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ANTI-DISCRIMINATION Thematic Bulletin



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**ОСТАНОВИТЕ ВОЙНУ! СВОБОДУ УКРАИНЕ!
ЗУПИНІТЬ ВІЙНУ! СВОБОДУ УКРАЇНІ!
STOP THE WAR! FREEDOM TO UKRAINE!**

On February 24, Russian troops attacked Ukraine, the aggression was launched from the air, sea and land – this is a crime that cannot be justified or explained.

Ukrainian military and civilians are losing their lives in peaceful Ukrainian cities and villages – in Kharkiv, Odessa, Kiev and other regions. Right to life, right to peace, right to freedom are violated. Lasting since 2014 Russian aggression against Ukraine, has entered into a phase of active and brutal war. There is a high risk of world war and the only responsible for this are the authorities of the Russian Federation: responsible towards the people of Ukraine and towards the other peoples.

Since last year, the Russian authorities have been lying to the population of the country and to the whole world that they “are not planning to attack.” Now they continue to lie, prohibiting to tell the truth under the threat to block the websites. By means of repression, persecuting the media, human rights defenders, and Russian protesters against the war they hope to keep the power and stay unpunished doing evil. This way they destroy not only the neighboring countries, but also the lives of Russian as the aggressor country has no future, or rather, its future is a catastrophe.

**STOP THE WAR! FREEDOM TO UKRAINE!
PEACE TO THE NATIONS!**

CRISIS DIGEST *EASTERN EUROPE CENTRAL ASIA*

The war Russia has unleashed against Ukraine threatens to plunge the entire East European and Central Asian region into a deep crisis. Tens of thousands of people have already been wounded or died, millions have become refugees, and the region is on the threshold of economic collapse. Even in places where there are no hostilities, the catastrophe will hit people who were in a vulnerable position even in peacetime, including migrants, members of ethnic minorities, LGBTI+ people, and civil activists.

Given these crisis conditions, we have decided to track news about vulnerable groups and will publish it on our Telegram channel (in Russian).

We will post the longer materials and an English translation to a separate section of our website.



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REPRESSIONS AGAINST THE CRIMEAN TATARS HAVE BEEN UNLEASHED IN THE UKRAINIAN TERRITORIES OCCUPIED BY THE RUSSIAN TROOPS



In 2017 the UN Committee on the Elimination of Racial Discrimination acknowledged the facts of discrimination of the Crimean Tatars on ethnic grounds, and expressed their concerns regarding violation of rights of the Crimean Tatars in the annexed Crimea. Ban on the representative body of the Crimean Tatar people; persecution, such as criminal and administrative charges, kidnapping, mass searches, interrogations, and other forms of pressure; abolishment of media in Crimean Tatar; constraints on learning and usage of the Crimean

Tatar and Ukrainian languages – this is far from being a complete list of problems the Crimean Tatar minority have faced after the annexation of Crimea. The forecasts on the foreseeable future of the Crimean Tatar minority in the occupied territories are far from optimistic.

According to Aljazeera media portal, in the recent days the reports on persecution of the Crimean Tatars from the Ukrainian cities occupied by the Russian troops have become significantly more frequent. On March, 10 in Melitopol a group of seven Russian soldiers broke into the house of Leila Ibragimova, a deputy of the Zaporozhye regional council, the director of the Melitopol City Museum and an ethnical Crimean Tatar. She had been strongly supporting the Crimean Tatar people living on the Crimean peninsula from the very first days of the annexation. It has been reported that the soldiers put a bag on Ibragimova's head, pushed her into their vehicle, and took her to an unknown place where they inter-

rogated her. They asked her about the local Tatar organisation Azad, and the names and addresses of the local activists and public opinion leaders in her area. Ibragimova refused to provide her kidnappers with any sort of information stating that their actions were illegal. Later on that day Ibragimova was released until her arraignment.

The experts believe that the case of Ibragimova may give us a prospective on the long-term plans of Russia for the territories occupied in the last two weeks as well as its possible means to an end. According to Nedim Useinov, a political scientist at the Faculty of European Islam of Warsaw University, the purpose of Ibragimova's detention was to scare her, to receive as much information about her contacts as possible, and to spot the people and organisations for the Russian forces to aim at next time as these are the methods that have been used in Crimea since 2014.

It is also said that the representatives of the Crimean Tatar people loyal to the Russian government are now being brought together to the occupied cities of Ukraine in order to organise pro-Russian agitation.

ELDERLY, AND PEOPLE WITH DISABILITIES ARE UNABLE TO ESCAPE WAR

According to the data provided by Voice Of America, with reference to the UK Disaster Emergency Committee alliance of leading charity organisations, there are millions of elderly and disabled people "at high risk" as they are unable to flee the war zone.

By this moment, over 3 million people have escaped from the Russian military assault to the EU, yet "older people and those with disabilities in Ukraine risk being left behind and urgently need protection and assistance," said the DEC. According to the European Disability Forum, there are more than 7 million people age 60 or older, and 2.7 million people with disabilities in Ukraine. "Many cannot escape from affected areas nor seek shelter from bombings due to lack of mobility. They are also at risk of violence and neglect," the DEC said, which represents the British Red Cross and 14 other groups.

Elena is a 71-year-old retiree who lives in a village in Donbass which is several kilometres away from the nearest bomb shelter. She's lives alone, can hardly walk due to pain in her legs and joints, and she does not have a car. That is what she said: "I constantly hear explosions, and I don't know if they will reach me. Everyone needs peace and quiet: children, adults, and older people. I do not want to worry about the lives of my children and grandchildren, and about what will happen to me tomorrow." Another resident of Donbass, 70-year-old Maria is a widow, who struggles to walk after she broke her hip in 2011, said: "I am feeling very lonely. Because of the conflict, my daughters, who live in Russia, can't come to me. I live on the line of contact, where they shoot almost every day. The shelling is what worries me the most. What if they hit the house, and blast the windows, roof, doors out? Who will help me?"

Age International director Chris Roles said that a lot of the elderly and

disabled people "may be housebound or unable to walk without support." "Many older people will be completely alone, isolated and frightened. Some can't make the long arduous journey out of the country because their health is bad," Roles said.

Research conducted in eastern Donbass, where occasional fighting has been ongoing since 2014, showed that over 90% of the elderly have been in need for food and basic necessities following the Russian military invasion. Due to that reason many are unable to heat their houses in the frost. In the current time, "insufficient access to clean drinking water due to active shelling and airstrikes disrupting water supplies" had been reported by around 80% of the older people in Ukraine, the DEC said. More than a third of the elderly people urgently need medicine for chronic disease, and three quarters are in need for hygiene items.

SOLIDARITY WITH THE ETHNIC MINORITIES OF UKRAINE

On March 21, the International Day for the Elimination of Racial Discrimination, ADC Memorial expresses its solidarity with the ethnic minorities of Ukraine.

While repressions against Crimean Tatars continue in Crimea, now they are also taking place on the territories recently occupied by the Russian troops.

Reports from various countries that host refugees demonstrate that Romani people are harassed and discriminated against when they are trying to cross the border, get into refugee centers or receive humanitarian aid.

A report by the European Roma Rights Centre (ERRC) states that Roma children accompanied by adult family members who are not their parents are often denied entry to Moldova and EU countries. Undocumented Roma are also turned away when they are trying to cross the border. According to ERRC, especially many Roma without passports are stuck at the Ukrainian border in the southwestern region of Transcarpathia.

On March 6, volunteers of the "Czechs Are Helping" initiative reported discriminatory attitudes towards Roma. In particular, they allege that some Czech hostels groundlessly evict Roma who fled from Ukraine.

Polish activist Joanna Talewicz-Kwiatkowska reported that Roma are often not allowed to enter refugee centers in Warsaw and even some train stations under the pretext of "preventing theft."

Roma people also face difficulties in Romania. Despite the fact that in Bucharest they are met by volunteers and immediately placed in tents that the local authorities set up on the territory of the railway stations, we receive various complaints from the Roma people about the attitude towards them while they are trying to receive humanitarian aid. A Roma person confirms: "We are gypsies from Kharkiv. We are not allowed to get warm here. We are not allowed to get some water. And we cannot get some stuff for a child. It seems that we are mistaken for locals. There are 31 of us, 18 children. Our luggage was lost. Before that, we had to sleep in the gym for three days."

ROMA WOMEN AND GIRLS IN THE CONFLICT ZONE NEED PROTECTION

ADC "Memorial" has repeatedly drawn attention to the particularly vulnerable condition of women and girls from Roma communities affected by the military conflict between Russia and Ukraine. In 2014, the number of Roma people who left their places of residence in the war zone in Donbas was estimated at about 6,000. All the problems characteristic of the Roma communities in Eastern Europe (lack of personal documents, insufficient level of education, poverty, risk of becoming a target of racist violence) have been exacerbated by the war. Roma women find themselves in a particularly difficult situation, as in traditional communities they are responsible for housekeeping, cooking and childcare, and it is they who have searched for ways to survive in a situation of war characterised by the daily risk of being exposed to violence coming from armed groups.

Today, about 2 million people have already become internally displaced in Ukraine, and more than 3 million refugees have crossed international borders. As of March 13, 2022, there were 106,994 refugees from Ukraine in Moldova, most of them women and children. UN Women talked to a large Roma family of 12 who were forced to leave their homes in the village of Arbuzinka, Mykolaiv region, in search of safety, protection and assistance in the Republic of Moldova.

Dafina, Albina and Angela, along with their children and close relatives, had to travel for 10 hours in a regular car designed for five people. Albina and two of the four children had to spend this time in the trunk.

"I don't even know how we managed to get out of there; it's terrible," says Dafina, who came to Moldova with her 17-year-old son and 12-year-old daughter. "On February 23, we celebrated the birthday of our twins Rustam and Arsen. We went to bed peacefully, and on February 24 at 6 in the morning my sister called me and said that the war had begun. I started calling my relatives. We got together and thought about what we should do. My brother lives in Kyiv. We had to go with him, [but] he could not come to us in time. Bridges have been destroyed," says Albina. She and her four children slept in a bomb shelter for eight days, the children got sick. "It took us three days to make a decision to leave the city. We were very afraid of the path that we had to go. But at some point, we heard intense shooting and the howl of rockets somewhere not far from us. It was about 5 am, and we woke up, although I cannot say that from the first days of the war we could sleep. One could just take a nap. That morning it was announced that we were about to be attacked. Our children were

trembling; they held our legs and were afraid to let go. Then there were explosions. The floors shook from them. It was at this time when we realised that we definitely had to leave, that we had no choice. We didn't take anything because there were a lot of us and only one car. Things would not fit in it. I left in just slippers," says Albina.

Angela adds: "We made the decision to leave at the moment when the children were playing in the street, and a rocket flew over their heads and blew out the windows in our house with an explosion."

Even before the war, the lack of identity documents prevented Roma women from exercising their social and economic rights. Many do not have passports or money to travel. Although Dafina, Albina and Angela were able to leave the country with their large family, they had to face many difficulties along the way. Dafina says they had to change their route three times because the roads they were supposed to take were mined. Along the way, she said, they saw a burning military vehicle and many dead people lying on the road. "We tried to close the eyes of the children so that they would not see these atrocities," says Dafina. "We don't know what happened to our house after we left. Our neighbour's house is destroyed. We left everything we had at home. We took the most precious thing: our children. We gave all the food to the neighbours. We didn't want it to go to waste. We feel sorry for our homes, for which we have worked all our lives. But we are happy that we are alive, because we did not believe that we would be able to get to Moldova alive by car. We said goodbye to each other because we knew that anything could happen at any moment."

