1 Kazakh perished, more than 200 got injuries; damages to property owned by Dungans (homes, commercial structures, retail sites, vehicles) amounted to millions of dollars. Unfortunately, effective and independent investigation is lacking. On the contrary, in April representatives of the Dungan minority were detained and tortured. The victims of pogroms did not receive fair reparations from the government.



Photos provided by witnesses through Dungan activists

On May 8, the Dungans from the villages that suffered in the pogrom published an open letter to the authorities of Kazakhstan, the media, and international organizations describing the facts of arbitrary detentions and torture. They wrote: "After the tragedy that we went through, our children still cannot sleep at night, even adults are frightened and do not want to go outside and risk being detained. The victims cannot get any subsidies or compensation for the damages inflicted. We call upon Kazakh society to protect us, because we are the same citizens as you are! We are tired of fear! We want peace!"

His appeal was a gesture of despair on the part on Dungans, who have tired from the arbitrary treatment of the authorities and the persistent harassment they have been forced to endure over the past three

months. One would think that the Kazakh government should provide comprehensive assistance to the Dungan community after this tragedy, but decisions on humanitarian issues, psychological support for the victims, and, in some cases, medical care, are being made through the efforts of the Dungan community itself.

Dungans living in Kazakhstan are afraid and, in the face of a pandemic, do not have the opportunity to protect their rights. Dungans from Kyrgyzstan are standing in solidarity with them. For example, in an appeal of May 14, they called on international organizations:

1) to appeal to the government of the Republic of Kazakhstan to stop the persecution of the Dungan community, prosecute leaders who allowed for violations of fundamental human rights and torture. Ensure an impartial investigation of the events of February 7 and 8 in Korday District and prosecute the organizers of the mass unrest that resulted in deaths. Compensate the victims and business owners for damages caused by the unrest.

2) Help representatives of UN treaty bodies and other international organizations visit the scene of the tragedy to collect direct evidence and information about the events. Since the time these events occurred, not one international organization, including organizations located within the country, with the exception of humanitarian organizations, have been able to visit the scene of the events, since their requests have been denied by Kazakh officials.



THE POWER OF EQUALITY

“Svyatlana Tsikhanouskaya was the first woman to be elected president in Eastern Europe.” This is what I hope I will soon read on Wikipedia. But, more importantly, I would like to read that the “women’s protests” changed Belarusian society and swept away entrenched sexism and gender stereotypes by showing what equality can look like in practice. This is exactly what inspires me in the “female” face of the Belarusian revolution.

In spite of a professed policy of gender equality, Belarusian women do not enjoy it. Alexander Lukashenko has based his social policies on the patriarchy, guardianship of women, and a higher birth rate, which has only served to deepen existing stereotypes and inequalities. In Belarus, women are still prevented by law from holding 181 jobs in 42 different fields because of an alleged risk to their reproductive health. Deputy Minister of Labor and Social Protection Alexander Rumak believes that “keeping [this list] corresponds to the state’s priority to protect the health of workers and women in particular, given the current demographic situation.”

Over 85 percent of women in Belarus are employed in the low-paying fields of healthcare and social services, and the salary gap between men and women stands at approximately 20 percent. The level of domestic violence against women and children is high: According to official statistics, law enforcement bodies receive thousands of complaints a year. In 2018, Lukashenko dismissed a draft law to combat domestic violence that had been developed by police bodies and non-governmental associations with the words “This is all nonsense taken from the West.” Lukashenko has also prevented women from taking an independent role in governing the country. His team includes Natalya Eismont (press secretary), Natalya Kochanova (head of administration), and Lidia Yermoshina (chair of the Central Election Commission), but he does not appoint women to positions that require independent decision-making.

In addition, he believes that women cannot compete against him in a political fight. When international pressure forced Lukashenko to demonstrate that the 2015 parliamentary elections were “democratic,” he allowed two female opposition politicians (Anna Konopatskaya and Tatyana Korotkevich) to be



Photo from the Her Rights Center fb-page

elected with the assumption that they would not present any danger to the regime. And this is exactly what he assumed this year. But this time, he was wrong.

None of the three main alternative male candidates – Viktor Babariko, Siarhei Tsikhanouski, and Valery Tsepka – were allowed to participate in the election. Svyatlana Tsikhanouskaya was registered as what amounted to a dummy candidate at the last minute in place of her husband, Siarhei Tsikhanouski; at the time, she did not seem like a threat to the regime. Several months later, millions of Belarusians believe that she won the presidential election. The problem, however, isn’t just with Svyatlana, who traveled the path from wife, mother, and housewife (this is what she based her participation in the campaign on) to politician in a short time, but with the political emancipation of hundreds of thousands, if not millions, of Belarusian women. Women have started to reclaim a position for themselves in politics and society with various roles and ideas.

The first major step in this direction was the creation of a joint campaign headquarters, which at that time was already represented by three women from different campaigns: Svyatlana Tsikhanouskaya, Veranika Tsepkala, and Marya Kalesnikava. I don’t know if three men with varying narratives and target groups could have joined forces in this way. After banding together, this “female trio” presented a straightfor-

ward shared program: we will come to power to hold a new, fair election – and presented this with simple branding and the idea of “women’s” love for the country and the people. This message resonated with hundreds of thousands of citizens: Thousands of participants gathered at every campaign meeting and the group’s symbols became among the most recognized. Svyatlana, Marya, and Veranika, who had become leaders almost by accident, began their transformation into independent politicians.

But the unprecedented violence and heavy-handedness of security officers seen on the streets of Belarusian cities from August 9–12 – the killings, torture, and mass arrests – were what conclusively roused women to come out onto the streets. On the fourth day of this nightmare, hundreds of women in white clothes carrying flowers came out in the center of Minsk and then in other Belarusian cities. After three nights of protests and clashes with the police, these actions took on the new form of people coming out onto the streets in the middle of the day, faces uncovered, carrying signs and ready for arrest. Now people throughout the country have been coming out onto the streets to express their protest in various forms since August 12.

Yes, it is true that the first appearances of the joint campaign headquarters and the first protests made use of stereotypical female imagery (beautiful, loving women in white dresses, barefoot with flowers, embrac-

ing OMON fighters or singing lullabies) and even patriarchal models (“There’s no winning love by force,” “Beating is a sign of love?”). But feminist marches and rhetoric gradually started to appear, and calls became more varied. The last week has seen the mass arrest and beatings of women, who have started to display aggression towards security officers.

The boundaries between male and female styles of behavior and the stereotypes behind them have been washed away. Women have started to take actions that have usually been deemed male. Marya Kalesnikava tore up her passport and voluntarily went to prison, Svetlana Alexievich has remained the last representative of the Coordination Council presidium and has no intention of leaving the country, and Nina Baginskaya continues to fight against and scream at OMON officers, protecting the red and white flag and other protesters.

