

Promotion of modern international standards of children's rights: DEINSTITUTIONALIZATION AND HUMANIZATION OF CLOSED INSTITUTIONS IN BELARUS, MOLDOVA AND UKRAINE

ADC Memorial and its partners from the Eastern Partnership countries have implemented the project "Promotion of modern international standards of children's rights: deinstitutionalization and humanization of closed institutions in Belarus, Moldova and Ukraine"

Summing up the results of the project supported by the Eastern Partnership Civil Society Forum within the framework of the regranting program, we thank the partners from Ukraine, Moldova and Belarus for their cooperation and the work done. The aim of the project was to improve the situation of children who found themselves in places of deprivation of liberty. Such important issues were raised as the deinstitutionalization of orphanages and boarding schools – de facto places of deprivation of liberty; the need to change the practices placing migrant children in the reception centers governed by the Police / Ministry of Internal Affairs; the need for legislative changes at the national and international level, since in a number of countries the repatriation of children is still regulated by the outdated Chisinau Agreement of the CIS countries (migrant children are placed in closed reception centers both before being sent home and often upon arrival).

Within the framework of the project, monitoring of children's institutions was carried out; experts from partner organizations shared their experience and knowledge about progressive practices of dealing with children in places of deprivation of liberty. In the course of cooperation with partners from Moldova, an alternative report on the observance of children's rights within the framework of the Universal Periodic Review was prepared.

At the end of the project, the final program was released on the channel Magnolia-TV, dedicated to the problems of children in places of deprivation of liberty in Ukraine, the probation and prevention system. The guests of the studio were



Aksana Filippishina, a representative of the Ombuds office, human rights defender Serhiy Pernikoza, ex-chief of the State Penitentiary Service of Ukraine Serhiy Starenky. The participants of the discussion noted the slow progress in the reforms of the juvenile justice system and children's institutions.

Sergey Pernikoza raised the issue of legal contradictions concerning children in places of deprivation of liberty. Although children are criminally liable from the age of 16 (or, in certain types of crimes, from the age of 14), the Criminal Procedure Code allows placing children even of an earlier age (from 11 years) in a reception center while the court decision is pending. In fact, the child is placed in a closed institution ruled by the law enforcement agency, with a strict regime (although with better conditions than in the colonies). De facto the child is deprived of liberty as if it were serving a criminal sentence. There are doubts about the constitutionality of such a practice allowed by the CPC, the human rights defender stressed.

Reforms of juvenile justice and child protection systems are ongoing in Ukraine, within the framework of the

EU-Ukraine Association Agreement and related international human rights obligations. Ukraine's National Strategy for Reforming the Juvenile Justice System for the period before 2023 and the country's Action Plan for its implementation have been adopted. However, monitoring carried out by the Coalition for the Rights of the Child in Ukraine showed the fragmented nature of the reforms of the juvenile justice system and widespread abuse in closed children's institutions. In its 2018 annual report, Ukraine's Ombudsman have also drawn attention to the violation of children's rights in closed institutions.

Ukraine withdrew from the Chisinau agreement, and in recent years the country strived not to place migrant children into children's reception centres, but the problem has not yet been fully resolved. New international agreements are needed to return children who find themselves abroad without parents to their home countries, and more humane standards and norms are required concerning the terms of temporary placement of such children in the country of their temporary stay. These children are to be accompanied and supervised by the social services, not the police.

THE ISSUE OF RETURNING MIGRANT CHILDREN TO THEIR COUNTRIES OF ORIGIN IS IMPORTANT FOR THE ENTIRE OSCE REGION

In 2021, the ODIHR OSCE prepared a detailed report on the expert meeting "The Rights of Migrant Children in Regional Processes: what happens after the Chisinau agreement?". The meeting was held at the initiative and with the participation of ADC "Memorial" at the end of 2020; it was devoted to the problems of outdated legislation and inhumane practices that still regulate the return of migrant children to their homeland in the countries of the former USSR.

Among the 40 participants of the meeting there were experts of the UN Committee on the Rights of the Child Renata Winter and Mikiko Otani, independent expert of the UN Global Study on Children in Detention Manfred Novak, MEP Tineke Strick, ODIHR OSCE officers, representatives of the Human Rights institutions of Moldova and Kyrgyzstan, representatives of national authorities and civil society of Belarus, Moldova, Ukraine, Kazakhstan, Kyrgyzstan, Tajikistan, Uzbekistan.

At a regional level, the 2002 Chisinau Agreement on the Return of Minor Children to Their Country of Origin regulates the return and repatriation of migrant children. Under this agreement, migrant children are returned to their countries of origin through "transit institutions" which result in family separations and children being placed in institutional settings, often in the penitentiary system, unsuitable for their wellbeing. Due to outdated legislation and state policies, migrant children often faced barriers in accessing their rights, resulting in risks to their wellbeing and personal development. A number of countries have recognised these problems and reformed their social protection systems to address them; these examples show that when appropriately conducted, policy and legislative reforms can bring improvements in access to rights. For instance, Armenia, Georgia, Kazakhstan and Moldova, have already taken steps to reform their systems and this has included the closing down of police-run reception centres and the placement of migrant children under more appropriate institutions within social or educational system. Other countries, such as Kyrgyzstan, Ukraine and the Russian Federation, are currently in the process of enacting or considering reforms.

In 2019, ADC Memorial started a campaign #CrossBorderChildhood to promote bilateral treaties between countries based on the recommendation of the UN Committee on the Rights of the Child and the UN Committee on the Rights of Their Families. The campaign has brought together several actors in the region and resulted in the elaboration of a rights-based Model Agreement for the Return of Children, an initiative which has prompted action from Moldova and Ukraine on such a bilateral agreement and which has potential relevance for other countries in the region.

The expert discussion highlighted that not only is the Chisinau Agreement outdated, it is no longer being applied by some of the original signatories because they have left the CIS or have reformed their national laws and practices to be more child rights compliant. The Chisinau Agreement is therefore not only in need of reform, but should be replaced by bilateral or regional agreements on the readmission of children that take into account the best interests of the child and human rights standards.

The ratification and implementation of the UNCRC has led to many positive developments in the region, and following the recent guidance provided in the joint General Comments, more progress should now be made to implement the UNCRC principles and to respect the rights of children in the context of international migration. In particular, decision making concerning the potential return of a child should be based on a 'best interests' determination with appropriate support and procedural safeguards.

In his presentation, Ruslan Kolbasa, Head of the Directorate for the Development of Social Services and Protection of Children's Rights of the Ministry of Social Policy of Ukraine, spoke about the ongoing close cooperation with Moldova, including mutual visits to better familiarize with the systems of the two countries, emphasizing that Ukraine is currently developing a new bilateral agreement with Moldova and is negotiating agreements with other countries, such as France and Germany.

Igor Kishke from the Ministry of Health and Social Policy of Moldova, spoke about Moldova's experience in the field of child repatriation. He stressed that consulates and embassies play an important role in providing assistance, and

that protection authorities also monitor post-repatriation returns, as well as support for rehabilitation and reintegration (currently suspended due to the pandemic). Mr. Kishke explained that Moldova is no longer part of the Chisinau Agreement and is therefore negotiating new bilateral agreements with the countries of the region and the EU states. In his opinion, best practices in the field of child repatriation need to be disseminated with the participation of the OSCE, following the example of the recently published OSCE guidelines on the establishment of national focal points for the protection of child victims of trafficking.

During the discussion, the participants noted the significant efforts of Kyrgyzstan to overcome the problem of immigration detention of children; thus, the repatriated children are immediately transferred to a family or social institution; while in some other Central Asian countries, children who have repatriated are often kept behind the bars in closed institutions for a long time.

The presentations and plenary discussion during this meeting generated a number of recommendations; the most important are the following:

4. End child and family immigration detention and the criminalization of child migrants

- States should: clearly define deprivation of liberty in line with international standards; prohibit child and family immigration detention in law; decriminalize irregular entry, stay and exit; adopt child-sensitive identification and referral procedures in the context of migration; dedicate sufficient resources to appropriate non-custodial solutions for children and their families; and, develop national action plans aimed at an overall reduction in the numbers of children in detention and the elimination of detention for children.
- States should provide unaccompanied children with alternative care and accommodation, in line with the United Nations Guidelines for the Alternative Care of Children.¹⁷
- States should not separate children from their families. The need to keep the family together is not a valid basis for deprivation of liberty of the child;

instead, the State should provide community-based, non-custodial solutions for the entire family.

- States should ensure that when deprived of their liberty children should have the right to prompt legal and other assistance to challenge the legality of their detention.
- States should ensure that any children have the right to effective remedies, including the ability to lodge complaints with an independent and impartial authority on any grievances and human rights violations experienced during detention.

6. Advance legislative and policy reform efforts at the national level to protect children’s rights and engage in international co-operation to develop bilateral and regional agreements to protect children’s rights in return decisions and readmission procedures

As stressed by the Committees in their Joint General Comment No 4 of the CMW/23 of the CRC18, “The Committees reaffirm the need to address international migration through international, regional or bilateral cooperation and dialogue ...In particular, cross-border case management procedures should be established in an expeditious manner in conformity... with international human rights and refugee law obligations. States should develop child rights based bilateral agreements and involve child protection actors including NGOs providing case management expertise in these processes.”

- Ombudspersons in the region should promote reform of the Chisinau Agreement to ensure respect for children’s rights in decision making on durable solutions and during readmission procedures.
- ODIHR could develop a toolkit to showcase good practices, model legislation and model bilateral agreements.
- States should consider using the opportunity to request a review of proposed legislation in this area by ODIHR to inform greater compliance with international human rights standards.

MIGRANT CHILDREN NEED SUPPORT, NOT REPRESSION!



ADC Memorial has released an animation dedicated to migrant children and dated to the World Children’s Day. The children’s right to family life is often violated: they are separated from their parents, they end up in closed institutions – orphanages, police reception centers, hospitals. Immigration detention of children should be stopped, migrant children should grow up in a family environment, enjoy opportunities for development and

education. If children have lost parental care abroad, social services should deal with them, not police.