Albina adds that when they first arrived, the children heard a noise outside and got scared. They started looking for a place to hide. There are 22 people in the house, because the family that sheltered them consists of 10 people. "We are in a very bad situation, we don't have any firewood, we have not heated the house for about two days. Yesterday we gathered everything we could find to heat the house and bathe the children. In Ukraine, we had everything we needed," Albina laments. They also don't have medicines. Dafina's daughter suffers from asthma, and Dafina herself has heart problems. Angela, Albina's mother, has blood cancer that causes lung and breathing problems and she needs a new inhaler because she only has 40 doses left.

Angela, Dafina and Albina are grateful to those who sheltered them – their very distant relatives – but they understand that they will not be able to help them forever. The women say they would like to find work and housing so that they can start living anew, but there are no job opportunities in the village where they arrived. Most of all, they want to return to their homes and live in peace.

VOICES FROM HELL

Much of the world's attention is currently fixed on Ukraine. People in various countries are following the news closely, learning the names of Ukrainian cities, taking in refugees, and sending humanitarian packages. Many are shocked by evidence of the aggressors' harsh behavior, violence against civilians, and rapes and killings. The testimony of survivors will become important evidence of a crime that took place in front of the entire world. But this didn't all start in 2022. It must be recognized that the war crimes, pogroms, marauding, and violence against civilians became well-known to residents of Ukraine's eastern regions back in 2014, but received far less attention from the world community at that time.



Over all these years, human rights defenders in Donbas have been observing and collecting information. What is happening now in many parts of Ukraine is a repeat of Russia's aggression in 2014, only on a much larger and, therefore, much more noticeable scale. The entire population of this enormous country is suffering. Millions of Ukrainians have become refugees and have lost their homes. Some people have not been able to leave or could not make the decision to leave. For many, this is not the first time they have had to live through terror, the horror of shelling, and a lack of food and water – such is the fate of residents of the long-suffering Donbas. The victims include the Roma population of Ukraine who are residents of Mariupol, Kharkiv, and Kherson and other oblasts.

Since the start of Russian aggression and hostilities in Ukraine, the Anti-Discrimination Centre Memorial has regularly monitored the situation of the Roma minority in the conflict zone. In 2015, we published the human rights report “Roma and War.” This was later supplemented with the photo report “For Today, They Don't Seem to be Shooting,” which was about the situation in frontline settlements in 2016–2017. Unfortunately, this topic still needs to be covered, and even more carefully than before. To mark International Roma Day, in April 2022 we published the accounts of witnesses to the events – Roma who are the victims of this new stage in the war. The publication is called “The Roma of Ukraine: Voices From Hell,” with the subheadline “Discrimination, Epidemic, War.”

In reality, all these misfortunes descended upon the Roma population one after the other: It was just becoming pos-

sible to live after the terrifying events of 2014–2016 when the COVID-19 pandemic started, affecting the labor population. Right in the middle of the most recent wave of the pandemic, a new invasion occurred, unleashing a large-scale war. Then there were disruptions in the supply of vitally important products, gas, and cash. Banks closed and people were not able to withdraw funds from their accounts. According to one female resident of Toretsk in Donbas (a frontline city right on the border of the unrecognized Donetsk people's republic): “Everything started suddenly, so many families were left with nothing. They had no extra food supplies, and prices for food products are high. If this is a huge catastrophe for us, imagine what it's like for the Roma. They naturally have nothing to eat. They say they don't even have money for bread. They're actually crying. Everyone lives from paycheck to paycheck, but the Roma population lives from child support payment to child support payment. It's hardest for them now. They have a minimum of four children in each family, but often more.”

Part of the Roma population found itself in occupied territory. Roman from Kherson Oblast recounted how terrifying it was to even leave the house: “I recently wanted to go to the store. I got into the car and saw that a Russian tank and two cars carrying soldiers were driving down our street. I got very scared and just kept sitting in the car. Then I got out and returned home. Some Roma tried to leave, but the Russian soldiers are turning everyone back... In Vysokopillya, Kherson Oblast, Russian soldiers turned a Roma home into something like a hotel and are now living in it. They took anything of value. They took away

the owner's car. The houses that Roma fled are occupied by Russian soldiers. They take the nicer homes... There have been cases where people have just disappeared.”

The most terrifying accounts are from Roma who fled Mariupol. They couldn't leave their cellars for weeks, and they couldn't even let their loved ones know that they were alive. Many disappeared or died. The people who left recall their trip out of the city with terror: “We saw many cars that had been shot up with dead people in them. We covered our child's eyes so he couldn't see anything. There were bodies everywhere. The people who had survived were like zombies – they were very dirty and their eyes were filled with terror. I saw a person drinking water from a puddle. There were checkpoints with the Z symbol at every step... We were dragged out of our car and searched from head to toe. They went through all our things in the car. Some of the soldiers behaved very aggressively. They interrogated us for a long time several times because they didn't like the fact that we are Roma. They suspected us of something, but they didn't say what specifically. They asked for money, but we didn't have any. They asked where we were from, what we were doing, and where we were going. They asked why we were staying in Ukraine and not going to Russia or Crimea. This really made them furious.”

Roma who survived the occupation of 2014–2015 and have passed through the checkpoints of Russian troops before are well acquainted with discrimination. This is why some were surprised to hear that EU countries receiving refugees behaved differently, without racial biases: “I used to cross the Russian-Ukrainian border often. They do a complete check. They check all your things. I thought that it would be the same here, but we were treated like human beings. No one paid attention to skin color, clothing, or nationality. After we went through passport control, we were met right away by Polish volunteers.” In one refugee camp in Germany, Roma explained their decision to leave Ukraine: “We were afraid that Russian soldiers would kill us and destroy us, like the Germans did in 1941.”

*Stephania KOULAEVA,
First published on the
blog of Radio Svoboda*

AGAINST THE BACKDROP OF WAR

After Russian troops invaded Ukraine, even the most ardent Putin-versteher in Russia and abroad must lift the veil from their eyes. This is not a hybrid case of military aggression, but an outright one. The only official explanation of the need for this war is that “we can no longer put up with” the existing world order in the form of the current configuration of state borders.

Even those elderly people who are used to believing everything they see on Russian television must open their eyes. Air raid sirens are wailing in Kyiv. Given this news, Russian propaganda should ricochet off any post-Soviet person without a suppressed historical memory like bullets off a wall. These are people who remember [the World War II song] “Kyiv was bombed, we were told...”; the “Leningraders, my children” who were evacuated to Uzbekistan; [the public warning message] “citizens, during shelling this side of the street is the most dangerous”; and the time when almost every family was affected by the world war and many survived the horrors of post-Soviet wars. At a minimum, if reason somehow fails, they should understand this at the level of emotions and that very same historical, familial, and bodily memory.

The consequences of war will soon be felt not just by a Russian economy worn down by isolation and sanctions, but also by economically dependent countries hooked on mass labor migration. This isn't the first time migrant workers have been hostage to Russia's foreign policy. It should have been immediately clear that migrant workers would start leaving Russia again because of the falling ruble exchange rate and, accordingly, the drop in real wages. After all, this is what happened in 2014, when Russia annexed Crimea and launched military actions in Ukraine. But now everything is much more serious and terrifying: Production lines and construction sites are being shut down, flights are being canceled, and millions of migrants have become hostages, left without work or the ability to return home.

It's not entirely clear if the inflaming of anti-migrant feelings that we have seen in recent months was part of the Kremlin's strategy for invading Ukraine. Were the authorities intending to replace migrants from Central Asia with hypothetical refugees/evacuees from captured parts of Ukraine, all to the delight of nationalists? Did they fear an unpredictable reaction to the invasion by a large number of foreigners? Or were they just once again distracting the population by whipping up traditionally foolproof xenophobic

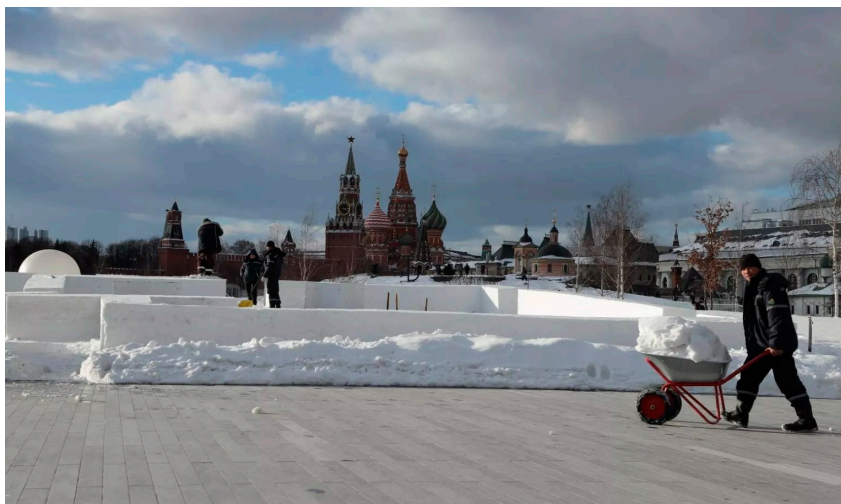


Photo by Ute Weinmann

sentiments? The fact is that the anti-migrant topic has become much more visible in the information space.

In late 2021, a rarely implemented requirement that foreigners living in Russia undergo a medical examination every three months entered into force. Investigative Committee head Aleksandr Bastrykin has spoken about registering migrants' genomes. And at a recent collegium of the Internal Affairs Ministry, the head of that agency, Vladimir Kolokoltsev, again picked up the topic of the rising crime rate among migrants, while Vladimir Putin called for taking the toughest measures against “migrants who do not abide by the law.” Not long before this, the president signed an order creating an interagency committee on migration policy, where the main arias will be sung by the siloviki.

The overzealous governor of Kaluga Oblast distinguished himself by banning migrants from countries that are not part of the Eurasian Economic Union (EAEU) from working in the service, public transportation, and retail sectors. This is not the first time such a restriction has been applied (this happened, for example, in Novosibirsk Oblast in 2016 and, more recently, in Tyumen Oblast, Khanty-Mansi Autonomous Oblast, and Kaliningrad), and priority for the national labor force is enshrined in Russian law. There have been reports that schoolteachers in Kaluga Oblast are being forced to inform on migrant children (again, this is nothing new: The same thing has happened before, for example, during the anti-Georgian campaign of 2006).

The authorities in Central Asian countries seldom protest against Moscow's restrictive migration policy, except in rare cases when they have negotiated amnesty for people who were blacklisted and banned from entering Russia. However, the recent

tightening of residence rules for foreigners has prompted criticism from parliamentary deputies in Kyrgyzstan and a diplomatic note from the Kyrgyz embassy in Moscow. But the Kyrgyz side was not asking about general measures like combating xenophobia and arbitrary treatment by the police, ending the practice of holding migrants in temporary detention centers during a pandemic, and softening laws, but about “assistance to open a separate corridor for citizens from EAEU countries” to have medical examinations and be photographed and fingerprinted at a migration center in Sakharov. And there you go, such a “corridor” has been graciously created.

Opportunities for international pressure on Russia's migration policy are limited. The problem is that donor countries have ratified and are following the UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families, while receiving countries have not ratified it or undertaken any obligations. True, the UN Committee on Migrant Workers has also criticized donor countries for being passive about protecting the rights of their citizens working in countries that have not ratified the Convention.

By inflating anti-migration attitudes in society, tightening migration policy, unleashing a war, incurring sanctions, indirectly ruining dependent economies, and closing borders, Russia is weakening ties with Central Asian countries that have traditionally been loyal to it and risks finding itself isolated not just from the West, but also from the East.