Sensing their impotence, the Belarusian authorities have recently started to make every effort to suppress the protests, including by searching for and taking repressive actions against the organizers of the women’s protests. Which is who our colleagues at the Center for Promotion of Women’s Rights – Her Rights and the center’s founder, Sasha Dikan, were declared to be. Sasha’s husband, Viktor Kuvshinov, a senior manager at the IT company Pandadoc, was arrested along with three other colleagues in a fabricated criminal case and may be falsely accused of financing the protests.

But the authorities still cannot get it through their heads that the protests were provoked by their very own actions and have not been organized by anyone and that over the past month people in Belarus, and especially women, have recognized that they are subjects in politics and society. However many people the authorities arrest, however many they beat, however many they drive back, hundreds of new people will fill their places. The battle for justice has wiped away stereotypes and united different groups of Belarusian people – women and men, young and old, people from different professions and social classes. Every new day has shown how preposterous the idea that there is anything that women cannot manage is.

Eugenia ANDREYUK

*First published on the
blog of RADIO SVOBODA*

STATEMENT IN SUPPORT OF CENTER FOR PROMOTION OF WOMEN’S RIGHTS – HER RIGHTS CENTER

ADC Memorial, Promo Lex (Moldova), Centre for Social and Gender Research (Ukraine), Bir Duino Kyrghyzstan, FIDH and other organizations that have supported the #AllJobs4All-Women campaign for the women’s labor rights express their solidarity and support for the distinguished organization Center for Promotion of Women’s Rights – Her Rights Center and its founder, Sasha Dikan, our colleague and comrade-in-arms.

We are well aware of the vital and important work this organization has done to protect women from domestic violence, stand up for their labor rights, and help women with children: In 2016, ADC Memorial and Her Rights Center released a joint report about discrimination against women and later together participated in actions aimed at overcoming discriminatory barriers in labor, led a campaign to revoke the “list of professions banned for women”, and cooperated on strategic legal defense.

Repressions against civil society in Belarus reached an unprecedented high in 2020: Wild accusations were also made against Her Rights Center and personally against Sasha Dikan, whose husband, Viktor Kuvshinov, was recently arrested and declared a political prisoner by human rights defenders.

Viktor Kuvshinov was accused of supporting the company where he worked – Pandadoc – and the human

rights work of Her Rights Center, while Her Rights was charged with allegedly helping to organize women’s protests this summer.

We are in full agreement with the following statement issued by Her Rights Center and can confirm their words:

Politics is not the Center’s line of work; in fact, participation in political processes is in direct contradiction to the professional and ethical principle of human rights defense to maintain political neutrality and impartiality.

Over the time of its operation, the Center has helped over 1,500 women in difficult situations stand up for their rights. We work on gender discrimination, domestic violence, and labor and social discrimination.

We have no doubt that the charge of “financing women’s marches” is utter nonsense: The protests were provoked by the government of Belarus itself, which violated the rights of its people. Meanwhile, Her Rights Center works to protect women from violence and discrimination – an important and, sadly, pressing concern.

We demand an end to the persecution of Her Rights Center and freedom for political prisoners in Belarus!

ADC Memorial jointly with partners provided the Rapporteur of the OSCE Moscow Mechanism with analytical materials on the violations of the rights of women, children, foreigners, and other human rights challenges in Belarus related to the protests against the falsified presidential elections and massive repressions by the acting government in response.

The report on the situation of women during the protests was prepared jointly with the activists of the Centre for Promotion of Women’s Rights – Her Rights who themselves experienced pressure by authorities. The violations of the rights of women are described in the report, specifically of the women leaders of the protest movement and opposition initiatives, the participants of the demonstrations and various rallies. The information on detention conditions and the situation of women relatives of detainees and victims of human rights violations are also documented.

The second report prepared in partnership with Human Constanta and Article 19 describes violations of the rights of vulnerable groups (children and foreigners), the constitutional reform, judicial processes on so-called ‘extremism’, digital rights and sport.

The OSCE Moscow Mechanism is a special instrument enabling OSCE, with the help of independent experts, to conduct an investigation of the problematic human rights situation and provide specific recommendations for its resolution. Recently the OSCE Moscow Mechanism was activated in regard to the situation in Chechnya (2018). The procedure has been already used toward Belarus in 2011, and on 17 September 2020, 17 countries – members of OSCE initiated the Moscow mechanism in order to react to the ongoing human rights crisis in Belarus.

UN CEDAW ASKED RUSSIA AND UZBEKISTAN ABOUT PROFESSIONAL BANS FOR WOMEN AND SITUATION OF VULNERABLE GROUPS

During its 78th pre-session, the UN Committee on the Elimination of Discrimination against Women (CEDAW) compiled lists of questions to Russian and Uzbek authorities. The members of the Committee drew special attention to the particularly vulnerable position of women during the pandemic of Covid-19, inquired about the measures taken by the authorities of both states to overcome inequalities and specifically protect women and girls from violence.

Uzbek authorities will have to report about plans to enact legislation that protects women from multiple and intersectional discrimination, including on the basis of sexual orientation and gender identity (SOGI), and also to report on developing a comprehensive strategy to eliminate discriminatory gender stereotypes, patriarchal attitudes and harmful practices.

The Committee inquired about measures to ensure access of girls, especially those from vulnerable groups, to secondary and higher education, as well as availability of education about gender equality in school curriculum, the promotion of tolerance based on SOGI and sex education. Turning to the topic of women's reproductive health, experts asked about the steps taken to legalize abortion and measures to inform minors about modern contraceptive methods, indicating that sterilization could be carried out exclusively at the request of women themselves.

Regarding employment issues, UN CEDAW members asked Uzbekistan to explain the need for existing restrictions on employment for women, which were spelled

out in the list of recommended industries and professional occupations, and whether these were proportional for the protection of maternity. According to the experts, Article 225 of the Labor Code, which prohibits women from working in certain professional positions, should be abolished, and in order to guarantee women's access to all professional occupations of their choice it was necessary to improve working conditions and safety in general.

Noting the problem of harmful traditional practices, such as early marriages, polygamy and unregistered religious marriages, the experts asked for additional information on how Uzbek state fought against them, in particular, whether women were in a position to exercise their right to divorce of their own accord.