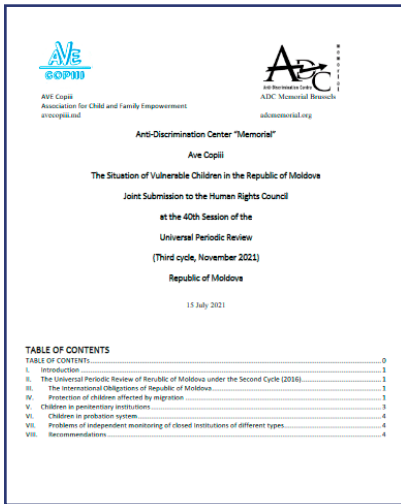
The ADC Memorial’s #Crossborder-Childhood campaign is dedicated to the problem of humane repatriation of foreign children. Legislation and repatriation practices must comply with modern human rights standards – the Convention on the Rights of the Child and the recommendations of the UN CRC and CMW.

Special treaties between countries concerning the return of children should replace the Chisinau Agreement. These treaties must be based on the positions of the UN Committee on the Rights of the Child and the UN Committee on the Rights of All Migrant Workers and Members of Their Families concerning the special rights of children in migration.

THE NEW TREATIES MUST INCLUDE:

- a ban on the criminalization and immigration-related detention of children, i.e. their placement in Ministry of Internal Affairs institutions solely on the basis of their own or their parents’ migration status;
- a ban on the separation of children from their parents solely due to the migration status of the children and/or their parents without sufficient grounds (if there is no threat to a child’s life or health);
- transfer of the topic of “children in migration” from the police sphere to the social protection/educational sphere, provision of social services to children at all stages of their return to their countries of origin;
- a guarantee of the right to education of migrant children in the process of being returned to their countries of origin;
- the ability of children not to return to their countries of origin if this is not in their best interests;
- monitoring by social services of the situation of children who have returned to their countries of origin, social support and rehabilitation for children and their families;
- a guarantee of independent public monitoring of observance of the rights of migrant children during the process of their return to their countries of origin;
- improved coordination and cooperation between various countries relating to children in transit, as well as between agencies within one country.

ADC MEMORIAL AND AVE COPIII SUBMITTED A REPORT ON THE SITUATION OF VULNERABLE CHILDREN IN MOLDOVA WITHIN THE UN UPR PROCEDURE



The report of ADC Memorial and AVE Copiii focuses on the problems of children in closed institutions or at risk of getting there: children in prisons or in pre-trial detention, children in the probation system, migrant children, children faced lack of parental care, and others.

Human rights defenders welcome Moldova's efforts in the field of deinstitutionalization. In particular, elimination of the system of police reception centers where migrant children also were placed (both citizens of other countries waiting for deliv-

ery to the country of origin, and citizens of Moldova delivered from abroad). However, due to the fact that other countries involved in migration are guided by outdated legislation (the CIS Chisinau Agreement on the Return of Children, 2002) and rely on a system of police reception centers, as well as due to the fact that Moldova often does not allocate sufficient funds for the transportation of children, the children – citizens of Moldova stay for a long time in closed institutions of other countries, unable to return to their homeland and being left out of the education system. Another problem concerning migrant children is the insufficient monitoring of families from where the children are originated who have found themselves in a difficult situation abroad. It should be attentively evaluated whether these families are safe enough for a child to be returned there.

The authors of the report express their hope that the outdated Chisinau Agreement will be replaced by bilateral agreements on the readmission/repatriation of children with other countries involved in migration with Moldova. Considerable efforts have already been made by both civil society and representatives of the relevant ministries to prepare a draft of such an agreement between Moldova and Ukraine. It could become an example for the whole post-Soviet region very much affected with mass labor migration.

The report of the ADC Memorial and AVE Copiii pays attention to children serv-

ing sentences or a pre-trial detention. The Human Rights defenders are concerned about the conditions of detention in some institutions, as well as the access of child prisoners to education. The authors of the report recommend developing and supporting the system of probation for minors, while detention should be used only as a last resort, and only in specialized children's penitentiaries. It is necessary to develop progressive practices of caring for children 0-3 years old who live with their mothers in places of detention. In particular, a project that has been suspended due to the pandemic needs to be implemented, with the provision of nursery/kindergarten outside the penitentiary institution for the 0-3 year old children.

Since Moldova is economically very much dependent on labor migration, many children – both involved in migration and left without sufficient care in the country – do not receive a good education. Human Rights defenders call on the authorities of the Republic of Moldova to take effective measures for their full integration into school education and extracurricular activities. Special attention should be paid to the school education of Roma children. It is necessary to support specialized NGOs working in the field of protection of children's rights.

Implementation of international obligations in the sphere of Human Rights by Moldova will be considered at the 40th session of the UN UPR in February 2022.

INHUMAN TREATMENT OF CHILDREN IS UNACCEPTABLE

June 1 – International Children's Day – Anti-Discrimination Centre "Memorial" in partnership with colleagues from Moldova ("Ave Copiii"), Ukraine ("Women's Consortium", member of the Coalition "Children's Rights in Ukraine") and Belarus ("Our House") raised the problem of observing children's rights in closed children's institutions – places of imprisonment, such as correctional colonies, temporary detention centres for juvenile offenders, correctional centres and other similar institutions in Belarus, Ukraine and Moldova.

At a joint webinar experts on children's rights have discussed a number of problems. In all three countries, the Soviet legacy of the juvenile justice system and the closed system of child detention facilities have still been preserved. According to the UN human rights bodies (Committee on the Rights of the Child, Committee against Torture), torture and inhuman

treatment of children remain a problem in all three countries – Ukraine, Belarus and Moldova. The means of restraint, which have been prohibited for use against children by international standards, are not always properly defined as torture in the national laws of these countries. In practice, the same forms of torture are used for both adults and children.

Prohibition of all forms of inhuman treatment applies to all children, including children in detention. It has been established that children experience pain and suffering differently from adults because of their physical and emotional development and their special needs. Actions by law enforcement agencies, which are permitted in relation to adult accused and convicted persons (such as the use of handcuffs, deprivation of visits), are inadmissible for minors. Children have more developmental needs in education and recreation, which are not met in closed institutions.

In 2018, the UN Committee against Torture expressed its concern about reports of violence against children in juvenile institutions in Belarus. The country lacks effective mechanisms of response to violence and proper assistance to victims is not available there. Since 2014, the government of Belarus has toughened responsibility for crimes related to narcotic substances, including the slightest offenses (such as smoking a joint offered by an agent-provocateur, correspondence with someone who turned out to be a drug dealer, while trying to find a job). For these teenagers receive huge prison sentences, while the conditions of detention of children convicted of these crimes have deteriorated to inhuman recently. Belarus has also not abolished the death penalty. In 2020-2021, the number of cases of harassment, detention and use of violence against adolescents, who have been accused of participating in protest activities, were reported, some of these minors were tortured during police interrogations.

GUARANTEEING AFGHAN CITIZENS' RIGHT OF MOVEMENT FROM PAKISTAN AND OPEN BORDERS

ADC Memorial joins Large Movements in supporting the call to open the borders of Afghanistan's neighboring countries to refugees.

The situation in Afghan territory is deteriorating even more.

Reports on the ground of round-ups by the Taliban, in search of those who have collaborated with the West, journalists, activists and those belonging to religious and ethnic minorities (such as the Hazara), are increasing.

Even women's situation, despite the promises made by the Taliban leaders, is worsening dramatically:

- kidnappings of girls to give them in marriage to fighters have begun;
- in Herat, mixed classes in private universities have already been banned, and for many institutions that do not have the necessary finances, this means being forced to exclude women from education;
- there are increasing allegations of girls reporting that they have been prevented from entering places of education;
- the number of reports of women being excluded from workplaces is growing.

All this is happening at a time when Western troops, following the attack on Kabul airport claimed by Isis-K, have decided to end the airlift early, effectively leaving behind hundreds of people who have collaborated in various capacities with European governments and/or NGOs.

The situation on the ground will further deteriorate once the 31.08 deadline is reached and the American troops leave the country entirely.

We know that owing to the tremendous chaos in recent days, relatives of some Afghans who are in Italy have managed to reach Pakistan. Here, however, they are reporting a failure to make contacts with international organisations and are therefore forced to live in precarious sanitary conditions, barely sufficient to ensure survival. Complying with the rules for the prevention of COVID-19 infections is impossible for them, and they run the risk of worsening their already precarious health situation.

On 22 August 2021, Pakistan closed its frontiers with Afghanistan, leaving the only alternative means of escape the attempt to cross the border illegally.



Sources on the ground report that the trafficking networks have increased the prices for crossing the border more than tenfold, effectively cutting off this alternative for many people.

The border closure will have devastating consequences on the human rights of thousands of Afghans who find themselves trapped in the country.

Besides, reaching Europe is unfeasible for Afghans as it is almost impossible to cross the Libyan and Turkish borders, both of which are blocked as a result of agreements signed with the EU and strongly supported by it.

We, therefore, call on European governments, especially the Italian government, to ensure that

1. A dialogue is opened as soon as possible with Pakistan, to provide effective and immediate instruments for the immediate evacuation of Afghan kins who have their family members in Italy and have reached the country following the Taliban's seizure of Kabul;
2. Effective instruments are put in place to ensure that people whose safety and enjoyment of democratic freedoms are at risk can leave Afghanistan even after 31 August 2021;
3. An extraordinary G20 meeting proposed by Italian Prime Minister Mario Draghi should be urgently called to develop immediate instruments aimed at guaranteeing the right of Afghan citizens to travel to Europe, given that it is not possible to use humanitarian corridors to evacuate safely all those who would be entitled to international protection

4. The Afghan nationals' repatriation from Europe, which is still being carried out by some Member States, is discontinued and, at the same time, the reception of Afghans already on the Balkan route is granted;
5. The European Union opens a dialogue with the United Nations organisations currently operating in Pakistan and Iran to arrange an efficient reception system capable of tackling the humanitarian emergency that will soon be looming on the borders with Afghanistan;
6. The European Union initiates a dialogue with the government of Pakistan to ensure that the country reopens its borders with Afghanistan as soon as possible.