*Olga ABRAMENKO,
First published on the
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MINORITIES AT RISK

The events in Kazakhstan have put activists from protest movements, independent journalists, and human rights defenders at risk. Naturally, their situation is concerning and has become the main focus of international organizations and the media. But the voices of those troubled by the situation of ethnic minorities in Central Asia are not resonating as strongly. These groups are particularly vulnerable, since they can easily become hostage to a complicated political situation. After all, there have been occasional attempts to accuse national minorities of every misfortune. Now that troops from the Collective Security Treaty Organization (CSTO) countries have been drafted to protect the authorities in Kazakhstan and senior politicians have spoken about their intentions to continue "to fight threats together," the risks for some ethnic groups have increased dramatically.



Бауыржан Жусбаев © 2020

Tajik expert Parviz Mullojanov writes about this with concern:

"The entry of CSTO troops into Kazakhstan creates a precedent that makes it much easier for member countries to take a similar kind of decision. As a consequence, in the future those Tokayevs, Lukashenkos, and the rest of them can take advantage of this precedent to deal with challenges both from without and from within. It will be enough to connect opposition groups speaking out against them with some outside factors or threats, for example, on the part of Islamic radicals."

Mullojanov writes accurately about the extremely tense situation in Gorno-Badakhshan Autonomous Oblast, Tajikistan (GBAO), where internet and mobile communications have been turned off since November, major protests have been held, and demonstrators have been shot by the police. The Pamiris are now waiting for an investigation into the events of late 2021 and fear new strong-arm operations. In a communication to UN structures, ADC Memorial noted that "GBAO residents are in a state of constant tension: They fear for themselves and their family members, are afraid to leave the house or let their children out, and are not able to let their relatives abroad know how they are." In recent years, a great many Pamiris have become migrant workers and are living in Russia and other countries. The lack of communication with their family members at home is a real tragedy during such a dangerous time for GBAO residents.

During a virtual meeting of representatives of CSTO countries about Kazakhstan, proposals were made concerning Tajikistan. The first to mention this was Aleksandr Lukashenko: "For years, the president of Tajikistan has been asking us for material support, primarily military equipment, and we need to do this so that it doesn't end up costing us more later, like it did with Kazakhstan.... We need to promptly expose the forces that...are capable of crossing a red line and crack down on their destructive activities." The Tajik president supported him: "The situation on the Tajikistan-Afghanistan border is becoming increasingly complicated every day.... So we need to create a 'buffer zone' around Afghanistan." It's not surprising that the Pamiris living on this border are alarmed by plans to "crack down on" protests.

Human rights defenders are also concerned about the impact the crisis in Kazakhstan will have on the border regions of Uzbekistan. There have been reports about arrests in Karakalpakstan: "Ten men and two women suspected of 'extremism' were detained in Nukus for expressing solidarity with the people of Kazakhstan. Uzbek authorities fear that the events in Kazakhstan, where many Karakalpaks migrate for work and a large diaspora is present, could impact internal stability." In 2021, Karakalpak activists made demands concerning the protection of their cultural and socioeconomic rights, prompting a harsh reaction from the authorities. The Russian media reported on this problem in its own unique way: "The idea of forming a 'national liberation' movement was most likely brought in from outside to under-

mine this republic, which is successful in comparison to many other post-Soviet states... Creating yet another 'hotspot' on the territory of the former Soviet Union is entirely realistic: old mines plus fuses."

The Rosbalt journalist, Irina Dzhorbenadze, does not explain where she got the suspicion that the idea was "brought in from outside" or who exactly set the goal of "undermining this republic." All this vague rhetoric and hints at "old mines" (should this be understood as discrimination against the Karakalpak in Uzbekistan?) resembles the latest statements by politicians about secret "sleepers" and "outside threats." Karakalpak activists have long complained of harassment in their own "sovereign republic" (this is the status assigned to Karakalpakstan under the Constitution of Uzbekistan), and say that local lands are being allocated to farmers from other regions of Uzbekistan and that "land and work are given on the basis of ethnicity," which means that the Karakalpak cannot find jobs or obtain permission to open businesses. The close ties many Karakalpak families have with Kazakhstan may give the Uzbek authorities the reason they need for a new round of repressions.

In Kazakhstan itself, some minorities have experienced not just discrimination, but also actual pogroms.

ADC Memorial has repeatedly written about the events in Korday District, where pogromists burned down Dungan houses, attacked and killed people, and destroyed property one night in February 2020. The recent events in Kazakhstan

have forced members of the Dungan community to recall their own tragedy: “If these thousands of criminals, their patrons, and the organizers of the Dungan pogroms had been punished, then the tragedy that happened in Kazakhstan in January could possibly have been avoided.”

An attorney for the affected Dungan families noted that “unknown, but very influential forces organized and directed the mass unrest in the villages of Masanchi, Bular batyr, and Aukhatty... A number of the facts that ‘surfaced’ later during the court proceedings in the criminal case on the mass unrest are evidence that the people involved in organizing the unrest were highly-placed and that forces behind them were influential. These forces could have even influenced the investigation group led by the Prosecutor General’s Office and comprised of investigators from the Ministry of Internal Affairs and the National Security Committee and staff members from offices of the Prosecutor General’s Office. They influenced not just these bodies, but in all likelihood the court as well... By illegally charging representatives of the Dungan people, who assumed the role of police officers and heroically risked their lives and health to defend their villages, families, and property from the attackers, they shifted responsibility for failures in their work onto these people.” This attorney called for “a review of the unjust court verdicts against members of the Dungan ethnicity who rallied to defend their villages on February 7 and 8, 2020.”

How will events develop in Kazakhstan and other Central Asian countries? Will the crisis in Kazakhstan open up new opportunities for solving old problems, as the Dungan and their supporters hope? Or will it create additional threats, as the Pamiris and Karakalpak fear? Whatever the case, as we follow the events in Kazakhstan, it’s important not to forget about the ethnic minorities, about those who have the hardest time protecting their rights. This is especially true for peoples who do not have their own separate federal status, like the Uighurs, the Dungan, the Pamiris, and the Karakalpak.

Stephania KULAEVA

*First published on
Radio Liberty’s blog*

ADC Memorial expressed concern about conflicts in the Eurasian region at the UN Forum “Conflict Prevention and the Protection of the Human Rights of Minorities”



This year, the 14th session of the UN Forum on Minority Issues was devoted to preventing conflicts on ethnic and religious grounds. The causes and background of such incidents are the accumulated dissatisfaction of various groups of the population with unresolved economic and social problems, insufficient authorities’ efforts to provide social support to vulnerable groups, to integrate closed communities and consolidated ethnic and religious groups, to support peacebuilding and people’s diplomacy. In such a situation, there is a high risk of interethnic conflicts that used to take place according to a similar scenario: day-to-day disagreements, offenses – de facto committed or only allegedly committed by members of a minority – all this appears to be enough to raise aggression against a majority and/or state persecution of minorities, with tragic consequences.

In this regard, the position of the authorities, the speed and adequacy of their reaction on the conflict or its potential threat is of the utmost importance.

There are few positive examples of such a response in our region. Thus, in Moldova, the quick and adequate actions of the police and the local administration of the Otaci village stopped the conflict between the Roma and non-Roma population.

However, many other similar conflicts in our region, unfortunately, were not prevented: the trigger events caused large-scale anti-Roma actions, resulted in victims and forced departures of hundreds and thousands of Roma residents from their settlements (such cases are documented, in particular, in Chemodanovka, Ust-Abakan (2019), Belgorod region (Russia); in the village of Loshchinovka (Ukraine)). In Belarus, Roma were subjected to mass police harassment (2019).

Another example of a late and insufficient state response to the conflict was the anti-Dungan pogroms in the South of Kazakhstan in 2020. 11 people were killed in the conflict, houses and property of Dungans were destroyed, thousands of people fled to neighboring Kyrgyzstan. The authorities denied the interethnic aspect of the conflict; and ethnic profiling took place during the investigation and trial. The consequences of the pogroms have not yet been overcome, which requires positive and systematic work of the state and civil society.

On the contrary, sometimes states apply inadequate emergency measures, such as disconnecting mobile communications and the Internet, increasing military presence, blocking roads, – in response to the demands of the population to comply with the law and carry out a public dialogue. This is not the first time in the last decade that is happening in the Gorno-Badakhshan Autonomous Region of Tajikistan, whose population differs from the ethnic majority in linguistic, cultural and religious terms. The protests were caused by the death of local residents as a result of a police operation, and harsh repressive measures do not reduce, but rather increase tensions and risks of conflict. This causes our deep concern. Experts note insufficient representation of Pamiris in government bodies and public administration, insufficient economic support for the region resulted in mass emigration, neglecting linguistic and cultural rights of Pamiris. The country’s authorities should focus on overcoming these negative factors avoiding repressive measures and preventing discrimination and violations of the rule of law.

THE UN CERD CALLED ON THE KAZAKH AUTHORITIES TO PROVIDE FULL COMPENSATION FOR THE VICTIMS OF THE ANTI-DUNGAN POGROM AND A FAIR TRIAL

Upon consideration of the state report as well as alternative materials from civil society during its 106th session, the UN Committee on the Elimination of Racial Discrimination addressed its recommendations to the authorities of Kazakhstan. They respond to the issues raised in the ADC Memorial report.

Important recommendations were issued on overcoming the consequences of the anti-Dungan pogrom (February 2020). The Committee takes note of reports that the ethnic-based violence against persons belonging to the Dungan community, which occurred in February 2020 in the Korday district, “was the result of longstanding ethnic tensions. The Committee is concerned that such tensions and feelings of fear persist in the Dungan community, despite the State party’s efforts to address them. The Committee is also concerned by reports that members of the Dungan community did not receive a fair trial and that compensation for damages to Dungan property has been insufficient.

In this regard, the Committee recommends:

- (a) Reinforce the measures taken to prevent the occurrence of ethnic-based violence against persons belonging to the Dungan community, including by intensifying its activities to build trust and harmonious relations between the Dungan community and its neighbouring communities;
- (b) Investigate claims that persons from the Dungan community, who were subject to criminal investigations and proceedings related to the violent events of February 2020, did not receive a fair trial, and establish responsibilities including with regard to possible instigators;
- (c) Provide adequate compensation to Dungan victims of the violent events of February 2020, including for vehicles that were lost and cattle that was stolen during the events”.

The Committee responded to reports of numerous inter-ethnic conflicts. The Committee is also concerned by “the lack of open discussion in the State party of racial discrimination, racist hate crimes, and inter-ethnic tensions and conflicts. The Committee notes the shift in the focus of the Assembly of the People of Kazakhstan from organizing cultural events to

identifying and resolving inter-ethnic tensions and conflicts, but is concerned that the Assembly is not sufficiently effective in performing these tasks.

The Committee recommends that the State party:

- (a) Acknowledge the existence of systemic discrimination against ethnic minority groups and of tensions between ethnic groups on its territory, create opportunities for open dialogue between various ethnic groups, and allow for public discussions on ethnic tensions and conflicts;
- (b) Increase and strengthen measures to promote inter-ethnic harmony and tolerance and overcome prejudices and negative stereotypes, including in schools and universities and through the media;
- (c) Ensure that local authorities and law enforcement officials are trained in identifying and resolving ethnic tensions that may lead to violent conflicts;
- (d) Strengthen the legal and political power of the Assembly of People of Kazakhstan and enable it to be more effective in promoting peaceful coexistence of ethnic groups in the State party and in preventing and addressing ethnic tensions and conflicts, including through mediation”.

The CERD noted with regret the lack of information on the situation of Roma in Kazakhstan and recommended that the authorities include in their next periodic report statistical data on Roma communities, including data on their participation in political life, on the observance of their socio-economic and cultural rights, focusing as well on the issue of gender equality.