CEDAW, as well as several other UN Committees, has drawn attention to the situation of vulnerable groups of women and asked Uzbek authorities to report on measures aimed at eliminating harmful practices and discrimination against girls and women from the Mugat (Lyuli) ethnic minority. Questions were also posed regarding LGBTI women: whether crimes against them were being investigated, whether forced marriages were being prevented, SOGI-based crimes criminalized and access to medical services, including reproductive health and transgender transition procedures, provided. While agreeing with other international bodies, the Committee's experts considered it necessary to abolish Article 120 of the Uzbek Criminal Code, which criminalized homosexual relations. Anti-Discrimination Centre "Memorial" had reported in greater detail about the situation of LGBTI women in Uzbeki-

stan in its report "LGBTI + in the Central Asian Region: Repression, Discrimination, Exclusion".

Given the lack of a comprehensive legislation and legal definitions protecting women from various forms of discrimination, Russian authorities were required to provide explanations on why additional anti-discrimination norms have not yet been adopted. The Committee inquired about plans to enact legislation to punish sexual harassment in the workplace, domestic violence and gender-based violence.

Paying attention to the problem of widespread gender stereotypes and patriarchal views, the experts noted the need to combat them in educational system and asked for information on the development of a strategy to eradicate them.

A number of questions posed by the Committee were devoted to the list of professional occupations prohibited for women in Russia, in particular, on how necessary was the exclusion of women from the labor sphere, how women themselves participated in the process of lifting professional prohibitions, whether employers prioritized employment of women when creating safer working conditions, how the state aimed to attract women to non-traditional employment spheres in order to eliminate segregation and wage gap. ADC "Memorial" has been carrying out #Alljobs4allwomen campaign for a number of years in order to abolish the discriminatory lists of professions prohibited for women, which violates not only their right to self-realization, but also leads to worsening of their economic situation.

Raising questions about the importance of women's reproductive health, UN CEDAW experts asked for information on existing restrictions on access to safe abortion and the level of access to modern contraception in Russia.

Members of the Committee, concerned about the high level of gender-based violence in Northern Caucasus, requested statistics on criminal penalties, including those for honor killings, as well as information on measures to eradicate and prevent harmful practices, such as female genital mutilation and polygamy.

The Committee paid special attention to the situation of vulnerable groups of women, about which ADC "Memorial" and the Russian LGBT Network had submitted a report: indigenous peoples, migrant women and LGBT women. Russia will have to report on how its laws ensure access of indigenous women to traditional lands and natural resources, what measures have been taken to protect LGBT women in Northern Caucasus, and also statistics on the number of detained migrants and for how long they were kept in detention centers for foreign citizens for a period of the last three years.

NGOs speak out on the impact of COVID-19 pandemic on women at UN CEDAW session

During the 76th session of the United Nations' Committee on the Elimination of Discrimination against Women (CEDAW), representatives of 28 NGOs spoke out about the harmful effects of the COVID-19 pandemic on the situation of women in a number of countries. Human rights activists raised issues of intersectional discrimination of representatives of particular groups: women from ethnic minorities, migrants, activists, LGBTI+ and HIV-positive women.

Anti-Discrimination Centre "Memorial" drew attention to the problems faced by women in Kyrgyzstan: aggravation of domestic violence, which was further complicated by the inability for women to escape from their violators and use the possibility of staying in shelters organized by crisis centers, the problems of poverty and women's economic dependency, limited access to medical services, and harm to their sexual and reproductive health.

Health workers (of which over 80% are women) face higher health risks, they are forced to work in hazardous conditions in lower-paid jobs. About a quarter of all persons infected with COVID-19 in Kyrgyzstan were medical workers.

Working migrant women found themselves in a particularly vulnerable situation: having lost their work abroad, they could not provide for themselves and could not continue to send money home, which has led to numerous suicide attempts.

In their oral statement to the UN CEDAW session, various NGOs called on governments to take urgent measures to overcome the ongoing crisis, while taking into account its gender dimension and the priority of socio-economic rights, with a special focus on the problems faced by victims of multiple discrimination and representatives of marginalized groups.

UN COMMITTEES CONCERNED WITH PROTECTION OF WOMEN AND LGBT PERSONS FROM DISCRIMINATION IN UZBEKISTAN

At its 128th session, the UN Human Rights Committee (HRC) recommended to supplement the laws of Uzbekistan with legal norms for protection against direct, indirect and multiple discrimination in both public and private spheres, on all grounds, including race, political and other views, ethnic origin, sexual orientation and gender identity (SOGI), as well as guaranteeing effective remedies for victims of discrimination.

UN HRC regretted the continued discrimination, harassment and violence against LGBT people by government officials and citizens in Uzbekistan. At the same time, a high level of impunity for the committed crimes continues to exist there. Earlier, the UN Committee against Torture (CAT) drew attention to the numerous threats, violence and blackmail of LGBT people by police officers. Members of LGBT community regularly experience extortion, arbitrary detentions, torture and sexual abuse, imprisonment and disclosure of confidential medical information. However, they are afraid to complain about these crimes because of the risks of prosecution, which leads to the criminalization of same-sex voluntary relations between adult men. Anti-Discrimination Centre “Memorial” has described this difficult situation of men having same-sex relations in its analytical paper “Turk-

menistan and Uzbekistan: criminal prosecution for consensual same-sex relationships between men”.

UN HRC recommended combating stigma, harassment, hate speech, discrimination and violence based on SOGI, as well as conducting special training for law enforcement and judicial officials and raising public awareness through campaigns on SOGI, diversity and tolerance. The Committee also recommended to prosecute those responsible for systematic discrimination and violence against LGBT people and guarantee compensation to victims, to abolish Article 120 of Uzbekistan’s Criminal Code, which criminalized same-sex adult male relations, to introduce fast, transparent and accessible sex recognition procedure based on the applicants’ self-identification and not requiring mandatory psychiatric hospitalization.

The Committee made a number of recommendations to combat discrimination against women. In order to improve protection of women from violence, the Committee recommended monitoring compliance with the prohibition of early and forced marriages, eliminating polygamy, criminalizing marital rape, eliminating the procedure for compulsory reconciliation in cases involving domestic violence, ensuring effective investigation of victims’ complaints, prosecuting rapists, training law enforcement officers and the judiciary, providing shelters and effective remedies

to victims, as well as carrying out information work with the population concerning violence against women.

The same problems were raised by the UN Committee on Economic, Social and Cultural rights (CESCR) during its 66th precession. The Committee requested to provide information on whether the Uzbek authorities intended to adopt comprehensive anti-discrimination legislation and what particular measures have been adopted to combat discrimination against marginalized groups, including Roma, Lyuli and LGBTI people (in particular, inquiries were made about decriminalization of Article 120 of the Criminal Code).