We are several associations that have been cooperating with the Afghan community for years, representatives of the community itself, associations of migrants and refugees, and we all demand that the European Union does not abandon Afghan people.

Especially after recognising the serious mismanagement that has been made, we cannot turn our backs on thousands of women and men who believed in the better future that was promised to them by the Western coalition. The Afghan people have already suffered enough, even more in these hours, because of promises that have never been kept.

The European Union must act united and in line with its founding principles and values. At such an important time in the history of human solidarity, Europe as a whole cannot back down.

BUILDING BACK BETTER FOR STATELESS PEOPLE

8 July 2021

This joint statement is an urgent call to States, UN agencies, donors and other stakeholders to learn lessons from the COVID-19 pandemic and take sustained action to correct past mistakes and prioritise protecting stateless people's rights and the right to nationality.

In June 2020, 84 civil society actors issued a joint statement 'In Solidarity with the Stateless' calling on: States, UN agencies, human rights, humanitarian and public health actors, donors and the media to address the devastating impact of the COVID-19 pandemic on stateless people and those at risk of statelessness. One year on, the concerns expressed in that statement remain largely unaddressed, with the situation of stateless people further deteriorating, partly due to failures to acknowledge and respond to their specific contexts and uphold their rights. Moreover, new concerns and challenges, particularly around vaccine inequity, have also emerged. **The 106 civil society actors**, co-signatories to this statement, are deeply concerned that many States and other key stakeholders have been unable or unwilling to learn from past mistakes and have failed to adequately prioritise and resource the practical steps that can and must be taken to protect stateless people and the right to nationality.

Since the beginning of the pandemic, we have witnessed the cost of institutional and public ignorance and structural violence towards stateless people (and those at risk of statelessness) and remain deeply concerned about the lasting detrimental impact on an estimated 15 million stateless people worldwide, and tens of millions whose nationality is under threat. As observed in the 2020 joint statement, the entrenched structural problems that stateless people and those at risk of statelessness face in 'normal' times contributed to their disproportionate suffering and exclusion during the pandemic. COVID-19 measures, including border closures and movement restrictions, discriminated against stateless people, who were also largely excluded from health assistance, emergency relief and economic support packages. Disruptions to birth and civil registrations affected access to nationality, while NGOs and community groups working on nationality rights issues faced serious disruptions to their operations and funding. As some leaders exploited the pandemic to grab more power, increase surveillance and derogate from human rights obligations under declared states of emergency, non-citizens and members of minority groups, including those ren-

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dered stateless in their own country, were increasingly scapegoated, vilified and targeted for hate-speech, arbitrary detention and even expulsion.

One year on, civil society groups have documented the catastrophic impact of the pandemic and State responses to it on stateless people and those at risk of statelessness. In particular, the June 2021 report 'Together We Can: The COVID-19 Impact on Stateless People and a Roadmap for Change' by the COVID-19 Emergency Statelessness Fund Consortium and the April 2021 'Situation assessment of statelessness, health, and COVID-19 in Europe' by the European Network on Statelessness provide empirical evidence in this regard. These reports also flag emerging good practices in some States, which all States are urged to follow. Some of the main observations of civil society groups include:

- Stateless people and those whose nationality is at risk are being denied equal access to vaccinations in many countries, including in Bangladesh, Cameroon, Central Asia, Kenya, Malaysia, Nepal, and some European countries, despite facing heightened risks of contracting the virus due to environmental determinants (e.g., inability to socially distance, lack of PPE, poor sanitation, working in exploitative and dangerous settings) and having been denied equal access to healthcare and relief.
- Access to healthcare remains a significant challenge, as stateless people are denied equal access to free or subsidised healthcare or health insurance in many countries, including the Dominican Republic, India,

Indonesia, Lebanon, Montenegro, Nepal, North Macedonia and South Africa. In Sweden, access to COVID-19 testing is contingent upon digital ID. In Kenya, Libya, Thailand and in Europe, where Romani communities face heightened antigypsyism, the lack of documentation is a barrier to accessing healthcare. Fear of arrest, detention and police brutality also undermine access. The mental health impact on stateless people of dealing with COVID-19 and its consequences is also a matter of serious concern.

- Ongoing delays and backlogs in civil registration and other vital procedures are also leaving stateless people in limbo and create new risks of statelessness. Such disruptions have been reported, among others, in the Dominican Republic, Israel and the Occupied Palestinian Territories, Montenegro, Nepal, North Macedonia, South Africa and Zimbabwe. Asylum, immigration, and statelessness determination procedures have been disrupted in several countries, including Bulgaria, Colombia, Germany and Ukraine.
- Exclusion from emergency relief due to lack of documentation persists in several countries, including France, Georgia, Kenya, Lebanon, Montenegro, Nepal, Serbia, the Netherlands, and the United States. In many countries, the inability to access safe, formal employment and the resulting consecutive loss of income have also been reported, pushing many stateless people further into poverty. Such people are confronted with the impossible choices of doing unlawful, hazardous and exploitative jobs, or seeing their families starve.

SIGNATORIES

Aditus Foundation
Americas Network on Nationality and Statelessness - RedANA
Anti-Discrimination Centre Memorial
Asia Pacific Refugee Rights Network (APRRN)
ASKV Refugee Support
Association for Legal Intervention (SIF), Poland
Asylum Access
Baghdad Women Association
Bahrain Women Union
Bangladesh Institute of Human Rights
Brot für die Welt (Bread for the World)
Center for Development of Roma Community "Bairska Svetlina"
Center for Justice and International Law (CEJIL)
Central Asian Network on Statelessness
Centro para la Observación Migratoria y el Desarrollo Social en el Caribe (OBMICA)

- Hate speech, intolerance, xenophobia, antigypsyism, and discrimination against minorities who are stateless or at risk of statelessness continue to rise, inter alia, targeting Roma communities in Europe, the Rohingya in Asia, those declared foreigners in Assam, the Bihari community of Bangladesh, Nubians of Kenya, Dominicans of Haitian descent in the Dominican Republic and refugees, migrants and stateless people in South Africa.
- Gender discriminatory nationality laws denying women equal rights to confer nationality on their children and spouses in countries such as Lebanon, Malaysia, Nepal and Saudi Arabia have precipitated family separations when foreign spouses and children have been unable to renew visas or enter the country, and have also increased the risk of statelessness among children born abroad. Amid an escalation of gender-based violence during the pandemic, gender-discriminatory nationality laws increase the obstacles faced by women seeking to leave abusive relationships when their own nationality or their children's, is dependent upon that of their spouse or the father of their children.
- Stateless people face heightened risks of harassment, arrest and arbitrary detention. Stateless people in detention in several countries, including Australia, Malaysia and Thailand are at high risk of infection due to the inability to protect themselves through social distancing and preventative hygiene measures. Rohingya refugees are being denied access to UNHCR or asylum procedures and are at heightened risk of arrest and arbitrary detention. In

several European countries, procedural safeguards and effective remedies to challenge immigration detention were hindered and the risks of detention becoming arbitrary increased.

Civil society responses have shown that the challenge of COVID-19 can be addressed through targeted, community-based action centred around stateless people's leadership, participation and expertise. Consequently, we urge stakeholders to speak directly with stateless activists and communities, as well as CSOs working closely with them, and to study their research findings to better understand and respond to the pandemic's devastating impacts.

However, without urgent attention, protection and intervention from States, UN agencies, human rights, humanitarian and development actors and donors, stateless people and those at risk of statelessness face irreparable harm, undermining progress made in addressing this urgent human rights concern over the last decade. The COVID-19 pandemic highlights our collective and individual vulnerability, bringing into sharp focus the paramount importance of always promoting, protecting and fulfilling everyone's universal human rights, whoever we may be and whatever status we may have. In addition to demanding urgent and immediate action, the crisis provokes longer-term introspection and highlights the need for structural change. The time to build back better for the world's stateless and those at risk of statelessness is now. We urge all stakeholders to take the following urgent actions:

1. Acknowledging and remedying past failures to address and dismantle

discriminatory and degrading laws, policies and practices, which deny and deprive nationality while excluding, marginalising and penalising on discriminatory grounds; as well as failures to listen, to involve and ultimately be accountable to diverse stateless communities in identifying and implementing sustainable, fair, human rights-based solutions to the rights deprivations they endure.

2. Taking all necessary steps to ensure that stateless people are equally included in COVID-19 responses, that their particular contexts are recognised and addressed, their rights are upheld, and that they should not be penalised in any way, including by threat of harassment, arrest and detention, due to their lack of documentation or legal status, or any other aspect of their identity. Such steps should be taken, inter alia, with regard to vaccinations, healthcare, relief, livelihoods, education and civil registration.
3. Mainstreaming the right to nationality and the rights of stateless people as institutional priorities, through learning about statelessness and how it relates to respective mandates and obligations; resourcing responses, including the important work of stateless communities and NGOs; reporting on performance through human rights, development and other monitoring mechanisms; and redressing the intergenerational legacy and intersectional causes and consequences of statelessness, including by ensuring access to justice and reparations for stateless people.

On June 17, 2021, the COVID-19 Emergency Statelessness Fund (CESF) Consortium – an initiative of the Institute for Statelessness and Inclusion (ISI) – published a report on the impact of COVID-19 on stateless people around the world. It is noted that the lack of documents and a regular legal status often leads to denial of access to medical and social care. The authors of the report pay special attention to the Roma stateless persons in the Balkan countries – Northern Macedonia and Montenegro. Stateless Roma often live in poverty and usually experience significant difficulties in exercising the right to health care, emergency care and employment, in accessing documents and registering the birth of children. The pandemic, which has caused numerous failures in civil registration and other important procedures, has significantly increased the marginalization of Roma, with potentially disastrous consequences for their lives.