The Committee expressed its opinion on the general policy of Kazakhstan in the field of inter-ethnic relations and its concerns by reports of “an official discourse, including in school curricula, which makes a distinction between autochthonous ethnic Kazakhs, and other ethnic groups that are referred to as “guests”, and which leads to feelings of exclusion among ethnic minority groups”. The Committee also noted insufficient efforts of the authorities in preventing interethnic tensions in the regions where repatriated ethnic Kazakhs are resettled. The Committee

recommended ensuring fair and equal representation of ethnic minorities, especially women, in public decision-making bodies and in the civil service, and taking special measures to remove obstacles that members of ethnic minorities face in this respect. The Committee recommended that “the State party create awareness among ethnic minorities of the importance of their participation in political life and in the civil service”.

The experts of the UN CERD gave priority to the recommendation on the equal access to education for all without discrimination of any kind, including on the grounds of legal status and ethnicity. Being concerned about the low number of students from ethnic minorities in higher education, the Committee recommended that Kazakhstan takes “measures to support students with ethnic minority background to access postsecondary education and that it periodically evaluates the effectiveness of such measures”.

The Committee paid special attention to the problem of minorities’ languages. While noting Kazakhstan’s efforts to promote trilingualism in the education system (Kazakh, Russian, English), the Committee is concerned that this approach may have led to the marginalization of ethnic minority languages. The experts noted the shortage of pre-schools and kindergartens with instruction in ethnic minority languages. The Committee recommended that sufficient opportunities should be provided for children from ethnic minorities “to learn, and be educated in, their mother tongues, including in pre-schools and kindergartens, with an adequate amount of schools, professional staff, and textbooks provided”.

ADC Memorial in its report raised the problem of granting asylum to persecuted representatives of ethnic minorities of the XUAR of the CPR. Being concerned by the reports that applications for asylum of certain nationalities are sometimes denied based on political and security considerations, the Committee recommends that the State party take measures to ensure that all asylum applications, regardless of nationality and background of the applicant, are processed in line with international law, in particular with the principle of non-refoulement.

IT IS IMPOSSIBLE: DREAMS OF PEACE IN PAMIR

We have become accustomed to hearing the phrase “it was impossible to verify this information” accompanying news about Russia’s war against Ukraine – just introduce a special acronym. This phrase accompanies not just the social media posts of eyewitnesses, but also official statements from the warring sides, even though the entire world is anxiously following the war in Ukraine, and journalists, human rights defenders, and a special group to document war crimes are working there.

Meanwhile, in a part of Eurasia far removed from Ukraine – Gorno-Badakhshan Autonomous Oblast, Tajikistan (GBAO) – another “special operation” the authorities are calling anti-terrorist is unfolding. This operation has unfortunately not been properly portrayed in the international media and has been viewed as a local event since the very beginning of the escalation. Even human rights defenders write infrequently about the non-recognition and discrimination of the Pamiri people, an ethnic, religious, and linguistic minority, but the UN Special Rapporteur on minority issues did recently address the situation in the GBAO. It is impossible to verify the scanty information from there not just because Pamir is remote and mountainous, and not just because journalists are under tremendous pressure and cannot freely report on the events, but also for the simple technical reason that the GBAO has been severed from internet and mobile communications since November 2021.

Even given all the differences between this clash between the population and security units and the war in Ukraine, eyewitness reports that have managed to pierce through this iron curtain show that GBAO residents see direct analogies between the two conflicts. The journalist Anora Sarkorova, who was once essentially banned from working in the profession by the Tajik authorities and is now one of the very few leading voices in the area, conveyed the words of a local resident: “Vomar is like Bucha. Corpses everywhere. They’re looking for people. They take them to police departments and the State Committee for National Security and beat them to death.”

Vomar is the capital of Rushon District, where on May 16 protesters blocked the road to Khorugh, the capital of the GBAO, to hold back a military

column (they felled trees and built barriers out of tire casings). They write that the security officers did not let them collect the bodies of the people who had been killed or even wounded protesters who were bleeding out and dying. They write that a wholesale “cleanup” is underway in Rushon District, that men are being taken from homes and hospitals to a border command post, that they are being tortured and then killed after interrogations. Anora Sarkorova gave the name of one person who died in this way – 44-year-old Shukhrat Rushtov. They wrote about many acts of looting by security officers. They report that seven people in a garden in Vomar were killed by shelling from a helicopter. They write that snipers shot demonstrators who attempted to hide in the mountainous terrain. They write that 17 people who left Dushanbe for Khorugh in cars have disappeared and that they are all relatives or acquaintances of people the authorities have named as the “organizers” of the unrest. They write that almost 40 people have died, but that permission has only been given to bury 21 (or 25, or 27) of the deceased

that the most unlikely things can turn out to be the terrible truth....

The official media in Tajikistan are writing about something entirely different: “the special operation to neutralize armed fighters in Rushon District, Gorno-Badakhshan Autonomous Oblast has been completed”; no civilians suffered, only “terrorists” were killed or captured; weapons were previously brought in from abroad; “foreign mercenaries” were among the “fighters.”... The Russian Foreign Ministry is developing the term “criminal elements and extremists siding with them.” There are significant differences concerning information about the number killed and wounded and the use of weapons by protesters (the Internal Affairs Ministry counts the types of pistols and machine guns seized, while social media posts say that the protestors did not have firearms), but how can we verify this?

What is happening right now in the GBAO is yet another case of déjà vu, horrific because over many years the Tajik government has never found any other way to speak with the population than through military suppression. Of



Disregard of the Pamiri minority grievances by Tajik authorities and the securitization of the Gorno-Badakhshan autonomous region where they live could lead to a violent conflict if unaddressed. We are deeply troubled by efforts to crack down on protest movements by the Pamiri minority, through arrests, the excessive and unlawful use of force and the involvement of the military. We further call on the authorities to take measures to prevent the spread of the stigmatization against Pamiri protesters.

Fernand de Varennes, The UN Special Rapporteur on Minority Issues

(including 30-year-old Zamir Nazarshoyev, who was the first to die); the rest have not yet been found. There are rumors that the bodies of the deceased were thrown into the river, so it’s doubtful they will ever be found at all. They say that Tajikistan has requested the extradition of almost 350 Pamiris living in Russia, some of whom even have Russian citizenship (this is exactly how MMA fighter Chorshanbe Chorshanbiyev, who was sentenced to 8.5 years in prison, and Pamiri activist Amriddin Alovatshoyev, who was sentenced to 18 years in prison, were returned to Tajikistan). The phrase “it is impossible to verify” must be added to all this; after all, eyewitness reports on social media are our only alternative source. No one wants to believe any of this, but many have become convinced after Bucha

previous similar situations, the bloodiest was the mass unrest in 2012. At the time, troops were also brought into the GBAO, there were many victims, mobile communications were also severed, and all this was also called a “special operation.” Since then, the military has had a heightened presence in the region, and Pamiri people talk about today’s events as if they were routine: “It’s the usual scenario: Helicopters started flying around, shelling us, snipers took up positions in the mountainous terrain and started shooting to kill.”

But here’s what separates the current confrontation from the events of 10 years ago: At that time, civil society in Tajikistan was very active, and, following a major monitoring mission, a coalition of leading human rights organizations published a detailed report



establishing evidence of human rights violations, eyewitness accounts, and even (!) the authorities' reaction, which was to provide official responses to questions. This looks surprising in the current circumstances given the authorities' flat refusal to conduct a dialogue and the tremendous pressure on the media and human rights defenders that we are currently observing.

This is exactly what the protestors were demanding on May 14 and 16 – access to the region for independent observers and local and international media so that it would finally be possible to verify information: "... we are requesting monitoring, advocacy and assistance from specialized UN bodies, the OSCE, the International Committee of the Red Cross, and international and local human rights organizations during law enforcement's investigation of acts that occurred on November 25-28, 2021, and ignited protests and then the arrests, prosecutions, and convictions of Pamiris. The investigation and court proceedings must be conducted in full compliance with the laws of Tajikistan, Tajikistan's obligations under UN conventions, and OSCE human rights obligations. We call on the international community to take urgent actions to prevent violent clashes in the GBAO." They also demanded the withdrawal of troops, with the exception of police officers and border guards, from this region run down by militarization; an immediate end to the practices of intimidation, arrests, forced confessions broadcast on television, and the presumption of guilt; and, most importantly, guarantees that the Tajik government will not use force to suppress peaceful protests.

In 2017, ADC Memorial submitted an alternative report to the UN Committee on the Elimination of All Forms of Racial Discrimination on the situation of several ethnic minorities in Tajikistan. We wrote that the authorities denied having a biased attitude toward the Pamiris, but that one did exist all the same: Pamiri people can be identified visually, by their characteristic accent in the Tajik language, and by the place of birth listed in their passports; they are not counted separately in the census (they are recorded as Tajiks), but we can get an approximate idea of their numbers by subtracting "legalized" nationalities from the total population of the GBAO; the Pamiris, who are mostly Muslim, are often viewed as "the wrong kind" of Muslims, even though Central Asian Tajiks have only a very vague understanding of Islam; the Pamiris are not appointed to leadership positions because they are considered disloyal, and the region in general is suspected of having separatist leanings; and their languages are scorned at the state level, even though there is a fairly complete

list of them and instructional materials have been developed for them – I remember how one of our informants said: "Our languages are only needed up to the airport in Khorugh. After that, they're not needed." Speaking of the airport, flight connections with the GBAO were severed long ago. The only way to get there from Dushanbe is by off-road vehicle, a trip that takes 12 hours and poses a risk to life in the winter (disconnection of the internet in November 2021 made it impossible for students to attend school remotely, and seniors were unable to take university entrance exams or submit applications for stipends on time – few families were able to find the money to pay for their children's trip to Dushanbe, so the life plans of dozens of students were spoiled).

The sub-headline of our report was "From Non-Recognition to Discrimination," and some of our colleagues thought that we expressed ourselves too sharply (not to mention the Tajik authorities, who had a hostile reaction). However, our assessments at the time have unfortunately been borne out: Disdain for the language and culture; disregard for the self-identification of Pamiris; insufficient attention to economic development of the GBAO (which has the highest level of unemployment in Tajikistan, forcing people who are able to work into labor migration) and infrastructure (no flight connections, poor roads); and, most importantly, insufficient representation in the government and management and the militarization of the region all sparked protests in November 2021 and their suppression, new protests, and the current "anti-terrorist operation," which has caused many casualties.

The authorities have accused several people of organizing the illegal meeting on May 16, 2022 and the subsequent unrest. The first is the opposition politician Alim Sherzamonov, a social democrat who is currently abroad. The second is Kholbash Kholbashaov, a general in the border troops. The Pamiris believe he has been kidnapped by security forces. The third – the "unofficial leader" Mamadbokir Mamadbokirov – was killed on May 22 "as the result of a showdown between criminal groups," according to the press service of the Internal Affairs Ministry. Local sources on social media say that Mamadbokirov was shot by a sniper from one of the country's security agencies. Anora Sarkorova shared a different version, citing eyewitnesses: An unarmed Mamadbokirov, who had survived several assassination attempts and never left the house, went outside, insisting that no one accompany him; four security officers leapt out of a car that suddenly pulled up, surrounded him, and shot him point-blank. There are reports that an eyewitness who tried to save Mamadbokirov

was killed and that a person who was escorting Mamadbokirov from a distance behind him was seriously wounded. This last version could form the basis of a folk song or legend, which will perhaps be composed. The Pamiris romanticize Mamadbokir Mamadbokirov and believe that his death was heroic. Will we ever find out what really happened?