Paying special attention to the situation of women, experts of UN CESCR posed questions about implementation of laws on gender equality, overcoming discrimination against women in registration of property rights, professional segregation of women, lower wages and lack of women’s representation in senior positions. UN CESCR inquired about measures aimed at increasing the number of girls enrolled in higher education institutions and incorporation of materials on gender equality into educational programs. A separate inquiry was made concerning measures to ensure access to education and successful graduation for representatives of vulnerable groups, including Roma and Mugat (Lyuli).

KYRGYZSTAN RESPONDED TO UN CEDAW ON THE SITUATION OF WOMEN

The Committee’s experts reviewed information provided by the representatives of the civil society, including the report on the situation of women during the Covid-19 pandemic, which had been prepared by the Anti-Discrimination Centre “Memorial”.

Responding to the Committee’s questions, Kyrgyzstan authorities, too, emphasized the large-scale problem of domestic violence. The vast majority of victims of domestic violence (95%) are women; more than 8,000 cases of domestic violence were registered in 2019 (out of that more than 5,000 cases of physical violence); about 6,000 protection orders were issued, but only about 6.5% of cases of violence had been taken to court. The Covid-19 pandemic has made it impossible for women to get such help or find temporary shelters from aggressors.

UN CEDAW noted the particular importance of solving the problem of harmful traditional practices, such as early and forced marriages and bride kidnappings. Kyrgyz authorities stated that in 2019 alone there were more than 200 cases of

bride kidnappings, but the courts considered only 6% of these cases.

Unfortunately the position of the Committee’s experts, who recognize any gender-based professional prohibitions as discriminatory, was not shared by the Kyrgyz authorities. In their official response, the authorities indicated that the lists of professional occupations prohibited for women, which deprive them of their right to choose their occupation and prevent their self-realization and economic independence, were nothing more than a manifestation of the state’s special concern for women’s health. The authorities ignored questions about measures aimed at increasing the interest of girls and women for studies in areas, which were “atypical” for them.

Some Kyrgyz ministries support the abolition of occupational restrictions for women. Thus, the Ministry of Labor and Social Development, together with the International Labor Organization (ILO) are currently revising the list of professional occupations prohibited for women. ADC Memorial, as part of its #Alljobs4allwomen campaign, called for the abolition of any occupational prohibitions for women, which

created inequality and lead to their segregation in the labor market, while also widening wage gap between men and women.

The authorities continue to ignore the needs of vulnerable groups and have barely identified them in their response to the Committee, while migrant and LBT women are being systematically subjected to multiple discrimination. Alternative information provided by ADC Memorial and the Kyrgyz Alliance for Family Planning (KAPS) about the negative impact of migration on women, including on their health, was reflected in the questions posed by the Committee to Kyrgyz authorities.

Representatives of Kyrgyzstan refrained from answering the questions about the country’s plans to introduce comprehensive anti-discrimination legislation that would protect women and girls from various forms of discrimination, including multiple and intersectional discrimination, as well as discrimination on grounds such as sexual orientation and gender identity (SOGI). However, such laws are to be adopted in accordance with the recommendations of the UN Committee on the Elimination of Racial Discrimination (CERD).

CEDAW: RUSSIA MUST TAKE MEASURES TO PROTECT LBT WOMEN FROM MULTIPLE DISCRIMINATION AND CONDUCT EFFECTIVE INVESTIGATIONS OF HATE CRIMES

The UN Committee for the Elimination of Discrimination Against Women has published its views on ineffective protection from attacks against lesbians in Russia and the absence of thorough investigations of these crimes.

In October 2014, an unknown assailant beat up two young women holding hands in the Saint Petersburg metro. As he shouted homophobic slurs at them, another man recorded the attack on a camera. The young women filed a report with the police, but the officers refused to investigate. They did not collect recordings from security cameras or even examine the scene of the crime. Attorneys were not able to get the crime classified with account for the homophobic motive (Part 2 of Article 116 of the old version of the Criminal Code).

With assistance from the Coming Out LGBT Group, the victims filed a communication with CEDAW.

ADC Memorial drew attention to this case and mentioned it in two 2015 alternative reports, one for the Human Rights Committee and the other for CEDAW. In 2014, LBT women were attacked several times in Saint Petersburg alone. The as-

sailants expressed their displeasure with “non-traditional” women and verbally harassed them. In addition, the assailants spoke openly about their hatred for LGBT people during their interrogations. As a result, in its concluding observations CEDAW noted that Russia needed to create an unobstructed system to protect women from crimes and to work with law enforcement officers to eradicate gender and homophobic stereotypes and discrimination.

Russia believed that its investigation was effective and that the victims were not subjected to degrading treatment or discrimination on the basis of their sexual orientation and that their constitutional rights were not violated.

Nevertheless, in its Views, the Committee noted that Russia violated a number of the provisions of the Convention on the Elimination of All Forms of Discrimination Against Women. It also stated that Russia should offer the victims compensation for moral damage, psychological follow-up care, and legal remedy and stressed that the state has an obligation not just to eliminate discrimination and improve the situation of women, but also to change gender stereotypes that give rise to and support discrimination.

The Committee has previously seen that multiple discrimination complicates access to justice. In this case, it concluded that the Russian authorities did not conduct an effective investigation and ignored the motive of hate because they were influenced by negative stereotypes about lesbians. Russia must change not just its laws, which do not provide protection for LBT women, but also its discriminatory practices. The same applies to the judicial system, which must deal impartially with crimes involving gender-based violence. All reports on crimes against women, including LBT women, must be carefully and impartially investigated in the shortest period possible, and trials must be fair. People guilty of attacks must be punished, and lesbians who have been subjected to violence must be provided with free legal assistance and safe access to justice.

This is the first time the Committee has published views recognizing homophobic attacks as gender-based violence and multiple discrimination. Unfortunately, the problems of homophobia and gender-based violence remain pressing in Eastern Europe and Central Asia. CEDAW’s position will be used to protect LBT women of different countries from hate violence.

UN HRC INQUIRED ABOUT SITUATION OF ETHNIC AND RELIGIOUS MINORITIES, LGBTI+ IN RUSSIA

During its 129th session, the UN Human Rights Committee (HRC) posed questions to Russian authorities about the country’s compliance with the International Covenant on Civil and Political Rights.

In the alternative information submitted to the UN HRC, Anti-Discrimination Centre “Memorial” and the St. Petersburg-based NGO Citizens’ Watch described the cases of torture and violation of access to a fair trial for representatives of ethnic and religious minorities, in particular the persons convicted in the case of the terrorist attack in the St. Petersburg metro in 2017. The members of the Committee posed questions to Russia about torture and ill-treatment of detained with the aim of obtaining confessions in legal cases on charges of terrorism (the “Network” case, persecution of “Hizb ut-Tahrir”), about the unlawful application of anti-terrorist legislation for persecution of oppositional activists and restricting freedom of speech and media reporting (in particular, the case of journalist Svetlana Prokopyeva).