During the year of the pandemic, ADC Memorial also drew attention to violations of the rights and the deterioration of the situation of stateless persons. So, back in March 2020, ADC "Memorial" together with other human rights organizations called the Russian authorities to urgently release the prisoners from immigration detention centers. The detention centers for foreign citizens and stateless persons do not provide an opportunity to maintain social distance, so they make the detainees extremely vulnerable to Covid-19 infection, and the centers themselves are a place of potential spread of the epidemic. The centers became overcrowded for several months, as the borders were closed and air traffic was canceled, and Russian courts continued to issue expulsion orders even against stateless persons. In the summer and autumn of 2020, following the presidential decrees on the regularization of the situation of foreigners during the pandemic, the Federal Bailiff Service took measures to mass expel foreign citizens from immigration detention centers, so there were left only stateless persons and a small number of foreigners awaiting deportation. Because of the quarantine rules in, the stateless people were completely isolated there – all visits of relatives and meetings with lawyers were canceled. Many stateless persons continue to be in detained there so far.

ADC "Memorial" was among 84 representatives of civil society who applied a year ago to states, donors and other stakeholders to promote and protect the rights of stateless persons during the COVID-19 pandemic. At the moment, the world is experiencing the third wave of the pandemic, and this call remains relevant – to provide support and assistance to representatives of all vulnerable groups, regardless of their legal status and citizenship.

DISCRIMINATION AND VACCINATION

Lots of people are suddenly talking about “discrimination,” even though this word is not used readily in Russia, just like the closely-related concept of “minority rights.” Many still find it somehow unpatriotic to protect and defend minority rights and combat discrimination. But the situation has not yet reached open calls for discrimination, at least not outside of radical xenophobic groups.

There are many legal definitions of “discrimination, but the one that seems acceptable to almost everyone is: “unequal and unfair treatment.” Discrimination is one of the human rights violations reflected in all international documents on this topic, from the Universal Declaration of Human Rights to the European Convention on Human Rights. In Russia, however, the concept of “discrimination” has unfortunately not been given an official legal definition, even though the relevant UN agencies – the Committee on the Elimination of All Forms of Racial Discrimination and the Committee on the Elimination of All Forms of Discrimination Against Women – have repeatedly called on Moscow to adopt a comprehensive anti-discrimination law that includes a specific definition of the problem. Nevertheless, it is clear that discrimination is bad – and even unacceptable – under the norms of Russian and international law. So it was very strange to hear the presidential press secretary’s speak about the “imminent arrival of discrimination” in relation to the COVID-19 vaccine requirement.

Even more alarming was the direct call “to institute discrimination at the state level” quoted in the media, which cited the head doctor at a hospital in Ekaterinburg. This doctor was clearly referring to the need to temporarily limit the activities of people who refuse the vaccine for no objective reason, but his choice of words was unfortunate. Therefore, the presence of an “objectively justifiable goal that can be achieved through acceptable and necessary means” cannot be deemed a circumstance where differences in treatment can be viewed as discrimination.

The fight against the pandemic has often required the introduction of quarantine and other measures (masks, vaccinations, and so forth), and this is exactly a case where the ends justify the means. We can, of course, discuss which specific methods are sensible and permissible. Some people resent the requirement to bring a vaccination card to work (as far as I understand, an exception is made for people with medical contraindications to vaccination), while others fear the risk of being banned from travel or entertainment events.

The proposal to provide routine medical care only to vaccinated people is probably the most controversial and radical



Photo by Ute Weinmann

proposal; after all people seek medical care to extend and improve their lives, so they cannot be denied care. On the other hand, anyone who has even tried to schedule elective (say, orthopedic) surgery for their child knows that a complete vaccine certificate has always been required for the child and the parent, if the parent will also be staying in the hospital, and that without it the hospital would simply turn them away, even without an outbreak of measles or diphtheria. The epidemiological situation, when people are dying by the hundreds every day, naturally lends weight to arguments about the justifiability of vaccine requirements, so it is downright strange to speak about discrimination in this context.

But the vaccination problem is still connected with discrimination, just in an entirely different way, since the vaccine and, accordingly, protection from a disease that is fatal for many, is not available to all. In many countries, millions of people who want to get vaccinated are not yet able to. In some cases, people are divided by age – and this is a sensible and acceptable method (save as many people at greatest risk of death from the virus, i.e., the elderly).

Often, however, the privilege of protection from a deadly illness is primarily available to people for non-medical reasons, for example, citizenship. In fact, people must show their passports almost everywhere to get a shot. One of the countries with the highest vaccination rates is Malta, which is second only to Iceland in Europe. However, refugees, who make up almost 20 percent of the island’s population, have yet to be vaccinated.

Separating a country’s residents into “us” and “them” is obviously not a justifiable or advisable approach to fighting the epidemic; on the contrary, cramped quarters and the lack of personal hygiene products and personal protective equipment in

refugee camps and the poorest immigrant neighborhoods in European countries significantly aggravates the risk that the infection will spread to places where it will be bad for everyone, but particularly for those who are barely getting by as it is. The sensible and necessary approach would be to give people in risk groups priority, but instead, these people are being vaccinated last. People who have no documents, citizenship, or residence permits are often not vaccinated at all. Human rights organizations in London have long pushed for permission to not require documents at vaccination sites, and in the end, a bus appeared that drives around poor immigrant neighborhoods and provides vaccines to people no questions asked.

In Russia, migrants who are in the country legally and work in the service sector, i.e., are in constant contact with other people, cannot get vaccinated even though many of them very much want to. They also do not have the opportunity to choose the most effective vaccine, even in Moscow and St. Petersburg, which are not yet experiencing a shortage of the Sputnik V vaccine. These people want to get vaccinated to protect their own and others’ lives and not so they can go to entertainment events or take trips abroad, but they are excluded without any “objectively justifiable goal.” As long as the ability to get vaccinated depends not just on obvious preferences for certain professions (medical workers, transportation workers), ages, or risk groups, but also on the privileges of citizenship, discrimination will remain a real problem.

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Stephania KULAEVA

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VAST COUNTRY LACKS WORKFORCE

Due to the COVID-19 pandemic, which has resulted in departure of labor migrants from Russia, the Russian labor market faced serious problems with labor personnel. The largest state and private enterprises, having lost the source of cheap labor, started incurring colossal financial losses.

In early March 2021, Irek Fayzullin, the head of the Ministry of Construction of the Russian Federation, said that Russia lacked some 1.2 million construction workers, and proposed to simplify the rules of entry into Russia for labor migrants. The Ministry of Agriculture is also worried about the lack of labor force, and back in February 2021, it appealed to the Russian government with a request to allow migrants to come into the country for seasonal work. Both ministries stated that their industries could not cope without foreign labor, since the Russians, despite unemployment, were not ready to work for the wages offered by businesses, and the number of Russian workers was not adequate, given the scale of production in the construction, agricultural and other sectors.

Another proposal, which caused a lively response from both state officials and businessmen, as well as sharp criticism from human rights activists, came from none other than the Federal Penitentiary Service (FSIN), whose head Alexander Kalashnikov proposed replacing labor migrants with prisoners in order to socialize the latter. Anticipating comparison with the Soviet Gulag prison labor system, Kalashnikov noted that such a comparison was inappropriate. "These will be absolutely new decent conditions", he said, "because a person will work and live in a hostel or will rent an apartment, even together with his family if he wishes so, and he will receive a decent salary".

It suddenly turned out that the proposal made by FSIN found support from various ministries and government bodies: not only it was approved by the speaker of the State Duma of the Russian Federation Vyacheslav Volodin, the Ministry of Justice and the Investigative Committee, but the head of the Russian presidential Human Rights Council Valery Fadeyev and Russian ombudsman Tatyana Moskalkova also favored it. An article on Russian official news agency RIA "Novosti" website claimed that the GULAG system "had become a social lift for hundreds of thousands of people", and the special training received during the years of imprisonment had been a "ticket to [a new] life" for a prisoners after serving their sentences. The very fact of the publication of such a cynical and offensive text by the country's largest news agency leads to some unpleasant thoughts, indicating that the system of camps with

slave labor conditions can receive both legal recognition and public support.

Meanwhile, even without the planned innovations, forced labor of prisoners in unbearable, while humiliating conditions are the grim reality of Russian penal colonies. The salary of convicts is many times less than that which labor migrants receive for the same work. For example, former prisoners of correctional colonies in Krasnoyarsk, who worked at an aluminum plant there, complained about working conditions and the amount of their wages: they quoted salaries of 1500-3000 rubles per month for workers, while handymen received 500-800 rubles a month, and in some cases as little as 40-50 rubles per month.

The topic of prison labor has probably received the greatest public resonance after the famous letter written by Nadezhda Tolokonnikova, then a convict in Pussy Riot case, from Mordovian correctional colony No. 14: the duration of working day for prisoners there was 16-17 hours, they worked practically seven days a week, getting a salary of just 29 rubles a month. In 2019, the human rights organization "Zona Prava" spoke about three more complaints from women serving sentences in correctional colony No. 14, who reported slave-like working conditions of prisoners. One of the applicants complained that inmates had been regularly forced to work overtime, threatened with beatings and prohibited from using their personal belongings in case of any disobedience. In addition, expired food products had been sold in the shop of the colony, and in cases of tuberculosis, the administration had not isolated sick inmates from other prisoners. Another complainant reported that the medical workers had kept silent about cases of work-related injuries in prisons. Sergey Petryakov, the head of "Zona Prava" human rights NGO, noted that "people who served their sentences in a colony at different times gave the same testimony: there were irregular working hours and degrading treatment there".

The situation in the Russian settlement colonies is also difficult. According to the Russian Criminal Penitentiary Code, the regime in the colony-settlement is milder than that of correctional colonies, but many convicts try to avoid getting "to the settlement", one of the reasons for this being the fear of particularly harsh working conditions there. For example, those serving sentences in the settlement colony No. 27 in the city of Leninsk (Volgograd region), complained about the lack of control by the labor inspectorate over the length of the working day, reported the lack of rights in choosing type of work, and the lack of informing the convicts about work standards and working conditions. One of the

types of work in this colony is planting and picking vegetables for 8-9 hours a day with a salary of about 900 rubles per month, of which the prisoners receive just about 200 rubles. At the same time, work takes place in extremely harsh conditions there. In Volgograd region, in May the air temperature reaches 35 degrees Celsius, and in summer up to 50 degrees Celsius, workers are bitten by stinging insects, such as mosquitoes, midges, horseflies and gadflies, whose bites are extremely painful and can cause allergic reactions.