The fourth person accused is the journalist Ulfatkhonim Mamadshoyeva. She is being charged with "public calls for violent change to the constitutional order," but no one knows who she "called on" to do this or where. The press has already written about how Ulfatkhonim is respected in the Pamir Region and in Tajikistan in general for peacebuilding. I know Ulfat personally. For me it is agonizing to even think about her within the torture chambers of the State Committee for National Security and to imagine the kind of pressure she is being subjected to. Before she was taken to the pretrial detention center, she posted the following to Facebook: "My name is Ulfatkhonim Mamadshoyeva. I am a human rights defender and an independent journalist. And I have nothing to say about the charges the Internal Affairs Ministry has filed against me...except to say that my conscious is clean and that I have compassion for my small people, the Pamiris."

Ambassadors from the EU and a number of Western countries have called for a de-escalation in the Pamir Region, and the UN Special Rapporteur on minority issues also addressed this. Aga Khan IV, the religious leader of the Ismailis who is deeply revered by the Pamiris, also called for peace. The themes of his messages were to avoid violence, unrest, and any illegal activities, comply with the law, and create for the good of the country. Peace, openness, justice, and an end to political repressions are what should be possible in Pamir. This naturally requires an independent investigation into the tragic events with the participation of human rights defenders and international observers. Ideally, it would be good to appoint a UN Special Rapporteur on the situation in the GBAO within the framework of special procedures, considering the extended "undeclared period of martial law." Unfortunately, it is impossible to enter the GBAO right now, so civil activists must try to record witness testimony as precisely as possible and reconstruct the course of the tragic events. Bucha will get its tribunal. Sooner or later, Khorugh will, too.

Olga ABRAMENKO,

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blog of Radio Svoboda*



MINORITIES RIGHTS IN EUROPE AND CENTRAL ASIA WERE DISCUSSED IN VIENNA

ADC Memorial participated in the Europe-Central Asia Regional Forum on Minority Issues, “Review, Rethink, Reform: 30th anniversary of the UN Declaration on the Rights of Minorities 1992-2022” that was held on May 2-3 at the Diplomatic Academy in Vienna, Austria.

The welcoming speeches were presented by Peter Launsky-Tieffenthal, Secretary General of the Federal Ministry for European and International Affairs of Austria; Kairat Abdrakhmanov, OSCE High Commissioner on National Minorities; Ilze Brands Kehris, Assistant Secretary-General for Human Rights, United Nations; Arno Kompatscher, Governor of the Autonomous Province of Bolzano/Bozen – South Tyrol and Fernand de Varennnes, UN Special Rapporteur on minority issues.

The main objective of the forum was to formulate concrete recommendations for the improvement of the regional and global minority protection regimes.

Most of participants agreed that in 30 years not much progress in minorities rights protection has been achieved in Europe and Central Asia, the situation of Roma (and Roma-like groups) in the region remains difficult in many countries, the waves of migration and refugee-seeking raise problems of vulnerable groups, while some minorities (like Pamiri in Tajikistan) face discrimination and exclusion in their own homelands.

To improve minorities rights protection new international mechanisms and national policies are needed. The Forum came up with a number of important recommendations.

The first and the most global proposal became the idea to negotiate the United Nations Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (UNDM) into a comprehensive, legally-binding treaty on minority rights.

This would not only help to protect minorities on a global level but could end counterproductive arguments about some groups whose rights are denied, although they speak minority languages and practice a religion different from the majority, however, their identity as an ethnic group is denied.

Another global initiative sounds like: **A permanent forum for minorities should be created to improve the capacity of the UN to effectively address problems facing minorities. In line with the precedent of the UN Permanent Forum on Indigenous Issues and the UN Permanent Forum of People of African Descent, a new forum should be composed of representatives of minority groups, taking into account diversity, regional balance and gender parity, to serve in their personal capacity as experts.**

There are some highly actual recommendations to the states of our region: **States should end the securitization of minority issues, and not violate the human rights of minorities, including the prohibition of discrimination and the freedoms of assembly, association, and expression, under the pretext of national security concerns, such as anti-sectarianism, counter-terrorism, or pandemic prevention measures. State actors and public officials should**

refrain from describing minorities as a potential threat to national security.

It is followed by another one calling to strengthen protection of those who protect minorities: **States should end all reprisals, including assassination, defamation, prosecution, or intimidation, against human and minority rights defenders, journalists, lawyers, and others working to promote and protect the human rights of minorities.**

A number of recommendations call to improve the anti-discrimination laws and policies, to combat the hate speech and prevent conflicts, to support education in minorities' languages and to improve the participation of minorities' representatives in the political decisions on all levels.

Last but not least there is an interesting initiative of establishing a European Languages Commissioner or Ombudsperson to ensure that the Charter for Regional or Minority Languages is fully implemented, and to monitor language rights in each Member State.

The insights and conclusions of the Forum will feed into the thematic work of the Special Rapporteur for his report to the 52nd session of the UN Human Rights Council in March 2023. Let's hope it is going to bring change to the international framework of minorities protection and to the regional and national practices.

ALLUVIAL GOLD MINING IS DESTROYING THE ENVIRONMENT OF THE SHORIANS, A SIBERIAN INDIGENOUS PEOPLE



New Report to Mark International Day of the World's Indigenous Peoples ADC Memorial on the Violation of the Environmental Rights of the Indigenous peoples of Siberia "Alluvial Gold Mining is Destroying the Life of the Indigenous Peoples of the Taiga"

The Shor are a Turkic-speaking small Indigenous people living in southern Kemerovo Oblast and in neighboring districts of the Republic of Khakassia, the Altai Republic, and Krasnoyarsk and Altai krais. Their population reaches almost 13,000, and 24 percent of them live in cities (2010 census).

This report describes the catastrophic consequences of gold mining and violations of the rights of the Shor – a small Indigenous people living in the southwestern area of the Republic of Khakassia and in southern Kemerovo Oblast. Intensive commercial exploitation – primarily open-pit coal mining and gold mining – of ancestral lands poses a threat to the Shor's existence as a people and to their traditional language and culture, particularly because it is their centuries-old relationship with the nature surrounding them that determines their worldview, daily activities, and way of life. According to the 2010 census, there are almost 13,000 Shor in Russia, and their numbers have dropped by 14 percent since the mid-20th century.

The problem of river pollution from gold mining has extended beyond Shor territories of traditional residence. According to a recent study conducted by

2 Harmony with Nature, a regional social organization of Altai Republic, in conjunction with World Wildlife Fund (WWF) project People to Nature, 279 licensed gold-mining plots were identified in seven Russian regions as representing a potential threat to human beings and the environment: 12 were in the Altai Republic, 98 were in Buryatia, 5 were in Tyva, 11 were in Altai Krai, 99 were in Krasnoyarsk Krai, 32 were in Khakassia, and 22 were in Kemerovo Oblast. Some of the licensed plots in Khakassia and Kemerovo Oblast are within the territories of traditional residence and activities of the Shor people or in close proximity to them. In May and June of 2021, WWF experts identified 330 cases of complex river pollution resulting from placer gold mining in four regions of Siberia on plots along a total length of 1,474 km. Of these cases, five occurred along 203 km in Khakassia, and five were found along 218 km in Kemerovo Oblast.

The authorities also recognize that rivers have been polluted on a large scale: The government of Kuzbass asked the Russian Ministry of Natural Resources and Environment to suspend issuing licenses for subsoil use at placer gold deposits in regions of Kemerovo Oblast where violations had been identified. Under a decision of Russia's Federal Agency for Subsoil Use, Kemerovo Oblast stopped issuing expedited licenses on the basis of an application and started holding tenders and auctions instead. 4 In spite of this, the situation at least in the region's south, on traditional Shor lands, has not improved. Field data collected by ADC Memorial show that in southwestern Khakassia and southern Kemerovo Oblast, gold mining is continuing under previously issued licenses with numerous violations of environmental protection laws, including the absence of water treatment facilities, unauthorized discharge of polluted effluent, the use of roads and parking areas in protected riverside areas, violation of water-use rules for water uptake, and so forth.

One would think that the places where the Shor traditionally reside, which is the subject of this report, would be protected from commercial exploitation. The Shor villages of Balyksa, Nezhidanny, Nikolaevka, and Shora in Askizsky District, Khakassia, and Orton, Ilynka, Uchas, and Trekhrechy villages in Mezhdurechensky Municipal District of Kemerovo Oblast were added to the Federal List of Places of Traditional Residence and Activities of Small Indigenous Peoples. 5 In 2016, Shor lands within Khakassia were included within the bor-

ders of specially protected territories of traditional nature use, 6 where any activity that threatens the condition of natural resources is prohibited. In this regard, the question of the property rights of Indigenous peoples to their traditional territories and their official registration remains open: Contrary to international standards, the Russian law on small Indigenous peoples does not recognize their right to own traditional territories and only enshrines their right to use the land free of charge and participate in monitoring the use of various categories of land (Art. 8 of the Federal Law "On Guarantees of the Rights of Indigenous Peoples in the Russian Federation").

In reality, the Shor have been almost completely excluded from the process of whether or not to put a territory of traditional activities up for auction. Gold-mining companies have no trouble acquiring the right to develop placer mines within these territories and bear virtually no liability for numerous violations of environmental laws, while Indigenous residents do not receive fair compensation for damages. The Shor use their native lands on the basis of traditional law, which is not legally recognized in disputes with commercial companies.

Traditional Shor lands are extremely attractive to gold-mining companies, since they include the largest placer gold deposits, whose gold can be enriched and processed more easily and cheaply than gold from ore rock. Over the past five years, the scale of gold mining and the number of gold-mining cooperatives in Khakassia and Kemerovo Oblast have increased. This became especially noticeable in 2020, when the price of gold exceeded \$2,000 per ounce and most companies stepped up their mining, including by discovering new deposits.

At the time of this writing, eight placer mines were operating in close proximity to Shor villages. In Khakassia, these include the plots Magyzinskaya ploshchad and Balyksinsky (the Khakassia Gold-Mining Cooperative); the plot Bolshoy Nazas and the Aleksandrovsky stream (the Iyusskaya Gold-Mining Cooperative), and the plot Izassky (Izas Company). In Kemerovo Oblast, these include a plot on the Zaslonka River (Pay-Cher 2 company), a plot on the Orton River (ZER company), a plot on the Fedorovka River (AS Gornaya), and a plot on the Bazas River (Novyi Bazas company). We have information that other companies have already received licenses to perform geological exploration work – local residents have no doubt that mining will follow this exploration work.

Russian law does not even require an environmental impact assessment for a license to mine gold. Naturally, the entire population suffers from mining's impact on nature. At the same time, environmental pollution and destruction have catastrophic consequences for the Shor because they are particularly dependent on the ecosystem and on the preservation of flora and fauna, which provide the foundation for their traditional livelihoods and diet. The main environmental problems caused by placer mining on traditional Shor lands are:

- destruction of the fertile layer of topsoil;
- pollution of the soil with industrial waste;
- changes in the migration paths of wild animals due to the construction of dumps, ditches, and service roads.
- noise pressure during the operation of mining, automotive, and auxiliary equipment leading to the migration of wildlife populations;
- pollution of the atmosphere with harmful emissions from mining, automotive, and auxiliary equipment, as well as dust from waste dumps, ore stockpiles, and ore roads;
- pollution of rivers with unpurified technical water, use of bodies of water without permits or contracts for water use, unauthorized transfer of part of bodies of water without the corresponding transfer of land;
- no remediation of disturbed lands.

The destruction of the natural environment by gold-mining companies is not accidental, but is systemic in nature: Companies try to minimize their losses and ignore the requirements of environmental law.

One common argument in favor of the commercial exploitation of traditional Indigenous lands is that mining companies contribute to regional budgets and promote regional well-being and socio-

economic development. This, however, is misleading: While causing so much harm to the territories where the Shor traditionally reside, almost none of the aforementioned gold-mining companies are registered with the municipal districts where they process the subsoil. Of these companies, only two are registered where they operate – Izas, in Khakassia and Pay-cher 2, in Kemerovo Oblast. All of the other companies are registered in Krasnoyarsk Krai and pay taxes to the federal budget and the budget of the constituent entity where they are registered.