The experts of UN HRC noted numerous violations of human rights in the annexed Crimea, inquired about the

measures taken by the Russian state to ensure the unimpeded activity of religious communities on the peninsula and the functioning of the Mejlis of the Crimean Tatars. Russia will have to report on the investigation into the alleged disappearances of Crimean Tatar activists, comment on reported ban on entry for some Crimean Tatar leaders into Crimea, intimidation and detention of Crimean journalists and bloggers who had criticized the authorities.

The Committee inquired about the progress of the previously recommended revision of the law on countering extremist activities and the list of extremist publications, as well as measures to end the arbitrary application of anti-extremist legislation. Experts are concerned about violations of freedom of conscience and reprisals against Jehovah’s Witnesses, who were accused of extremism.

The Committee noted the prevalence of racist and homophobic hate speech in the media and on the Internet, including statements made by politicians and religious leaders, and inquired about the measures to prevent ethnic profiling by law enforcement agencies.

Russia will have to report on the progress of investigations into numerous human rights violations in the Northern Caucasus. The country’s authorities will have to comment on reports of constant harassment of journalists and human rights activists in the Northern Caucasus.

Noting discrimination on the basis of sexual orientation and gender identity (SOGI), the UN Committee asked questions about the mass detention and torture of LGBTI+ people in Chechnya, and whether Russian law qualified SOGI-based attacks as hate crimes. The Russian authorities were asked about the enactment of a law against domestic violence, legal norms punishing marital rape, female genital mutilation and “honor killings”. The problem of harmful traditional practices and multiple discrimination against women, including LBT, was raised in a joint report presented to the Committee by ADC “Memorial” and Russian LGBT Network.

The Committee expressed its concerns about the obstacles to the activities of human rights defenders and posed questions about the repeal of the repressive laws on NGOs, which had been labelled “foreign agents” and “undesirable organizations”.

AMENDMENTS TO RUSSIAN FAMILY AND CIVIL LEGISLATION FAIL TO GET SUPPORT

Amendments to the Russian family and civil legislation, which have been proposed in July 2020 and were aimed at “strengthening the institution of the family” were criticized by both human rights activists and experts from the State Duma, the lower house of Russian parliament.

Anti-Discrimination Centre “Memorial” in its statement called not to adopt the bills that violated Russian and international legal principles and the rights of vulnerable groups, in particular LGBTI+ and minors.

The State Duma’s Security and Anti-Corruption Committee did not support the draft laws and pointed out that the proposed changes “could lead to a significant deterioration in the legal status of children and an unreasonable reduction in measures aimed at protecting them”. Thus, some amendments would lead to the impossibility of individual preventive work with minors in difficult life situations or who have committed legal offenses. The Committee members spoke out against the recognition of exclusively genetic mothers and fathers as parents, pointing out that the rights and obligations of adoptive parents vis-à-vis their adopted children were no different from the rights and obligations of genetic parents. The proposed transfer of a number of grounds for deprivation of parental rights into the grounds for restriction of parental rights may lead to serious harm to the life and health of children. For example, the draft proposed that child abuse was not to be considered a sufficient ground for deprivation or restriction of parental rights.

The Committee criticized the provision concerning respect for the family and moral values of the peoples of Russia. This provision could be used to justify harmful practices, which are still common in traditional communities (i.e., early and forced marriages, bride kidnapping, forced deprivation of virginity and mutilation, such as female circumcision), which ADC Memorial had spoken about in its report to the United Nations’ Committee on the Elimination of Discrimination against Women (CEDAW).

The Legal Department of the State Duma in its conclusion has indicated that the proposed drafts required “substantial legal and technical revision”. For example, a proposal to narrow the “range of categories of children considered as children in difficult life situations”, a proposal to introduce the criterion of “the ability to formulate their views” when determining the child’s right to express their opinion and a reservation on the

right and responsibility of parents to take care of the health and development of children “within the limits of their abilities and financial capabilities”, according to the legal experts, can lead to difficulties in law enforcement practice and can negatively affect the rights and legitimate interests of children. In addition, a number of proposed legal norms and terms contradicted the provisions, which are currently in place.

The Presidential Council for the Development of Civil Society and Human Rights has also presented its opinion on the proposed legislative changes. Experts pointed out that the possibility of restricting parental rights for committing an offense or “other antisocial act” was not only “disproportionate interference with the parental rights of citizens” and a direct path to an increase in the number of orphans, but also ran the risk of being used as a repressive measure against parents with an active civic stance. The Council drew attention to the numerous violations of the rights of LGBTI+ people that the adoption of these draft laws entailed.

A ban not only on concluding same-sex marriages, but also the ban on recognition of same-sex marriages already registered in other countries, will deprive spouses of their family and civil rights. The proposal for the mandatory indication of gender marker already in the birth certificate at the time of birth without the possibility of changing it later affects not only transgender and intersex people, including those who wish or are already married, but also the children in such unions.

The Chairperson of the Council for the Development of Civil Society and Human Rights, in a letter addressed to the Chairperson of the Committee on Family, Women and Children, has indicated that the proposed draft laws could lead to violations of human rights and discrimination, and has urged to avoid accelerated consideration of these bills, while emphasizing the need for their revision and wider public discussion with participation of experts from different fields, as well as holding broad parliamentary hearings.

ADC MEMORIAL STATEMENT OPPOSING CHANGES TO THE RUSSIAN FAMILY AND CIVIL CODES

These amendments will significantly worsen the already difficult situation of members of the LGBTI+ community in Russia. In contravention of the European Convention on Human Rights (articles 8 and 14) and supplementing the recently-added Constitutional provisions stating that marriage is only possible between a man and a woman, these amendments propose a direct ban on same-sex marriage and recognition of same-sex marriages registered in other countries, which would deprive spouses of family and civil rights.

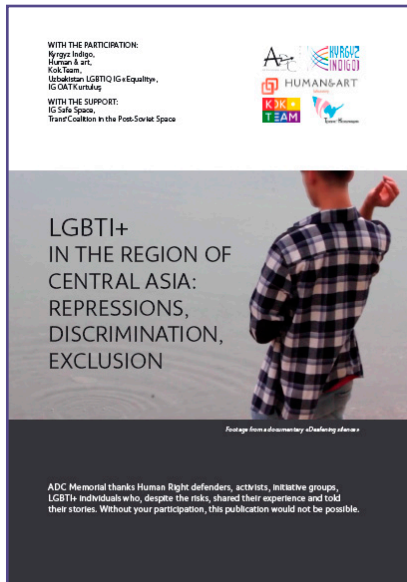
This ban also directly discriminates against transgender people who are planning to transition or who already have transitioned. Under these amendments, the marriages of transgender people will be deemed same-sex marriages, and birth certificates, unlike passports, which can be changed, will list “gender at birth.” In this way, a discrepancy between gender markers on a person’s birth certificate and passport will make it impossible for that person to marry. People who have already married but have a different gender marker than their gender marker at birth will also be affected by these amendments because the law will obligate them to update their original birth certificates. These discriminatory rules could also affect intersex people, who sometimes must correct their gender because it was mistakenly defined at birth.