Starting January 1, 2020, industrial enterprises were allowed to create sections of correctional centers of the Federal Penitentiary Service in order to use the labor of convicts there. As of May 1, 2021, 114 correctional centers have been established in Russia, of which 29 operate at industrial enterprises, and 85 are the so-called isolated sections, which were established within correctional colonies. These were designed for approximately 6,600-7,000 inmates.

Those working in correctional centers appeal to human rights defenders with complaints about low wages, irregular working hours and poor living conditions. At the same time, inmates of correctional centers must provide themselves with food. Problems with obtaining medical care remain acute: convicts receive medical care on their own outside of the correctional institutions upon a written application addressed to the head of the institution. The head of a correctional institution, at his discretion, can give such permission, but he may refuse to do so, and there are many such refusals reported. Provision of meetings with relatives and visitors is also random. Inmates of penal colonies try not to complain about low wages, just as they do not complain about irregular working hours and violations of safety precautions, since prisoners work for earlier parole and are ready to put up with violations of their rights. But prisoners in correctional centers do not have this incentive: when they are transferred to the correctional centers after reconsideration of their term, in accordance with Article 80 of the Russian Criminal Code, the period for counting earlier parole is reset to zero due to replacement of the unserved part of their sentence with a term in milder conditions.

Perceiving prisoners as cheap labor, whose labor rights can be neglected, is also reflected in a brochure from the FSIN website, which is aimed at potential employers:

"What are the advantages of work for those sentenced to forced labor?"

Labor is the duty of convicts. They cannot refuse the offered job, conscientious attitude to work and law-abiding behavior is an incentive for earlier release from punishment.

When employing persons sentenced to forced labor, it is not necessary to conclude labor contracts with them, it is enough to conclude an agreement on the provision of labor with a correctional center.

Regional legislation may provide tax incentives for enterprises using forced labor.

The convicts are under constant control of the employees of the Federal Penitentiary Service of Russia”.

A comprehensive study “Slave labor of prisoners in modern Russia”, which was carried out about 10 years ago by members of the Public Observation Commission of Chelyabinsk region, noted the forced nature of labor, poor working conditions, lack of control by the labor inspection over the length of the working day, lack of rights in choosing the types of work, lack of informing the convicts about the norms of production, the system of payment, as well as the convicts’ disinterest in the results of their work. All this is well illustrated by Section 1 of the FSIN brochure: labor is the duty of convicts according to the Criminal Penitentiary Code, they cannot choose with whom and under what conditions to conclude a labor contract, they are obliged to work, because this is “a condition for their correction”.

Upon arrival to the colony, the convict is immediately explained that “in accordance with the provisions enshrined in Articles 103, 104, 105, 129 of the Criminal Penitentiary Code of the Russian Federation, Articles 11 and 28 of the Labor Code of the Russian Federation, the norms of

labor legislation concerning the procedure for concluding an employment contract, hiring, dismissal from work and transfer to another job do not apply to convicts serving sentences in places of deprivation of liberty: convicts are involved in labor not under an employment contract, but in connection with the entry into force of a court conviction. The basis for admission to work is the order to enroll the convicted person to the position (the consent of the convicted person is not required), the basis for dismissal is the order to dismiss. Refusal to work is a grave violation, which, according to Section 1 of Article 116 of the Russian Criminal Code, entails corresponding legal consequences”.

Section 2 of FSIN’s advertising brochure is similar to the typical scheme for hiring labor migrants through an intermediary firm. Labor migrants actually work according to such an outsourcing scheme: the customer signs a contract with a company for the performance of certain works or services, and the company / private employment agency provides workers for this, maintains all documentation and pays the workers. All this, undoubtedly, is attractive to the customer and increases the profitability of the projects, but it creates opportunities for manipulation by the intermediary firm, the lack of transparency in its settlements with employees and the difficulty of bringing it to justice for violations of labor rights of the employees.

One can assume that the promises of Alexander Kalashnikov about “market

conditions for employment” can be implemented in terms of non-transparent outsourcing and the provision of agency labor services, as is now often the case with labor migrants who receive lesser salaries for their labor, not because they work less or worse, but because their employers try to save on wages and security. But at the same time, labor migrants are still not ready to receive less than a certain amount and can look for other jobs. But, as human rights defender Igor Kalyapin noted, “if a labor migrant does not like working in such conditions, he can pack his suitcase and leave. And the prisoner has nowhere to go”. The promise of adequate salaries from the Federal Penitentiary Service is unlikely to come true. Prisoners can be paid any extremely low amount in exchange for promises of parole, positive testimonials, permissions for visits of relatives, permissions to visit a doctor or granting a leave.

Forced labor cannot be of high quality and efficiency; this was refuted long ago by both science and practice. If there is a shortage of workforce in the industries where migrants used to work, perhaps it is time to improve working conditions there and raise wages in order to attract new workers? If the Federal Penitentiary Service plans to finally begin correcting inmates through labor, then perhaps the time has come to recognize the provisions of the Labor Code as being fundamental in the employment of convicts in order to motivate them to work and ensure their safety on the job, observance of working conditions and adequate payroll.

UN COMMITTEE ON THE RIGHTS OF MIGRANT WORKERS RECOMMENDED AZERBAIJAN TO PROTECT ITS CITIZENS WORKING ABROAD

Upon consideration of the state report of Azerbaijan at the 80th session, the UN Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families (CMW) on 2 November 2021 issued its important recommendations.

The Committee noted with regret insufficient representation of civil society in the dialogue with the UN (the ADC Memorial’s report was the only alternative material published for the 80th session of the CMW) and recommended Azerbaijan to revise the legislation restricting the independent activities of civil society organizations, including migrant and diaspora organizations in the country and abroad in order to ensure their effectively participation in the preparation and evaluation of the national report and in monitoring the implementation of the provisions of the Convention.

In its report, ADC Memorial raised the problem of Azerbaijan’s insufficient involvement into protecting the rights of its citizens working abroad. In particular,

in Russia, migrants from Azerbaijan often become victims of hate crimes, profiling by law enforcement officers, an accusatory bias of justice; migrant children are often excluded from school education. As a result of tough migration policy in Russia, many migrants are sentenced to expulsion and often end up in immigration detention centers for months or even years, without judicial control over the reasons and term of detention.

The Committee called Azerbaijan to cooperate more actively and effectively with countries that have not ratified the Convention, but accept a large number of migrant workers. With some of these countries, Azerbaijan has concluded bilateral agreements in the field of labor (for example, with Russia – in 2003), but they no longer reflect the current situation and do not adequately protect labor migrants, especially those who have not been able to regulate their status.

The Committee recommended Azerbaijan to guarantee, in the implementation of any bilateral or multilateral agreements, the rights of all migrant workers

and members of their families in full compliance with the Convention, General Comment No. 1 (2011) on migrant domestic workers, No. 2 (2013) on the rights of migrant workers in an irregular situation and members of their families, and joint general comments No. 3 and No. 4 (2017) of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families and No. 22 and No. 23 (2017) of the Committee on the Rights of the Child.

The other important recommendations of the Committee include a complete ban on immigration detention, especially for children; ensuring birth registration of children of migrants; guarantees of the rights of migrant children to education, including those in an irregular situation; combating exploitation and human trafficking. The relevance of the latter problem is shown by the recent decision of the ECHR (Zoletic and Others v. Azerbaijan – 20116/12), with the awarded compensation to 33 undocumented migrants from Bosnia and Herzegovina who worked at state construction sites in Baku.

LIFE IN CELLS

*Did you fall in a hole?/I did.
Are you sitting in a hole?/I am.
Are you waiting for a ladder?/I am.
Is the hole damp?/It is.
How's your head?/Whole
So you're alive?/I am.
Well, off I go, then!*

Oleg Grigoryev

Centers for the Temporary Detention of Foreign Nationals (CTDFNs) subject to administrative expulsion or deportation from Russia have suddenly become famous. Special notoriety has been earned by the Sakharov CTDFN, which held hundreds of participants in the January protests for varying numbers of days, and the Moscow Oblast CTDFN in Yegoryevsk, which has been seared into the memories of those Muscovites for whom no space could be found in Sakharov's overcrowded cells.

Bloggers, journalists, and political activists under administrative arrest have been able to inform the world about the dire detention conditions in Sakharov and other CTDFNs. Photographs of gloomy cells with iron cots (which initially did not have mattresses or bed linen), filthy hole-in-the-floor toilets barely partitioned off from tables where people have to eat, furniture bolted to the floor, and doors with peepholes and tray slots have flooded the internet... Someone even managed to record and send off a video showing prisoners "on a walk" in a place similar to a large cage like the ones that hold birds in zoos, with bars up to the very top, even fencing off the sky. The lively political prisoners "on a walk" chanted slogans, sang songs, and took selfies.

It's worth comparing these photos to pictures of these very same cells and "yards" when they are filled with regular CTDFN prisoners – those same foreign nationals and stateless people "subject to expulsion or deportation." These sad, shattered, lonely people have been sentenced to the administrative punishment of expulsion and sometimes a small fine – and not deprivation of liberty, but they are still held in the terrible conditions of an CTDFN for many months, and sometimes even years, merely as an interim measure to arrange for deportation. Expulsion is not possible in many cases, however: If people are not citizens of another country, then they cannot leave Russia legally. People whose citizenship cannot be confirmed by their country of origin also cannot be expelled. This concerns, for example, residents of the eastern regions of the Donetsk Basin, whose information is now in the hands of territories that have not been under the control of Ukraine for several years now.

The European Court of Human Rights (ECtHR) and, later, Russia's Constitutional Court have found that the extended detention in an CTDFN of stateless people and



*Prisoner life at the Sakharovo Center. February 2021.
This drawing was given anonymously to the editors.*

other people who cannot be expelled is pointless and harsh and violates prisoners' rights. Nevertheless, the very name of these "temporary detention centers" still retains the phrase "foreign nationals and stateless people," i.e., people who are doomed to sit in cells and "walk" in cages.