ADC Memorial field studies show that, contrary to statements made by government and company representatives, commercial exploitation does not improve the level or quality of life for small Indigenous peoples and actually only worsens their situation.

At the same time, neither regional nor federal environmental agencies are able to stand up against the harmful legal and illegal activities of gold-mining companies. This is because the gold-mining areas are remote and hard to reach, technical support is poor, and the agencies themselves have no authority to monitor these companies, which are supported by, and often affiliated with, the government. Therefore, an increasing number of licenses are being issued for placer mining on plots in close proximity to specially protected territories of traditional nature use or areas in river basins that flow through these territories.

Residents of Shor villages have had to fight violations of environmental law on their own. They come under pressure from both mine workers and representatives of the government and supervisory agencies that oversee the activities of mining companies:

“The chief inspector of the forestry agency threatened to open a criminal case against me for slander and told me to write a statement for the agency. She believed that I did not have evidence that the forest was being cut down illegally; she alleged that no trees were harmed, even though we

recorded felled cedar trees on video. When we posted this video, cooperative workers came to my home when I wasn't there. When they didn't find me, they went to my friend, who went to the placer mine with me and recorded the violations, at work. They immediately started speaking very rudely to him and threatened to deal with us. They asked why we were filming their site and why we were getting involved in their business.

Several days later, we formed an advocacy group made up of members of the Shor community, environmental activists, and the social inspector from the Federal Service for Supervision of Natural Resource Usage and went back to the mining plot. We recorded many more violations in the mine's operation. We showed the head of the cooperative, Anton Dudarev, the dirty water that was running down from the quarry right into the river, but he said that the water was cloudy because of the rain that had fallen. After a protracted debate, Dudarev promised to coordinate every step with the residents of the Shor villages. He also said the water would be clean.

The next day, Dudarev and his associate came to my home and asked me to estimate the amount of damages that the cooperative had caused to my hunting grounds – but they had driven in their equipment, ruined the fertile layer of the soil, chopped down the forest, including the cedars, dug out a new riverbed for the Bazas River, and put up a barrier on the only road leading to these lands. They also asked the activists to stop writing critical materials and posting videos of the violations online. They promised that they would compensate me for damages so that we wouldn't cross paths again, as they put it. I told them that they should resolve these matters with all the residents who had been harmed by their activities and then with me, if they wanted to talk to me separately. They didn't get what they wanted from me, so they left, and I haven't had any contact with them again.

The river is still being polluted. The embankment dam at the placer mine does not meet construction codes and regulations, so polluted water is draining into the Bazas River. They still don't have settling basins for the water; because they are constantly changing the river's course, they apparently decided not to waste time and money on this. So we have not been able to have them prosecuted, and the agencies for supervision of natural resource usage are simply closing their eyes to this”

Resident of Orton Village. Interview with ADC Memorial. June 2021

The Shor themselves speak about the catastrophic consequences of gold mining – the destruction of their traditional living environment and nature use, the change in their way of life, and the loss of their identity and culture:

ADC “Memorial” and Shor activists informed the UN Human Rights Committee about violations of the rights of indigenous peoples of Russia

Before the 134th session of the UN Human Rights Committee, ADC Memorial and activists of the initiative “Revival of Kazas and the Shor People” presented a report on violations of the rights of the Shors, based on the study “Alluvial Gold Mining is Destroying the Life of the Indigenous Peoples of the Taiga: the destruction of traditional Shorian territories in Khakassia and Kemerovo Oblast” (2021).

Earlier, ADC Memorial and Shor activists submitted to the Committee a list of issues and problems concerning the rights of indigenous peoples in Russia: violation of the right to a healthy environment (right to life) by gold and coal mining companies and affiliated government agencies; violation of religious freedom and the right to cultural development; persecution of human rights defenders and activists protecting the rights of indigenous peoples.

“Even though we have converted to Christianity, our life is still inextricably connected with shamanic traditions, and an important role in our rituals is played by the place that was chosen by our ancestors centuries ago based on certain signs. This place practically never changes and serves as a place of worship for all the descendants. The loss of such a place by unnatural means and the inability to hold rituals there is a spiritual disaster for the Shor.”

O., resident of Trekhrechye Village, Kemerovo Oblast. Interview with ADC Memorial. June 2021.

Placer gold mining in the rivers of Siberia created a true environmental catastrophe. Residents of territories affected by the activities of gold-mining cooperatives have become hostage to this situation, but for Indigenous peoples it means not just the destruction of their customary environment, but also the loss of their identity, language, and culture.

Belonging to an Indigenous people should protect traditional Shor lands and serve as a guarantee for the well-being of all residents. Instead, the Shor, deprived of their customary occupations and livelihoods, are forced to use their benefits and quotas for the needs of gold-mining companies and to the detriment of the natural world.

The special status and rights of Indigenous peoples have been recognized by international treaties and customary law. The UN Declaration on the Rights of Indigenous Peoples and ILO Convention No. 169 enshrine human rights norms and adapt them to the special needs and problems of Indigenous peoples. These norms center on nondiscrimination obligations, the right of Indigenous peoples to self-determination and development, and the right to effective participation in all matters relating to them. In its General recommendation XXIII on the rights of Indigenous peoples (1997), the UN Committee on the Elimination of All Forms of Racial Discrimination called on states parties to the Convention on the Elimination of All Forms of Racial Discrimination to recognize and protect the rights of Indigenous peoples and ensure equality and non-discrimination.

The culture and way of life of Indigenous peoples of Russia are of worldwide cultural and historical value. Their sustainable trades, which do not deplete natural resources and help to protect the environment, are particularly important in a time of climate change and environmental pollution that threatens the future of all of humankind.

This report is based on field data collected by ADC Memorial in June 2021 and open source materials. ADC Memorial would like to express its gratitude to

the members of the Indigenous peoples and local communities of Khakassia and Kemerovo Oblast and the experts, activists and environmentalists who provided information for this report.

Recommendations to the government of the Russian Federation:

Bring national laws into line with international law and ratify ILO Convention No. 169;

Assign special status to territories of traditional residence and nature use by Indigenous peoples at the federal level and enshrine the procedure of free and informed consent in relation to any legislative and administrative measures that relate to Indigenous peoples; in the case of gold-mining, the consent of Indigenous residents must be a condition for receiving licenses for geological exploration and mining;

Recommendations to the federal and regional authorities:

Ensure the ability of Indigenous peoples to exercise their main social, economic, and cultural rights, including access to resources (clean drinking water, electricity), employment, and education;

Heighten control over gold companies' compliance with national and environmental laws and human rights norms;

Take measures to remediate and restore territories destroyed by gold mining and provide restitution to members of Indigenous peoples and local communities whose rights have been violated;

Provide conditions for environmental and human rights organizations to work robustly and freely.

Recommendations to the governments of other countries, including EU countries, and international intergovernmental organizations:

Support the activities of environmental and human rights organizations monitoring the environmental situation at gold-mining sites and working to protect the rights of Indigenous peoples and local communities.

Include on the agenda of international conferences and meetings matters related to observing the rights of Indigenous peoples and preserving their traditional living environment in the context of gold mining; develop recommendations for the Russian government to improve the situation in regions where Indigenous peoples reside.

The documentary “The Gold of Shoria” by Vyacheslav Krechetov was awarded at the XV International Festival of Human Right Documentary Films “Bir Duino-2021”

This pandemic year, the XV International Festival of Human Rights Documentary Films “Bir Duino-2021” was titled “Human Rights in time of risks and disasters”.

In the nomination “The best film on social, economic and cultural rights”, the prize was awarded to Vyacheslav Krechetov’s film “The Gold of Shoria”, created with the support of ADC Memorial.

The film tells about an environmental disaster in Southern Siberia, where coal and gold mining companies cause irreparable harm to the Shors, an indigenous small-numbered people of Russia. The Shors have been living for centuries on the territory of the contemporary Republic of Khakassia and Kemerovo Region, but their traditional way of life, language and culture are threatened.

The festival has become a bright social and cultural event not only for Kyrgyzstan, but also for the entire region. The audience had the opportunity to discuss films that raise various Human Rights issues: social and gender inequality, destruction of nature and traditional way of life, military conflicts, the vulnerability of people in front of the pandemic and totalitarian regimes, and others.

ADC Memorial congratulates the Bir Duino team on organization of an excellent and bright festival, and Vyacheslav Krechetov on the success of his film!

KHAKASSIAN AUTHORITIES ACKNOWLEDGE CONCERNS OF THE DEFENDERS OF THE RIGHTS OF INDIGENOUS PEOPLES

Anti-Discrimination Centre “Memorial” has repeatedly raised the problem of violations of the rights of indigenous peoples living in Khakassia and Kemerovo region of the Russian Federation by coal mining enterprises and gold miners. Recently this problem has attracted the attention of both major Russian media and federal regulatory authorities. Prosecutor General’s Office of the Russian Federation instructed the regional Prosecutor’s Office of Khakassia to organize an investigation into violations of environmental legislation by gold mining operators in the Askiz district of Khakassia, on the traditional territories of the indigenous Shor people. In addition, the regional press reported that the Khakassian authorities were considering a moratorium on issuing new licenses for gold mining companies. Until now, the complaints of activists and local residents of the territories affected by gold mining operations failed to get a proper legal reaction from the environmental authorities.

At the international level, environmental rights have been recognized only recently. On October 8, 2021, the United Nations Human Rights Council (UN HRC) adopted a critical resolution, which recognized the right to a safe, clean, healthy and sustainable environment as a fundamental human right. This resolution will help to increase the obligations on the part of states, improve environmental legislation and legal mechanisms for monitoring the implementation of laws. This step is especially important for indigenous communities affected by companies polluting the environment, as well as for human rights defenders and environmental activists. The adoption of this resolution was the result of many years of hard work by human rights organizations, environmentalists and representatives of indigenous peoples.

In Russia, the right of people to live in a clean, healthy and sustainable envi-

ronment is grossly violated by industrial enterprises, who are often supported by or are affiliated with the authorities. Indigenous peoples are most vulnerable in this situation. In the southwestern part of the Republic of Khakassia and in the southern part of the Kemerovo region these include Shors and Teleuts, as well as Khakassians, the latter have not even been included into the list of small peoples of the region. For many years they suffer from the consequences of coal and alluvial gold mining in the territories of their traditional habitation and natural resources use.

The newly adopted resolution of UN HRC gives indigenous peoples and all residents of these territories an additional mechanism for legal protection. Russian Federation should properly fulfill its obligations in order to improve environmental legislation and legal mechanisms for monitoring the implementation of these laws.

RUSSIA’S CONSTITUTIONAL COURT DEFENDED THE RIGHT OF INDIGENOUS PEOPLES TO HUNT

Constitutional Court of the Russian Federation on July 5, 2021, has issued its resolution concerning the legal appeal of Mr. Andrey Danilov, a representative of the Saami people, one of the indigenous small-numbered peoples of the Far North. In 2019, Danilov applied to the Murmansk regional Ministry of Natural Resources and Ecology with a request to allow him to hunt in order to maintain a traditional lifestyle and traditional economic activities. Danilov submitted his appeal on the grounds that, as a representative of the Saami people, he has the right to enjoy benefits for the use of land and natural resources in places of traditional residence and traditional activities of Saami people. However, the regional administration refused him this, referring to the fact that Mr. Danilov currently lived and worked in the city of Olenegorsk, which did not belong to the territories of traditional residence of indigenous minorities, and his Saami identity alone could not serve as a basis for granting him the right to hunt on special conditions. This refusal was confirmed by all four instances of the courts of general jurisdiction, which have stated that the Russian legislation considered only those who permanently resided in traditional territories to be indigenous peoples, for whom traditional use of natural resources was the basis of their existence. The laws “On guarantees of the rights of indigenous small-numbered peoples of the Russian Federation” and “On hunting and preservation of resources for hunting” put

it this way, and preferences for the use of natural resources and land are given only to permanent dwellers of the territories of traditional residence, who keep the traditional way of life.