Children will also suffer from these amendments: Transgender people will not be allowed to adopt or act as guardians, even though there is no reason to think that being transgender makes being a foster parent problematic.

Discrepancies between gender markers in personal documents will give rise to numerous problems in different areas of life from proof of relationship and inheritance to obtaining long-term visas to other countries. This will become an additional ground for discrimination, difficulties, and even denial of various services.

Amendments discriminating against LGBTI+ people must not be adopted.

LGBTI+ IN THE REGION OF CENTRAL ASIA: REPRESSION, DISCRIMINATION, EXCLUSION



Human rights report ADC Memorial with the participation: Kyrgyz Indigo, Human & Art, Kok Team, Uzbekistan LGBTIQ IG «Equality», IG OAT Kurtuluş and with the support: IG Safe Space, Trans*Coalition in the Post-Soviet Space.

Members of the LGBTI+ community in Central Asia regularly endure numerous violations of their rights, homophobia, and discrimination in all areas of life, including employment, education, family life, personal interactions, and commercial and state services. LGBTI+ people do not feel safe in any country in the region. Governments largely ignore recommendations concerning the situation of LGBTI+ people made by international bodies. In the majority of these countries, NGOs are not able to register or work openly. Despite numerous problems and difficulties, human rights defenders and activists still find opportunities to cooperate with and support LGBTI+ people. They have dialogues with members of the government where possible, organize public events to protect LGBTI+ rights, and help with court cases against homophobes and try to ensure that they are punished. Sensing this support, members of the community gain the courage to demand protection of their rights. An increasing number of lawyers and attorneys are prepared to protect the rights of the LGBTI+ community. High-quality materials about LGBTI+

issues are appearing, and journalists are trying to report on SOGI issues in a politically-correct manner. Even in the most closed countries, like Uzbekistan and Turkmenistan, in the past year activists have started advocating for the decriminalization of MSM in spite of risks to their own safety.

Groups that make up the LGBTI+ community must endure specific forms of multiple discrimination and feel even more vulnerable as a result.

Patriarchal stereotypes and traditional practices have a negative impact on lesbian and bisexual women, significantly worsening their situation by depriving them of the freedom to manage their own lives and obligating them to conform to gender-specific models of behavior. Under the constant control of their relatives, women often cannot make decisions on their own, move around freely, or interact with people in real life or online and do not have secure access to information. LB women are most afraid of being outed to their families. Their relatives can reject them or use any form of violence against them. Dependence on family ties forces women to act against their own wishes, in particular, to agree to forced marriage if they cannot find a partner for a fictitious marriage. The negative attitude towards LB women is instrumental in the retention of the term “lesbianism” in the criminal codes of Kazakhstan, Kyrgyzstan, and Tajikistan. Not enough is known about the difficulties lesbian and bisexual women face because women in traditional societies are under constant control. But there is also a bias within the LGBTI+ community that women’s problems are not as significant as men’s problems.

Transgender people in Central Asian countries are often subjected to discrimination and a heightened risk of violence both because of their appearance and the fact that their documents do not match their appearance and because the people close to them are unwilling to accept their gender identity. Transgender women suffer from patriarchal stereotypes and face double discrimination. Their transitions are often more traumatic than they are for transgender men, including for the reason that women occupy a more oppressed position in traditional societies. Unable to find opportunities for employment, transgender women are often doomed to work in the sex business.

Many transgender people suffer from internal transphobia, which is compounded by various factors ranging from discrimination within the community to pressure from religious figures who are critical of gender transition. Rejection by their families and society, which is quite common for transgender people, forces them to move, not just to escape condemnation and discrimination, but also for their own safety. The high risk of being attacked and threatened intertwines with lack of access to protection of their own rights.

The gender transition procedures in all the countries in the region create a barrier for transgender people. Lacking the ability to complete the transition process, many are forced to live out of line with their identity. Faced with a high level of transphobia among both law enforcement bodies and regular citizens, transgender people are forced to make a choice: hide their identity or put their safety and lives at risk.

The stigmatization of people living with HIV has led to an increase in the risk of infection for LGBTI+ people and forces them to live an even more secretive life. Insufficient awareness, lack of safe access to free therapy, and fear of being outed for their status or SOGI have meant that some members of the community do not take antiretroviral therapy, which harms their health and also creates the risk of infection for potential partners. LGBTI+ people living with HIV live in a state of constant fear and are frequently even more excluded from fully participating in various areas of life. Multiple discrimination increases the likelihood of suicide among HIV-positive LGBTI+ people.

Turkmenistan and Uzbekistan continue to apply anachronistic legal norms to prosecute MSM. The situation is particularly difficult in Turkmenistan, where most men in the community serve prison sentences and many are prosecuted a second time and again deprived of liberty for many years. From the time of their arrest until the end of their prison term, these men are subjected to degrading treatment, torture, violence, and, in some cases, sexual assault. People who have served a sentence under Article 135 of Turkmenistan’s Criminal Code have no chance of finding a good job or building a life for themselves. Instead, they must live in constant fear, waiting to be swept up by a new wave of persecution and end up

back in the hands of law enforcement officers. Even though MSM in Uzbekistan rarely end up in jail, the risk of the article's application serves as another ground for blackmail. The criminalization of consensual same-sex relationships helps keep the level of homophobia in society high and effectively turns MSM into outlaws.

Many members of the community view law enforcement officers as the main threat to their personal safety, life, and health. LGBTI+ people frequently become repeat victims of violence, threats, extortion, and blackmail and are under constant pressure from police officers, who threaten to out them. Operational activities, which are periodically conducted in most countries in the region, keep LGBTI+ people in a state of ongoing stress and fear. The creation of special lists violates the rights of LGBTI+ people and makes them an easy target for persecution and humiliation.

The inability of LGBTI+ people to protect themselves from the arbitrary will of police officers means a total loss of their sense of security and vulnerability due to sexual orientation and gender identity, which is compounded by racial and ethnic discrimination for members of ethnic minorities. Police impunity gives rise to new violations and normalizes blackmail and inhumane treatment of LGBTI+ people.