Human rights defenders have repeatedly drawn attention to the unbearable, degrading detention conditions in CTDFNs – and this concerns not just Moscow's Sakharov, which media outlets are now calling "a symbol of the harsh treatment of protesters." The conditions in many oblast CTDFNs are unfortunately even worse. Now journalists have also started to focus more on this topic, since some of them have experienced (and continue to experience) all the "charms" of a stay in an CTDFN. As noted in a complaint submitted to the ECtHR by the editor-in-chief of MediaZona, "the prisoners, including the applicant, were forced to take turns sleeping, while the toilet was only separated from the general area where people ate, among other things, by an improvised curtain made by the prisoners themselves using whatever was at hand (ropes and sheets)."

The foreign nationals that some "political prisoners" are speaking about are also living in these conditions, but for a much longer time. Foreign nationals do not end up in CTDFNs as often as they used to because of the changing migration situation during the pandemic; pre-pandemic, hundreds of migrants swept up in police raids at markets, construction sites, and dormitories were brought to CTDFNs, where the cells were often as overcrowded as they were this winter, when they were occupied by better known figures. Migrant workers often do not have family in Russia and almost never have money, which means that they don't receive packages. They have no books, games, or other forms of entertainment, they have no medicines... Some do not survive in these conditions, while others are actually born into them.

Some migrants await their transfer home not in an CTDFN, but in police-run reception centers, where political activists sentenced to administrative arrest also sometimes end up. It has now been 10 years since Russia found that the detention conditions in these centers were inhuman and totally unsuited for extended stays. Former prisoners of both CTDFNs and temporary holding centers have repeatedly said that they believe the conditions in these facilities are worse than prison-like: Pretrial detention centers and penal colonies have gyms, libraries, clubs, and even some opportunities for leisure activities, while temporary detention centers have nothing of the kind. How bitter it must be for people who have served time within the federal penitentiary system to find themselves in these centers awaiting release! But instead of their long-awaited freedom, non-citizens end up in deportation centers, since in Russia foreigner national with a criminal record are deemed "undesirable," and are condemned to a new, extended confinement in worse conditions without being guilty of anything.

One hopes that people will not now forget about the harshness and injustice of the system of "temporary detention centers" and reception centers. Muscovites will leave these centers after serving several weeks in them. But people suffering from captivity, loneliness, boredom, humiliation, and illness will remain in these holes, where they are doomed to spend months, and sometimes even years, for the sake of "ensuring expulsion."

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A Questionable Ruling from the Constitutional Court: IT IS LAWFUL TO STRIP A PERSON OF THEIR SOLE CITIZENSHIP

On March 11, 2021, Russia’s Constitutional Court concluded that there is no lack of legal clarity in provisions of the law that make it possible to strip a person of their Russian citizenship. A request to review the constitutionality of Part 2 of Article 22 of the Federal Law “On RF Citizenship” was submitted by the Supreme Court of Karelia in connection with the high-profile case of Aleksey Novikov, who was stripped of his Russian citizenship, which was the only citizenship he held (he lost his citizenship because he was convicted under “terrorism” charges, even though he testified in court that he confessed under torture). After losing his citizenship, which was conferred back in 2005, the Ministry of Internal Affairs required him to leave Russia, even though he cannot cross the border without documents and there is no country that would be able to accept him as its citizen.

Petrozavodsk resident Aleksey Novikov was born in the Ukrainian Soviet Socialist Republic in 1969 and has been living in Russia since 1987. He never held Ukrainian citizenship, even though he has Ukrainian roots. He had a Soviet passport and was granted Russian citizenship in 2005. In 2017, he was charged with preparing to participate in the activities of a terrorist organization (Part 1 of Article 30 and Part 2 of Article 205.5 of Russia’s Criminal Code) for posts he made online. Novikov stated in court that he confessed under torture during the investigation. The Moscow District Military Court ignored this statement and found him guilty, sentencing him to four years in prison in February 2017. Novikov was released in 2019, but in April 2020 the Main Directorate of the Ministry of Internal Affairs for Moscow rescinded his Russian citizenship and required him to leave Russia by June 30, 2020, even though this demand obviously could not be fulfilled: There was not one country that could accept him and it is a crime to cross the border without documents.

The Petrozavodsk Department of Internal Affairs explained that it decided to revoke his citizenship because Part 1 of Article 22 of the Federal Law “On RF Citizenship” provides for this “if the decision is based on false information knowingly communicated by the applicant.” Moreover, in accordance with Part 2 of Article 22 of this law, conviction under “terrorism” charges (Article 205.5 of Russia’s Criminal Code) “is equivalent to a court establishing that a person has knowingly

communicated false information in relation to their obligation to comply with the Constitution and laws of the Russian Federation.”

The Ministry of Internal Affairs applied Article 22, which refers to a suspected criminal who acquired Russian citizenship with the secret goal of committing crimes in Russia and disrupting the constitutional order and who knowingly communicated false information by taking the oath and accepting the obligation to comply with the Constitution and laws. This article only applies to people who acquired Russian citizenship by means other than birth, and it does not consider how long a suspected criminal lived in Russia from the time they became a citizen to the time they allegedly committed a crime. So, if 20 years have passed, the law assumes that this person spent all those years harboring criminal intentions and hid these intentions when they became a citizen.

Novikov, who became a Russian citizen in 2005, was convicted in 2017. Even if we allow that he was rightfully convicted (even though he confessed under torture), it is much more likely that he did not have any criminal intentions when he became a citizen, so the commission of a crime cannot be equated to communicating false information.

But this is not the only strange thing about Article 22 of the citizenship law. This provision actually contradicts Article 20, which does not permit a withdrawal from Russian citizenship if a person “does not hold another citizenship and has no guarantee of acquiring one,” i.e. if a person will become stateless. Finally, it violates the Constitution, whose Article 6 reads that Russian citizenship “shall be one and equal, irrespective of the grounds of acquisition” (meaning that citizens by birth and citizens like Novikov who acquire citizenship have equal rights) and that a Russian citizen cannot be stripped of citizenship. It also violates Article 54 of the Constitution, which establishes that the law cannot have retrospective effect. Moreover, the “provision of false information” and the acquisition of Russian citizenship could have occurred long before September 1, 2017, when the norm of deprivation of citizenship for certain crimes was adopted. This is what happened with Novikov: He became a citizen in 2005, and his conviction, which took effect on May 18, 2017 and was equated with “false information” came before the law entered into force.

After making its way through several instances of courts, the constitutionality of Part 2 of Article 22 of the citizenship law (which states that a conviction under “terrorist” charges equates to the communication of false information) became the subject of an appeal filed by the Supreme Court of Karelia with the Constitutional Court at the request of Novikov’s lawyer. In its ruling, the Constitutional Court confirmed that Article 22 corresponds to the law. It argued that the cancellation of a decision to confer Russian citizenship because of a failure to meet the conditions for citizenship “is not a measure of responsibility”—i.e. is not a punishment—and “is not deprivation of citizenship, but a measure permitted by the Constitution” and “by its legal nature is constitutional and remedial.” According to the Constitutional Court, this is exactly why the constitutional provision on retrospective effect is not applicable (retrospective effect only applies to laws “establishing or aggravating liability”). The Court also believes that people who were conferred citizenship after the 2017 amendments should not receive preferential treatment over people who became citizens before the amendments were made.

This ruling, which legitimizes Part 2 of Article 22 of the citizenship law and, accordingly, the Main Directorate’s decision to strip Novikov of citizenship, became the subject of criticism right away. The attorney Olga Tseytlina commented on the ruling: “Deprivation of citizenship is an additional punishment. It is absurd to assert that committing a crime after citizenship is conferred is equivalent to false information, because there is no evidence that the person was planning or preparing a crime or even knew that he might be convicted in the future, in this case ‘for words’, at the time citizenship was conferred.”

The decision to strip Novikov of his citizenship also contradicts amendments to the law “On the Legal Status of Foreign Nationals in the Russian Federation” that were adopted in February 2021. These amendments were aimed at legalizing stateless people, including those who are the subject of a decision revoking Russian citizenship; those who were found undesirable (including people who have completed a sentence and people who have outstanding convictions); and those who face expulsion or deportation but do not have a country that can take them.

When preparing these amendments, legislators did not take into account the point made by human rights defenders that the procedure for establishing identity must be improved because the law

cannot operate without it. Stateless people still face insurmountable difficulties in their quest to achieve legal status. Without legal status, stateless people cannot access education, employment, social benefits and healthcare services, the justice system, or the voting booth. Without citizenship or IDs, stateless people can be held for breaking migration rules and kept indefinitely in a foreign national detention center (FNDC) awaiting deportation or expulsion, which are not possible.

The Constitutional Court's own ruling in the case of stateless person Noé Mskhiladze also contradicts this ruling. In this ruling the Court pointed to the need to abide by the principal of balanced and objective consideration of all the corresponding circumstances of a case when an expulsion order is adopted in relation to a stateless person in order to avoid arbitrary violation of that individual's personal autonomy. It also called on the legislative branch to create a special immigration status for stateless people whose expulsion order cannot be enforced because no state is prepared to receive them.

According to Olga Tseytlina, "Even though almost four years have passed since the Constitutional Court issued its ruling in the case of Noé Mskhiladze, no mechanisms for legalizing stateless persons, issuing them documents, or periodically conducting judicial control over the terms and grounds for detention in an FNDC have been created."

The amendments to the law "On the Legal Status of Foreign Nationals" were a delayed and not wholly adequate response from Russia to the strategic decision of the European Court of Human Rights (ECtHR) in the case of Kim vs Russia. In this case, the court directed Russia to take general measures to ensure that stateless people can gain legal status and stop being thrown in FNDCs. Another aspect of the ECtHR ruling in the Kim case and the Constitutional Court ruling in the Mskhiladze case has unfortunately not yet been reflected in Russian law and practice: Judicial control over the legality and length of confinement in an FNDC has not been introduced, so people who cannot be expelled or deported anywhere are left indefinitely in worse than prison-like conditions with no access to legal assistance. The corresponding amendments to the Administrative Code have been under review since 2017 but have yet to be adopted.