Mr. Danilov has challenged this legislative regulation in the Constitutional Court of the Russian Federation and has pointed out in his legal complaint that normal living conditions and living in an urban environment should not contradict the possibility to lead a traditional lifestyle.

Constitutional Court recognized the requirements of the law on the need to preserve places of traditional residence and to conduct traditional activities in order to establish guarantees of the rights for indigenous minorities to be fair, since they proceeded from the need to preserve traditional ways of life. At the same time, the Court considered that such requirements could prevent the provision of these guarantees for those representatives of the indigenous peoples who did not live permanently in their former places of traditional residence, who have moved to the city (including forced resettlement) and could not lead their historically established lifestyle, but at the same time kept their contact with the land of their ancestors, followed their customs and passed them on to new generations. In its decision, the Constitutional Court indicated that life outside of the places of traditional residence and activity did not mean that a representative of a small-numbered people had lost

this status or broke off contact with their people and culture. The Court has also emphasized that for small-numbered peoples, their traditional crafts, in particular hunting, were not so much a means of subsistence but a guarantee of preserving identity and culture.

Thus, the Constitutional Court sided with Mr. Danilov, and the refusal of the Murmansk regional Ministry of Natural Resources and Ecology to grant the latter hunting privileges will be reviewed. In addition, the legislators will have to clarify the basis for the implementation of the right to hunt in order to preserve a traditional way of life and carry out economic activities by representatives of the indigenous peoples of the North, Siberia and the Far East.

The decision of the Constitutional Court in the case of Andrey Danilov has particular importance not only for the Saami people, but also for all other indigenous peoples living in Russia. The court ruling, according to which traditional crafts are a guarantee of the preservation of identity and culture, should become fundamental in the situation when land, forests and water resources on the lands of indigenous peoples are given over to industrial companies for development without any restrictions. These activities lead to the destruction of the natural environment and resources used by indigenous peoples, and therefore threaten the existence of the latter, their languages and culture.

UN SPECIAL RAPPORTEUR TO REVIEW THE PROBLEM OF ACCESS TO CLEAN WATER FOR INDIGENOUS PEOPLES OF SIBERIA

ADC Memorial has reported to the UN Special Rapporteur on human rights to safe drinking water and sanitation on the violation of the rights of the indigenous peoples of southern Siberia to safe drinking water and sanitation. Reports from civil society will be included in the report to the 51st session of the Human Rights Council in September 2022.

The material submitted by ADC Memorial presented an overview of violations of the environmental rights of indigenous peoples of southern Siberia – the Khakas, Shor, and Teleut peoples – who are harmed by the activities of coal and gold mining companies that have polluted the water, soil, and air. Coal mining and placer gold mining have already caused a true environmental catastrophe for many regions. With the development of the coal industry in the Republic of Khakassia, many lakes and small rivers that are a source of drinking water for the local population and for livestock are gradually drying up and becoming polluted. Gold mining is equally destructive for bodies of

water. In May and June of 2021, WWF experts identified 30 cases of complex river pollution resulting from placer gold mining in four regions of Siberia on plots along a total length of 1,474 km. Of these cases, five occurred along 203 km in Khakassia, and five were found along 218 km in Kemerovo Oblast. Such a powerful adverse impact on the soil and water of indigenous peoples makes traditional nature use impossible and harms the health of indigenous peoples.

The material devotes special attention to the fact that Russian law does not give indigenous peoples the right to own land that is part of their traditional settlement territories. The law only provides for the right to use lands at no charge in places where indigenous peoples have traditionally lived and supported themselves. As a result, territories that have served as a place of life and activity for indigenous communities for millennia and have been used for traditional trades like raising livestock, hunting, fishing, and foraging are being transferred to private companies that are decimating the natural and cultural environment of these indigenous peoples.

Mining companies are also able to violate the environmental rights of indigenous peoples because Russia's law on small indigenous peoples does not contain the concept of free, prior, and informed consent to all actions concerning territories where communities reside. According to the UN Declaration on the Rights of Indigenous Peoples, the principle of free, prior, and informed consent is a necessary condition for managing any activity relating to traditional lands, territories where indigenous peoples live, and resources indigenous communities use in their daily lives.

The lack of strict norms protecting the situation of indigenous peoples living on their ancestral lands leads to violations of the right to land, the right to a healthy environment, and the right to the self-determination and cultural development of indigenous peoples. These violations are systemic. The Russian government must respect and protect indigenous rights in accordance with its international obligations.

FIDH: HEALTHY ENVIRONMENT AND HUMAN RIGHTS: two historic victories achieved at the UN

A historic afternoon at the United Nations Human Rights Council witnessed states adopt two resolutions by an overwhelming majority.

- **The first resolution establishes the right to a clean, healthy and sustainable environment as an internationally recognised right, and brings environmental protection fully within the framework of human rights (43 in favour, 4 abstentions, 0 against).**
- **The second resolution creates a mandate for a Special Rapporteur (UN expert) for the promotion and protection of human rights in the context of climate change (42 in favour, 4 abstentions, 1 against).**

Recognition of the right to a healthy environment will lead to the development of state obligations and of stronger environmental laws and legal mechanisms to enforce such laws. It is particularly important for communities affected by polluting companies and for human rights and environmental activists who fight daily to protect the planet.

It is the culmination of two fights that the International Federation for Human Rights (FIDH) and over a thousand other civil society organisations, indigenous peoples, experts, and diplomats have been waging for years.

In September, FIDH launched #SeeYouInCourt, a campaign whose central objective was to demand the international recognition of the right to a healthy environment, on behalf of communities affected by polluting companies.

"The UN is taking a historic step by recognising the fundamental right of individuals to live in a clean, healthy and sustainable environment and by strengthening its tools to fight climate change. Its action plugs a legal gap that benefits polluting states and corporations. But it is urgent, and our mobilisation has only just begun." – Clémence Bectarte, Coordinator of the International Federation for Human Rights (FIDH) Legal Action Group

Encouraged by this first achievement, FIDH is maintaining the pressure on states to act quickly in response to the environmental and climate crisis. In particular, FIDH urges the states that will meet at COP26 in November, as well as the European Union, which is currently working on a proposal for a directive on the duty of vigilance, to regulate economic actors in order to respond to the blind spot in climate and environmental policies: corporate responsibility.

The UN Special Rapporteur on the right to adequate housing expressed concerns about discrimination of ethnic minorities and indigenous peoples, people with disabilities and other vulnerable groups

Mr Balakrishnan Rajagopal, the UN Special Rapporteur on the right to adequate housing, presented a new report on discrimination in the context of housing to the UN General Assembly on October 26, 2021.

This described problem is global; different groups of the population in many countries suffer from violations of housing rights, they have barriers in access to private and public housing, to building land, housing for rental, protection against evictions, habitability, to public services (water and sanitation, energy, public transport etc.). The report suggests measures to be taken by the states in order to overcome discrimination in the housing sector: anti-discrimination legislation and other forms of regulation, guarantees of access to justice and remedies for victims of discrimination.

The report pays special attention to the rights of ethnic minorities, including Roma, who in many countries face a systemic problem of demolitions of unregistered houses, evictions from homes, inability to legally connect to water, gas and electricity supply.

The Special Rapporteur, taking into account the ADC Memorial report, expressed particular concern about the problem of destruction of the traditional habitat of indigenous peoples, in particular, the situation of Khakas and Shors in Khakassia and Kemerovo region. He stressed that the activities of coal companies, including the seizure and destruction of homes, had negative impact on the right of indigenous peoples to a safe, clean, healthy and sustainable environment, including the quality of drinking water.

In the information sent to the Special Rapporteur, ADC Memorial also raised the issue of housing rights for people with disabilities in Russia (wheelchair users who don't have accessible environment, and people with mental disabilities who are massively recognized as incapacitated and are kept in closed institutions, often in inhumane conditions).

The Special Rapporteur recommends that States, regional, local and other public authorities, public and private housing providers, as appropriate:

Adopt comprehensive anti-discrimination legislation covering all protected groups, including women, children, persons with disabilities, LGBTIQ+ persons, migrants, IDPs and refugees, foreigners, racial, ethnic, religious groups and minorities, persons living in situation of homelessness and in informal settlements and prohibiting any form of discrimination in relation to the right to adequate housing by all public and private entities, including public and private housing and credit providers.

Review existing housing, tenant, land, building, town planning, zoning, banking, population registration, and social legislation and related regulations to ensure that they prevent and prohibit discrimination in relation to all elements of the right to adequate housing under international human rights law.

Establish accessible and sufficiently resourced non-judicial mechanisms (equality bodies, ombudspersons, NHRIs, housing rights advocates) at local, regional and national levels, that have the competence to investigate individual and collective complaints of housing discrimination, including systemic forms of housing discrimination; monitor discrimination in relation to housing through statistical analysis, surveys and other means; make recommendations for eliminating housing discrimination and provide legal advice and effective remedies to victims of housing discrimination. Such bodies should have the competence to refer cases of housing discrimination to courts which must be appropriately empowered. If such bodies already exist, enhance their competencies and resources in order to allow them to fulfill their role.

Collect and regularly publish data on housing and housing discrimination, disaggregated by age, gender, income, race, disability, ethnicity, religion, nationality, minority, IDP, refugee and residence status, sexual orientation, location, housing status (homeless, informal, formal, tenant, homeowner) and any other relevant group membership to monitor discrimination in relation to housing, covering habitability, affordability and accessibility of housing and services, security of tenure and access to justice and remedies.

Ensure that such data collected on housing discrimination is with the participation of and reflects the experience

of groups affected by or at risk of housing discrimination, and that the proposals which emerge from the analysis include their views on how housing discrimination experienced by them could be overcome.

Establish sufficient compensation and reparation schemes for victims of discrimination in housing, especially those who belong to historically marginalized groups.

Regularly monitor and identify any forms of systemic discrimination in relation to housing and adopt special measures and policies at national, regional and local levels to eliminate such discrimination in conformity with international human rights law.

Ensure that tenant unions, consumer protection associations and other public or private advisory offices are adequately trained and equipped to provide victims of housing discrimination with effective legal advice and social protection.

Ensure that housing and anti-discrimination legislation provides sufficiently dissuasive fines and sanctions for housing discrimination by public authorities and private entities, including public and private housing providers.

Provide training for the judiciary, administrative and town planning bodies, and private entities which function in the housing sector (such as real estate agents) on the fundamental elements and requirements of anti-discrimination laws and policies including international human rights standards, so that application of laws is encouraged to be fair and independent.

Undertake awareness-raising campaigns for the general public, to ensure greater awareness of non-discrimination in the provision of housing and related services, especially focusing on groups at elevated risk of housing discrimination which have been historically marginalized.

ECtHR Registers Complaint From Environmentalist and Human Rights Defender Johannes Rohr, who was Banned From Entering Russia for 50 Years by the FSB

On December 19, 2018, the FSB banned Johannes Rohr, a renowned international expert on the rights of the Indigenous peoples of Siberia and the Far East and the author of many alternative reports on the situation of Russia's small Indigenous peoples for the UN, from entering Russia for 50 years. Russian courts refused to find the FSB's decision illegal and overturn it, so, with support from ADC Memorial, Johannes Rohr submitted a complaint to the European Court of Human Rights. The ECtHR registered this complaint on October 18, 2021 under number 31452/21.