Openly homophobic statements made by several government and religious figures both support and legitimize hatred of LGBTI+ people. Politicians manipulate the topic of SOGI to attract more supporters or discredit opponents. Artists also gain popularity by spreading homophobic ideas. Many media outlets replicate hate speech, and journalists use offensive words in their materials. Recently, many bloggers have started to support hate speech on the basis of SOGI and provoke citizens into attacking LGBTI+ people. Homophobic groups on social media are especially well developed in Uzbekistan, where the personal information of LGBTI+ people is published along with calls for reprisals and even video recordings of crimes. In most cases, the perpetrators are not prosecuted for hate speech or calls for violence.

LGBTI+ people in Central Asia regularly endure manifestations of homophobia that find their expression in various forms of violence. Blackmail and extortion and threats of outing and violence are part of life for many LGBTI+ people. Perpetrators in different countries use approximately the same methods of persecution. LGBTI+ people

are most afraid of sham dates, when they can be beaten, humiliated, forced into sharing the contact information of other members of the community, recorded in humiliating videos, and even subjected to sexual assault. The inability to report crimes against LGBTI+ people only serves to stimulate homophobic attacks and even murder.

Hatred of LGBTI+ people leads to a high risk of dismissal or expulsion. In some cases, homophobes arrange attacks on members of the community and outings, sometimes in front of families, or take advantage of the vulnerable position of LGBTI+ people for material gain. There have been grievous cases of forced labor and sex slavery involving LGBTI+ people.

Sometimes an LGBTI+ person's family environment presents the greatest threat of all. Homophobia in Central Asian countries forces LGBTI+ people to constantly monitor their behavior, conceal their sexual orientation and gender identity, and lead a dangerous double life, often under the threat of physical reprisals by relatives. The majority of members of the community are most afraid of being outed or coming out

to their families. Relatives may reject LGBTI+ people or try to "cure" them and may use various forms of violence or force them into marriage. Traditional views underlie the high importance of the family. Activists report that people who cannot mend ties with their family can even be rejected by members of the community. Even after being subjected to violence and humiliation by their relatives, LGBTI+ people still try to restore ties with them.

The path to a freer life may lie through leaving the country: Even though this can be difficult to accomplish, it does give some people the chance to break free of imposed stereotypical obligations and a life of constant fear. Even after moving, many LGBTI+ people continue to live in fear of persecution by the special services and homophobia on the part of fellow citizens living in the new country, as well as reprisals from friends and family members remaining in the country of origin.

ADC Memorial thanks Human Right defenders, activists, initiative groups, LGBTI+ individuals who, despite the risks, shared their experience and told their stories. Without your participation, this publication would not be possible.

ADC MEMORIAL PREPARED RECOMMENDATIONS FOR EUROPEAN UNION'S LGBTI+ EQUALITY STRATEGY

In 2020, the European Union began to develop a new strategy to overcome the continuing discrimination and inequality faced by LGBTI+ people. The initiative is based on the List of actions to promote LGBTI Equality, which ran from 2015 to 2019. The adoption of the LGBTI+ Equality Strategy is based on the appeals of 18 EU member states, the European Parliament and representatives of civil society. This will become the guiding document for the actions of the European Union aimed at overcoming discrimination and the problems faced by LGBTI+ people, regardless of their citizenship, including in third countries.

In its recommendations Anti-Discrimination Centre "Memorial" emphasized that in the modern interdependent world, homophobic legislation and policies in some countries provoke deterioration of the situation and similar trends in other countries, and actions within the European Union alone are not enough to deal with this. ADC Memorial called on the European Commission to take more active and targeted measures in its foreign policy in order to protect and promote the rights of LGBTI+ people in third countries, especially in the region of Eastern Europe and Central Asia. These measures should address the elimination of violence against LGBTI+ people, promote comprehensive anti-discrimination legislation and effective investigation of hate crimes, elimination of negative stereotypes and rhetoric regarding LGBTI+ people. Taking into account the high risks for LGBTI+ people in these region, it is extremely important to take into account the needs and rights of LGBTI+ people when deciding on granting them asylum in the European Union.

MEPS APPEAL TO THE EUROPEAN COMMISSION PROPOSING BAN "CONVERSION THERAPY"

Members of the European Parliament's Intergroup on LGBTI+ Rights stated that the so-called "conversion therapy" was a highly discriminatory practice that violated the rights of LGBTI+ people and caused them serious physical and psychological suffering. Such "correction" of sexual orientation and gender identity (SOGI) cannot be classified other than torture, inhuman or degrading treatment. MEPs suggested that the European Commission come up with legislative initiatives prohibiting "conversion therapy" and support the states in ending this discriminatory practice.



The so-called "conversion therapy" (or "reparative therapy") refers to certain measures aimed at "correcting" or "treating" SOGI. However, the terminology used, including by some international experts, has certainly nothing to do with actual therapeutic treatment. While the term "therapy" means healing, it is clear that the practice of "conversion therapy" only leads to the infliction of psychological and physical suffering. Leading medical and psychiatric associations have denounced this discriminatory practice as unscientific, unsubstantiated and highly traumatic. "Conversion therapy" actually involves various forms of violence, disguised as "remedial action".

"Conversion therapy" refers to a variety of activities ranging from psychotherapy to "corrective" violence. UN's Independent Expert on protection against violence and discrimination based on SOGI identified three main groups of "conversion therapy" practices: psychotherapy, medical and religious approaches. The latter two can include elements of physical violence. A report by the International Rehabilitation Council for Torture Victims (IRCT) listed the following practices used to "change" SOGI: conversation or psychotherapy; medication; desensitization and re-treatment with eye movement; electroshock or electroconvulsive therapy; aversion therapy (including electric shock or nausea medication when presented with homoeotic stimuli); exorcism (for example, beating a person or burning their head, back, and palms while reading sacred verses); force feeding or food deprivation; forcing a person to undress in the presence of other people; behavioral conditioning (for example, being forced to wear certain clothes or to walk in a certain way); isolation; insults and humiliation; hypnosis; admission to a hospital; beatings and other "corrective" types of violence, including rape.

The International Rehabilitation Council for Torture Victims and Inde-

pendent Forensic Expert Group (IFEG) have found that "conversion therapy" was practiced in more than 69 countries around the world, including EU member states (e.g. through medication in France, psychotherapy in Austria, Italy and Poland, exorcism/ritual casting out of the devil in France and Spain), and has long-term detrimental effects on persons on physical and psychological level, including cases of depression and suicide.

In a recent resolution, the European Parliament called on its member states to criminalize "conversion therapy" and condemned the official position of the Polish Episcopal Conference, which supported the creation of "conversion camps" in Poland for LGBTI+ persons.