Court rulings on the expulsion of migrants during the COVID-19 pandemic contradict Russian presidential decree: ADC MEMORIAL ACHIEVED RELEASE OF UZBEK CITIZEN FROM TEMPORARY DETENTION CENTER

Despite the fact that in the situation of the COVID-19 pandemic and the difficulties in communication between countries, the special decree of the President of the Russian Federation had facilitated the migration regime, the Russian courts continue to make decisions on the expulsion of migrants. Cancellation of such court rulings has to be sought in the courts of higher instances.

On September 14, 2021, the St. Petersburg city court, having considered the legal complaint of lawyer Olga Tseitlina, who cooperated with the Anti-Discrimination Centre "Memorial", ruled to release Mr. K., a native of Uzbekistan, who had been previously placed into a temporary detention centre for foreign nationals until his planned expulsion from the Russian Federation. By an earlier court decision by Kolpino district court of St. Petersburg he had been found to be a violator of migration legislation, fined 5,000 rubles and placed into temporary detention centre because of losing his identity documents (passport, migration card and labor patent) and missing the permitted period of stay in the Russian Federation.

Lawyer Olga Tseitlina, who has represented Mr. K. with the support of ADC "Memorial" in the city court, referred, among other things,

to Article 8 of the Convention for the Protection of Human Rights and Fundamental Freedoms (the right to respect for private and family life), because Mr. K.'s sister was a citizen of the Russian Federation.

The St.Petersburg city court did not accept this argument, upholding the earlier decision of the Kolpino district court, which had stated that the loss of identity documents and missing time for leaving the country (which was impossible during a pandemic) constituted an administrative offense. At the same time, the St.Petersburg city court indicated that additional punishment in the form of administrative expulsion could not be imposed, since according to Paragraph A of Clause 2 of the Decree of the President of the Russian Federation No. 364 dated June 15, 2021, it was established that until September 30, 2021, no decisions on administrative expulsions were to be made concerning foreign citizens and stateless persons in the territory of the Russian Federation.

Mr. K. was released from the temporary detention centre for foreign nationals, but his placement there and the court sessions, which required significant efforts and resources, should not have had happened at all.

ADC MEMORIAL ATTAINS RELEASE OF STATELESS PERSON REPEATEDLY DETAINED FOR LACK OF CITIZENSHIP

Native of Kyrgyzstan Andrei B. has been held in a foreign national detention center twice – his is one of the many cases of stateless people being repeatedly deemed "violators of migration laws" and deprived of liberty for extended periods, even though none of them can be deported to any country. Stateless people also cannot legalize their residence in Russia, even though the European Court has recommended this general measure and Russia has amended its laws.

Andrei B. was first arrested and placed in a foreign national detention center (FNDC) in 2019; he spent 12 months there "prior to expulsion," which could not be carried out. The court incorrectly determined that he was a citizen of the Kyrgyz Republic, even though he voluntarily renounced his Kyrgyz citizenship in 2018: This was a condition for submitting an application for Russian citizenship (Andrei planned to move to Russia to help his mother). His application was rejected, and he decided to submit another application upon his arrival in Russia. His second attempt was also unsuccessful. This is when he was sent to an FNDC for vio-

lating migration laws. The attorney Olga Tseytlina was able to secure his release in the summer of 2020 by proving the senselessness of his detention after the Kyrgyz government confirmed that he was no longer a citizen.

B. again attempted to legalize his status upon his release, but he received another rejection and was taken into custody because it turned out that he was on the wanted list in Kyrgyzstan. He spent six months in a pretrial detention center, but he could not be extradited without documents and the maximum term for his detention expired. On April 21, 2021, several days after his release, B. was again arrested by police officers for not having documents confirming his right to be in Russia, and he again found himself in an FNDC "until expulsion."

Andrei B.'s release was only attained in August 2021. In her appeal, his attorney cited the judgment issued by Russia's Constitutional Court in the case of N. Mskhiladze and proved that there were no legal or achievable goals from keeping him in an FNDC.

ROMA AND THE PROBLEM OF STATELESSNESS

We are publishing several typical stories about the plight of stateless Roma people – our contemporaries living without citizenship, passports, or rights in the digital age, which requires authorization and identification at every step.

Roma people have been living in Europe for several centuries and have not practiced a nomadic lifestyle for a long time, but they make up a significant part of the hundreds of thousands of Europeans who are stateless. The lack of documents and citizenship is often the departure point for the vicious circle of structural discrimination that the Roma constantly face: It is nearly impossible to get an education, official employment, social benefits, or health insurance without being a citizen. While stateless people are invisible to the legal and social welfare systems, they are not to repressive bodies, which have no problem finding them in violation of migration rules and sending them to detention centers for migrants pending deportation. But there is nowhere to deport them.

The Roma minority is at particular risk for statelessness because they move frequently, they often have a careless attitude towards documents, and they do not have enough education to understand bureaucratic procedures. Given that the state does not acknowledge its positive obligation to document the population, the situation of Roma people is exacerbated by racial bias and discriminatory treatment on the part of migration workers, registration bodies, passport offices, and other state agencies.

In our region, the problems of statelessness caused by the dissolution of the Soviet Union have still not been overcome. The independence of former Soviet states, the appearance of new borders and passport control, and the need to turn in old Soviet passports and acquire new citizenship have posed a series of problems for the civil status of people who were born, got married, and had children in republics that differ from the ones they were in when the Soviet Union broke up. The economic hardships of the 1990s forced many Roma to move again and caused new problems with documents.



Magyar tent camp near St. Petersburg

ANNA AND ALADAR

Ten years ago, in 2011, Russia paid millions of rubles in compensation to stateless people Anna L. and Aladar F. The European Court of Human Rights (ECtHR) reviewed their application as a matter of priority. That was when Russia first acknowledged that stateless people are held in inhuman conditions without any periodic judicial monitoring of their situation or any possibility of deportation, resulting from their lack of citizenship or documents. Over these years, neither Russia, where Anna and Aladar are living, or Ukraine, where they were born, has taken any measures to document them. They found themselves hostage to unresolved systemic problems in Russian and Ukrainian laws, the military conflict between the two countries, a tightening of the border, and the long-standing problems of the Roma minority typical of former Soviet countries.

Anna and Aladar, who are Hungarian-speaking Roma, were born in the late 1970s in Beregovo. This area was part of Hungary until 1945 and then became part of Zakarpattia Oblast, Ukrainian Soviet Socialist Republic. In Soviet times, Roma people worked at local companies and in agriculture, but work dried up with the collapse of the 1990s, and Roma people started to migrate, sometimes as whole families, to large cities in Ukraine, and then in

Russia, in search of work. In the 2000s, Anna and Aladar found themselves in a makeshift tent city on the outskirts of Saint Petersburg.

During a police raid in 2009, Anna and Aladar were arrested for breaking migration rules, fined, and sentenced to expulsion from the Russian Federation. They were placed in a police reception center (at that time Russia did not have special detention centers for foreign nationals). The reception center was designed for people sentenced to terms of several days, but Anna and Aladar spent over a year there in inhuman conditions (no hot water, walks, or even sunlight) because they could not be deported to any country. They had no documents or, as it turned out, citizenship: Anna and her family had traveled far from their native city by the time Anna was old enough to get a passport, and Aladar's Soviet passport turned to ashes in a fire at a tent city on the outskirts of Moscow. Ukraine confirmed that they were born in Beregovo, but did not consider them citizens because they never applied for citizenship in an independent Ukraine.

Human rights defenders from ADC Memorial tried to gain their release in Russian courts. After they exhausted all their options at the domestic level, they submitted a complaint to the ECtHR. In 2011, the Russian government acknowledged that it had violated a number of articles of the European



Photo: Alexandra Dementkova

DILINKA

Dilinka Vladimirovna G. was born in Krasnoye Selo (in Leningrad District at the time) in 1973. Her parent's family moved many times, so her birth certificate was issued in Kazakhstan in 1978. From the late 1970s to the mid-1990s, they lived in Donetsk, where Dilinka married and had children. Dilinka came to ADC Memorial in 2007, when she and her family lived in a Roma settlement in Leningrad Oblast. She had no birth certificate. After repeated requests in the various cities where she once lived, she was able to get a duplicate birth certificate from the vital statistics office in Astana. Then she had to file an application with the Ukrainian consulate to establish that she was not a Ukrainian citizen (it turned out that she wasn't). Next she had to complete the procedures for establishing identity and permanent residence in Russia and take other actions required for obtaining a Russian residence permit and passport. Her children, who were born in Donetsk, also had problems. We sent queries to maternity hospitals to obtain birth certificates for her sons (born in 1994 and 1996), but she did not know their exact birthdates or the address of the maternity hospital. Her children's problems were not resolved until they came of age.

CHEREMUKHA

ADC Memorial staff met Cheremukha in Rostov Oblast in 2014 after her family fled the war in Donetsk Oblast. The stories of Roma refugees were part of the report "Roma and War" (2015).

Convention, proposed a friendly settlement, and undertook to pay each applicant significant compensation.

Ten years later, Anna and Aladar still do not have citizenship or any documents. They are again living in the same tent city in an industrial zone. "If we had passports, we would have left a long time ago, we wouldn't be suffering here," said Anna. "The police don't touch us anymore. They know that we can't leave without documents. We tried to cross [the border with Ukraine] twice, but we were caught there. They beat Aladar and sent me to a center where there were homeless people. Then they sent us back here."

DAUGHTERS-IN-LAW

"Transborder" daughters-in-law are particularly vulnerable to statelessness. These women were given into marriage in a country other than their country of birth without ever having applied for a passport or citizenship in that country. Often the only document these women have is their birth certificate, but sometimes they don't even have that. Statelessness is handed down to the children of these women – even when their common-law husbands have citizenship, vital records offices often refuse to assign the father's citizenship to the children.

The year 2021 marks the 60th anniversary of the Convention on the Reduction of Statelessness (1961). The UNHCR is now running the global campaign **#IBELONG**, whose goal is to resolve the problem of statelessness in the world by 2024. To this end, it has developed the detailed Global Action Plan to End Statelessness:2014 – 2024. Many of the points included are applicable to the Roma population in our region. Our colleagues' project **#RomaBelong** is dedicated to overcoming statelessness of the Roma minority in Europe. A number of countries have developed the successful practice of amending laws to prevent and reduce statelessness, which are summarized in the UNHCR Handbook for Parliamentarians.

Some countries in our region – Azerbaijan, Armenia, Georgia, Latvia, Lithuania, Turkmenistan, and Ukraine – have acceded to the Convention on the Reduction of Statelessness, but few states have the legal framework to establish special procedures to determine the status of stateless people.

Russia is moving slowly along the path to ending statelessness. In February 2021, it adopted amendments to the law "On the Legal Status of Foreign Nationals in the Russian Federation". These amendments are aimed at legalizing stateless people, even though the authors ignored the point made by human rights defenders that the procedure for establishing identity must be improved because the law cannot operate without it.

The amendments to the law "On the Legal Status of Foreign Nationals" were a delayed and not wholly adequate response from Russia to the strategic decision of the ECtHR in the case of *Kim v. Russia*, in which the Court directed Russia to take general measures to ensure that stateless people can gain legal status and stop being placed in foreign national detention centers (FNDCs). Another aspect of the ECtHR ruling in the *Kim* case and the Constitutional Court ruling in the *Mskhiladze* case has unfortunately yet to be reflected in Russian law and practice: Judicial control over the legality and length of confinement in an FNDC has not been introduced, so people who cannot be expelled or deported anywhere are left indefinitely in worse than prison-like conditions with no access to legal assistance. The corresponding amendments to the Administrative Code have been under review since 2017 but have yet to be adopted.

Cheremukha, a young woman from the Kotlyar sub-ethnicity, was born in Russia, but she was given away in marriage to a young man from a tabor in Ukraine's Donetsk Oblast when she was 15. She lived there until she turned 18, when the military conflict broke out in 2014. She never had the Russian passport she should have had under law or even a birth certificate. As is often the case with Roma families, she wasn't worried about getting documents, and neither were her parents or her husband's family: When young women marry, they take care of the home and almost never go out into the outside world. This lack of documents became a serious risk, however, in the emergency situation of a military conflict, when her family decided to evacuate to Russia. The family had to hide Cheremukha among their things in the trunk of their car to get through the numerous checkpoints. They were able to cross the border without anyone noticing Cheremukha. These Roma refugees did not find assistance or support from the state in Russia, and they found themselves in extreme poverty.

VERONIKA

Veronika was born in 1984 in Aktobe, Kazakhstan. Her family moved many times, and in 1999 she lived in a dense Roma settlement in Tver Oblast. She was given into marriage at the age of 15 in a settlement in Leningrad Oblast, and the marriage was not registered. Veronika's husband had Russian citizenship, but Veronika herself only had a birth certificate. She repeatedly filed applications with the district police department to obtain a registration at her place of residence and identification to replace her birth certificate, but she was always refused. ADC Memorial attorneys helped her acquire citizenship through court.

Problems arose when she tried to register her children: Staff at registration offices are often incompetent and act arbitrarily in situations that are complicated from a bureaucratic standpoint. Here are excerpts from a statement her husband made in court: "I am the father of the child Lavanda, born in 2003 to my common-law wife Veronika M. Our marriage is not registered with the vital statistics office because my wife does not have identification or proof of Russian citizenship. Our daughter is our second child. When we registered our first child, who was born in 2001, I was not allowed to put my name in the "father" field on my son's birth certificate. The district administration refused to register our second child or issue a birth certificate because my wife did not have a passport. It was only after eight months, after we applied to the administration yet again, this time with a lawyer, that we were is-



A girl's portrait in a Roma house

sued a birth certificate for the child. But I was again not allowed to be listed as the father on the birth certificate because my wife does not have a passport. After consulting with the director of the district vital statistics office on the phone, administration staff made an absurd decision: Because the mother did not have identification, she could not register her child, but she could give another person power of attorney to handle the registration. So I had a power of attorney that I used to register my daughter under my wife's last name. The fields of "father" and "citizenship" were crossed out. As a result, we have a birth certificate for our child and she received a name and state registration of her birth. But she has essentially been deprived of all the rights stipulated by law. According to her documents, her only parent is her mother, who does not have documents or identification, and she cannot exercise her legal capacity. We cannot receive benefits for her, we cannot register her at our residence, we cannot obtain an obligatory health insurance policy for her, and so forth. And, she has no citizenship. And I, the child's father, who am raising her with her mother, have been totally deprived of my parental rights."

The problem of statelessness among the Roma in our region is stymied mainly by the lack of cooperation between countries whose relationships are complicated by military conflicts. Consulates often ignore requests about citizenship (this was ADC Memorial's experience with Uzbekistan's consulate) and cannot confirm the citizenship of people born in areas outside of their control (eastern Ukraine). In the report "Statelessness, Discrimination, and Marginalization of Roma in Ukraine" (2018) our colleagues from the Ukrainian organization April 10 collected the accounts of stateless Roma people, including those affected by the military conflict.

The strategic cases won by ADC Memorial are included into the Stateless Case Law Database

The strategic cases conducted by ADC Memorial were included in the Stateless Case Law Database. The new tool for the protection of the rights of stateless persons presented on July 15, 2021 by the European Network on Statelessness is designed to help practicing lawyers, researchers, Human Rights defenders working around the world to solve the problem of statelessness. It will also be useful for policy makers and state institutions responsible for documenting, granting status, legalizing stateless persons, refugees and migrants.

The Database, in particular, includes a very important strategic case "Kim v. Russia" (2014); the European Court of Human Rights clearly spoke about the systemic problem of stateless persons originated from the former republics of the USSR who have been living in the Russian Federation for years and decades being deprived of basic Human Rights, without access to the legalization procedure.

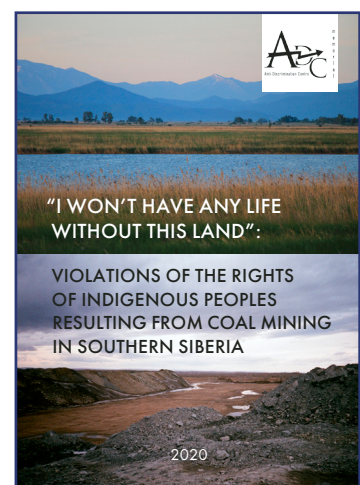
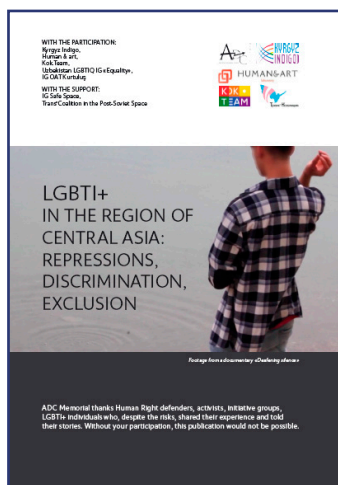
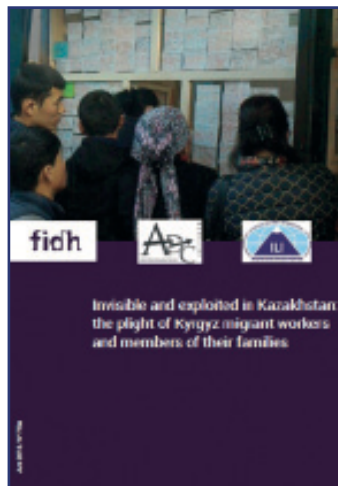
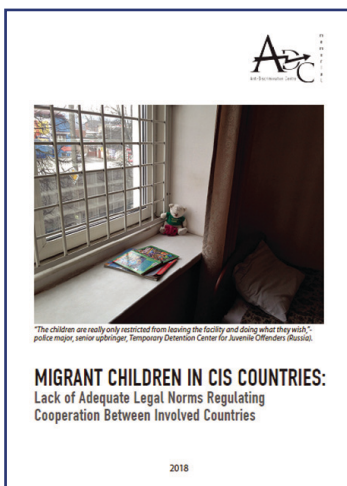
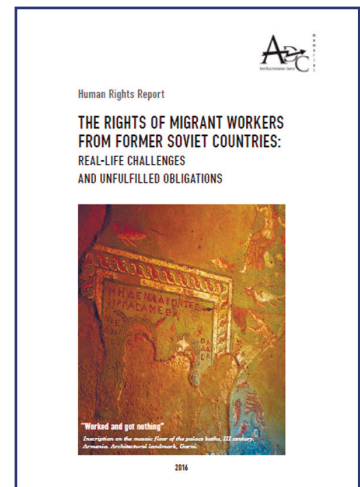
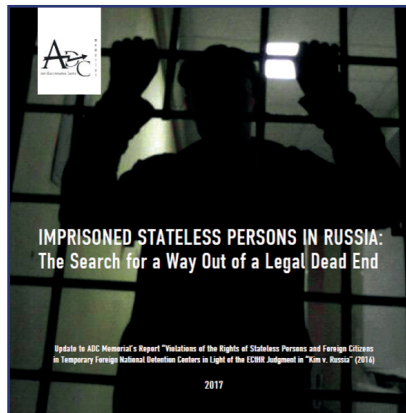
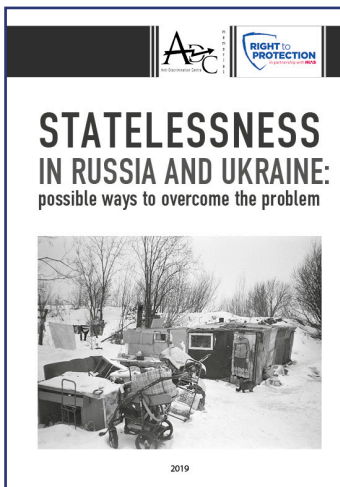
Together with the cases ruled by international courts, the Database also includes cases on national level. This is, for example, a very important case of Noe Mskhiladze, won by ADC Memorial in the Constitutional Court of the Russian Federation (2017). The court ruled to change the Russian legislation in order to prevent the arbitrary and indefinite detention of stateless persons.

The search in the Database can be done by different aspects, including deportation and expulsion, deprivation of citizenship, gender, and many others.

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HUMAN RIGHTS REPORTS BY ADC MEMORIAL



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