MEPs noted the particularly high risks of using "conversion therapy" on younger and underage LGBTI+ persons due to their strong dependence on their families, as well as their inability to independently make decisions on medical and legal issues. Earlier, the UN Committee on the Rights of the Child (CRC) indicated that in order to respect the right to freedom of expression of adolescents and respect their physical and psychological integrity, gender identity and emerging autonomy, the states must abolish this practice.

Many cases of the use of "conversion therapy" remain undocumented and poorly studied, which also contributes to the reinforcement of misconceptions about the possibility of changing SOGI using this "method". UN's Independent Expert on protection against violence and discrimination based on SOGI called for a worldwide ban on "conversion therapy" and noted that everyone should be free from treatment without their consent.

Of the 27 EU member states, only Germany, Malta and parts of Spain have legally banned "conversion therapy", while France still plans to do so. Some member states not only fail to consider this possibility, but also failed to adopt directives prohibiting discrimination on the basis of SOGI in healthcare.

Attempts to "cure" or "correct" sexual orientation constitute a problem not only for the European Union, but also for Eastern Europe and Central Asia. Anti-Discrimination Centre "Memorial" and the Russian LGBT Network reported about this practice in Northern Caucasus, one of the most homophobic regions of Russia, in a report provided for the UN CEDAW session. ADC "Memorial" and the LGBT Network stated that in 2019 alone three cases of compulsory treatment of LGBTI+ women in psychiatric clinics became known, as well as five cases of long-term ill-treatment, including violent procedures of "casting out the devil", and four cases of sexual violence by male relatives in order to "correct" SOGI.

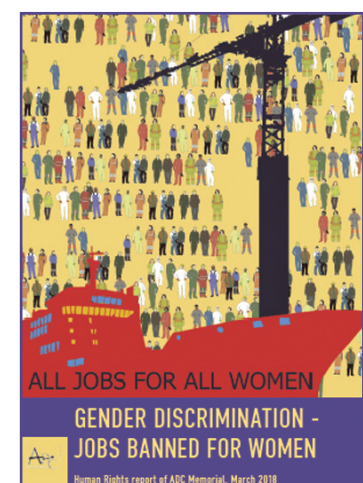
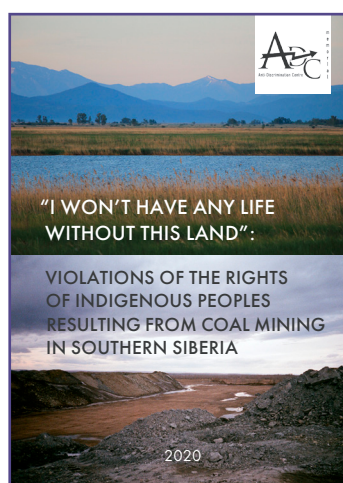
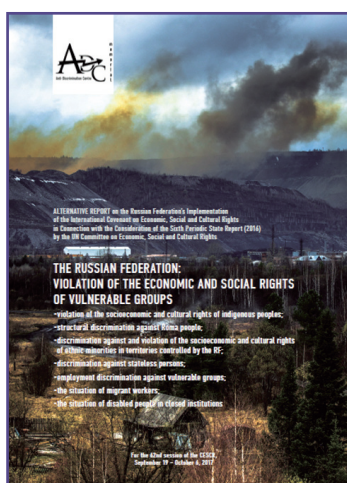
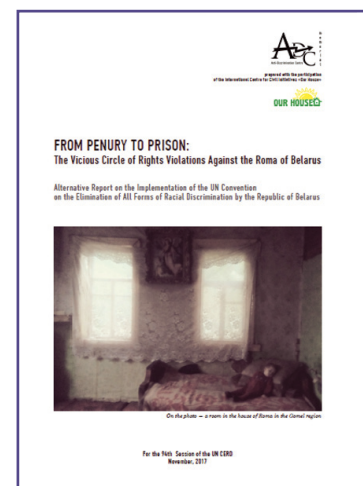
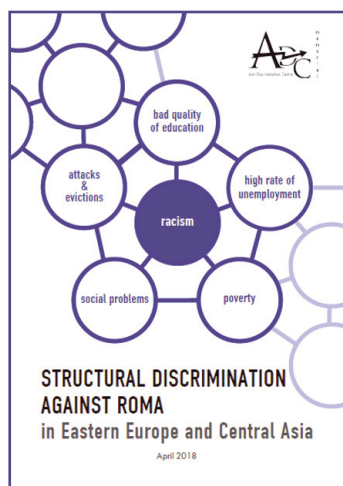
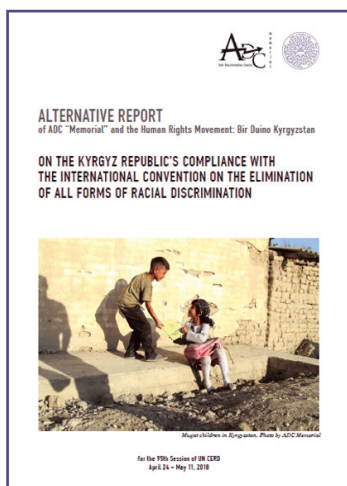
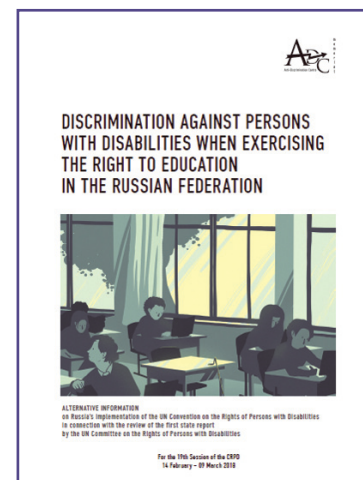
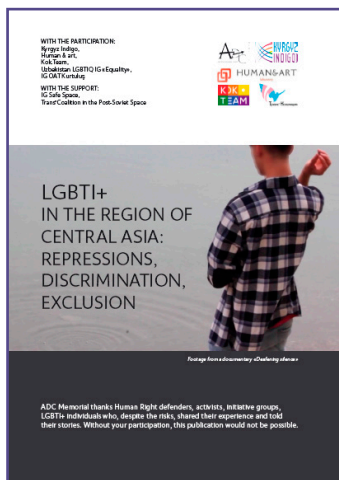
Homophobia and misconceptions about "curing" SOGI in various ways, from religious and mystical to medicinal, are also widespread in Central Asian countries. For example, in Kazakhstan, an outrageous case was reported when the parents of a man who did not accept his sexual orientation forced him to undergo brain surgery. Victims of "conversion" practices from Tajikistan shared their experiences in the documentary "Deafening Silence". ADC "Memorial" released a report "LGBTI+ in the region of Central Asia: repressions, discrimination, exclusion" on the homophobic practices in Central Asia.

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