Johannes Rohr is a senior advisor on Russia for the International Work Group for Indigenous Affairs (IWGIA, Copenhagen, Denmark) and a project coordinator for the Institute for Ecology and Action Anthropology (INFOE, Cologne, Germany). Rohr has worked on the problems of Indigenous peoples in Russia since the early 1990s. Since 1997, he has regularly written and edited reports about the situation of small Indigenous peoples for various UN committees and other international human rights agencies. During his time working in Russia, Rohr fought for the right of Indigenous peoples to a traditional lifestyle, the preservation of endangered languages, and a high-protein diet for children in residential homes. Other human rights defenders do not know very much about these issues and cannot speak about them.

In spite of the importance of Rohr's activities for members of Russia's Indigenous peoples, on December 19, 2018, border control at Domodedovo Airport refused to let Rohr enter the country, even though he had a multi-entry visa for Russia, and told him that the authorities had decided to prohibit him from entering Russia until 2069, when Rohr will turn 100. He was not issued a copy of this decision or provided with an interpreter.

At the airport, a staff member from a unit of the FSB's border department wrote a memo citing a clause of the law "On the Procedures for Entering and Leaving the Russian Federation," which states that a foreign national cannot enter Russia if "this is necessary to ensure Russia's defense capabilities, national security or public order or to protect public health." However,

the FSB did not establish which of Rohr's actions posed a threat to national security.

After his arrest, Rohr spent the night in a foreign national detention center (FNDC), where he was put in a 15m² cell with 12 other people. The cell did not have any cots, so Rohr had to sleep on the cold tiled floor; he was not provided with any bedding or food. The next day, Rohr flew to Germany.

With support from the Anti-Discrimination Center Memorial, in March 2019 Rohr filed a complaint concerning his entry ban and the actions of FNDC staff with Meshchansky Court in Moscow. This court subsequently adopted a decision to split the proceedings and forwarded the administrative claim to find the entry ban illegal to the Moscow City Court, since the case involved a state secret. The proceedings were closed, and Rohr's claim against the FSB was denied, even though Russian special services cannot adopt an entry ban in relation to a citizen whose activities pose a threat to national security and the FSB did not submit any documents confirming the presence of such a threat to the court.

Having exhausted all legal remedies in Russia, with support from ADC Memorial Johannes Rohr submitted a complaint to the European Court of Human Rights. The complaint cited violations of several clauses of Article 6 (Right to a fair trial), namely: clause 1 (lack of a fair trial in the first and second instances; lack of adversarial proceedings; burden of proof placed only on the applicant); clause 3.a (applicant not allowed to participate in the proceedings); clause 3.b (applicant deprived of the ability to review and respond to the evidence submitted by the FSB); clause 3.c (defense attorney not allowed into the proceedings).

In addition, Article 8 (Right to respect for private and family life) was violated in conjunction with Article 10 (Freedom of expression): Johannes Rohr was performing professional activities to support Russia's Indigenous peoples, so the FSB's entry ban amounted to a ban on practicing his profession and a violation of his right to freely express criticism of human rights violations. The complaint maintains that the true goal of the FSB's decision was to prevent Rohr from collecting information about Russia's observance of Indigenous rights, submitting this information to UN bodies, and distributing it through various channels, which violates standards for the activities of civic activists and should not occur in a democratic society.

ECtHR registered a complaint against the blocking of The Barents Observer

In February 2019, Internet access to The Barents Observer, an independent Norwegian newspaper, was blocked in Russia. The reason for this was the editorial board's refusal to delete an article about Dan Eriksson, a Sámi person, which had raised some important issues, such as rejection of homosexuality, discrimination against indigenous peoples, and the need to overcome taboos.

The editor of The Barents Observer Thomas Nielsen explained the right to publish the article the following way:

"This is an important story. The role of the media is to give a tribune to people whose feelings have been suppressed or not acknowledged. This is a story about a brave man. We are proud to publish the interview prepared by Arjeplognytt."

The case of the Barents Observer shows many aspects of the problem of discrimination including violations of the rights of indigenous peoples, persecution of LGBTI+, restriction of the right to freedom of speech. The opportunity to freely publish serious materials on socially sensitive issues is especially important today, when censorship de facto is applied in the Russian media sphere, and many independent journalists are expelled from their profession due to the repressive legislation on "foreign agents". At the same time, the state bodies do not respond properly to the open expression of xenophobia and racism in the media space and provoke hate crimes in real life.

Anti-Discrimination Centre "Memorial" had supported the appeal against the illegal restriction of freedom of speech in courts of all levels in Russia, and in August 2021 upheld a complaint to the European Court of Human Rights (ECtHR) against violation of Article 10 of the European Convention of Human Rights (freedom of the media, expression, dissemination of information), as well as Article 13 in conjunction with Article 10 (right to an effective remedy). The ECtHR has recently registered the complaint under number 43551/21.

IMPORTANT RECOMMENDATIONS OF THE UN CEDAW TO RUSSIA ARE FOCUSED ON THE RIGHTS OF INDIGENOUS WOMEN AND OTHER VULNERABLE GROUPS



The state report of the Russian Federation was considered at the 80th session of the UN Committee on the Elimination of Discrimination against Women on November 2-3, 2021. Alternative material by ADC Memorial, Citizen's Watch in cooperation with the project "Woman. Prison. Society" and Sphere Charitable Foundation highlighted the problems of discrimination against women in employment, the situation of women in detention, violations of the rights of LGBT women, repressions against activists and human rights defenders, discrimination against vulnerable groups (women from ethnic and religious minorities).

After the review of the state report of Russia, the UN Committee on the Elimination of Discrimination against Women issued a number of important recommendations concerning women from vulnerable groups.

The Committee stressed the importance of participation of indigenous women in decision-making process in all levels, especially on the issues of the collective rights to use traditional lands and nature resources that are vital for communities; it is also recommended to ensure effective access for these women to education, medicine, and social benefits.

The Committee consider very important to ensure access to justice for women who find themselves in a vulnerable situation for various reasons: these are either representatives of ethnic minorities and indigenous peoples, or residents of rural and remote areas, or women in detention, as well as for instance journalists who need special protection due to their work.

Noting the positive changes in Russian legislation on legal status of foreign citizens (recent amendments on the possibility of obtaining a certificate of a stateless person), the Committee considered the reform too slow and recommended improving access to citizenship/legal status for asylum seekers, refugees and stateless persons, as well as groups that often have problems of documentation (like Roma). The CEDAW experts recommended that the Russian Federation ratify the Conventions on the Status of Stateless Persons (1956) and on the Eradication of Statelessness (1961), realizing the intention expressed earlier in the framework of the UPR.

The Committee pointed out the inadmissibility of segregation in education and recommended the development of inclusive education – in particular, for groups such as Roma, migrants and refugees, women

with disability. Experts stressed the importance of a safe environment in schools and universities, including the need for measures to combat bullying, harassment and violence in educational institutions.

The experts expressed deep concern about the situation in the North Caucasus region and demanded to protect women from "honor killings" and forced marriages, adopt legislation explicitly criminalizing female genital mutilation; effectively investigate crimes against women and bringing perpetrators to justice.

The UN CEDAW, as well as other UN Committees, had to repeat the recommendation to adopt, within a clearly defined time frame, comprehensive anti-discrimination legislation, with the definition of forms and grounds of discrimination in line with relevant Conventions and other UN documents.

Among other important recommendations of the Committee there are: adoption of the law on gender equality, the law on combating domestic violence, ratification of the Istanbul Convention; cessation of repressions against human rights defenders and NGOs whose activities are currently restricted by the law on "foreign agents"; the abolition of the so called "propaganda law" discriminating people on the basis of SOGI; ensuring independent monitoring of closed medical institutions, including psycho-neurological hospitals, in order to prevent violence and other human rights violations, developing a system of independent living for disabled women with the assistance services, ensuring their legal capacity and access to justice.

THE UN CEDAW CONSIDERED THE STATE REPORT OF KYRGYZSTAN

At the 80th session of the UN Committee on the Elimination of Discrimination against Women on November 2-3, 2021, the observance of women's rights in Kyrgyzstan was considered. The Committee's experts paid great attention to the information from civil society organizations and included the issues raised in their alternative reports in the open dialogue with the state delegation of Kyrgyzstan.

During the meeting of the NGO with the Committee, Baktygul Bozgorpoeva made a statement on behalf of ADC Memorial and the Kyrgyz Family Planning Alliance. She highlighted the problems of women's rights to work, including a discriminatory list of prohibited professions and the risks related to mass labor migration (various types of violence and exploitation, the harm of hard work to health, the risk of HIV and tuberculosis infection, negative consequences for families and children):

Dear Committee Members, our presentation is dedicated to the implementation of women's right to work.

Kyrgyzstan's economy is heavily dependent on labor migration – even during the Covid pandemic, up to one million Kyrgyzstanis work abroad, and women make up from 40% to 60% of this number. While unemployment is a big problem in the country, women's right to work is restricted by law with the discriminatory List of prohibited

jobs, which, under the pretext of caring for women's health, deprives them of professional choice.

Women's participation in migration slowly leads them to financial independence, but it also has many negative consequences. The patriarchal views widespread in the society are insufficiently criticized and often even supported by the authorities, they slow down the processes of women's emancipation and preserve gender discrimination. The isolation and vulnerability caused by migration status increases the risks of gender-based violence, forced labour and various forms of exploitation of women.

Often women are forced to migrate in order to pay off debts made by other family members. In rural areas, the departure of women for migration is seen as a lesser loss for workers in the household. ON the contrary, women who see migration as an opportunity for emancipation are often restricted by male family members in their free choice of way of life. Although women actually earn money for the whole family, they cannot manage their earnings or make impor-

tant decisions. They are stigmatized, accused of violating mainstream gender norms of behaviour.

The problem of reproductive health of migrant workers is acute. An increase in maternal mortality of women working abroad has been registered. The issues of sexual health are not included into school education, nor used to be discussed in the family and in public. Being not aware of using contraception, migrant women often go for abortions in illegal clinics abroad, they also leave new-born babies in maternity hospitals.

With the feminization of migration, migrant women get infected with tuberculosis and HIV, mainly from their partners. Women suffer not only from the negative consequences of HIV for their health, but also from stigmatization and ostracism from both relatives and medical and public services. As a result, women hide the diagnosis and refuse therapy. Legal employment of women with HIV both in Kyrgyzstan and in migration is almost impossible.

There are about 84 thousand children in Kyrgyzstan whose parents are

in labour migration. Many children do not even live with relatives, but with strangers; they face various types of violence, they even try to commit suicide, they stop attending school and have to work. Girls often work as nannies (both in Kyrgyzstan and in migration), they are locked up in other people's families working without days-off, they are unable to manage their earnings and make their own decisions, being at high risk of various violence.

We recommend:

Take measures to protect migrants from discrimination, exploitation, gender-based violence;

Take effective measures to protect the reproductive health of women, especially in migration;

Protect the rights of children affected by migration;

Guarantee gender equality in employment and abolish the List of jobs banned for women (Art.303 of the Labour Code).

THE UN CEDAW CALLS THE AUTHORITIES OF RUSSIA AND KYRGYZSTAN TO OVERCOME GENDER INEQUALITY IN EMPLOYMENT

The situation of women's rights in Russia and Kyrgyzstan was evaluated at the recent 80th session of the UN Committee on the Elimination of Discrimination against Women. A number of important recommendations of the Committee to both countries relate to violations of gender equality in employment.

The Committee has repeatedly recommended that the countries of our region, which inherited the list of prohibited professions for women from Soviet legislation, abandon this discriminatory norm. In the strategic decision on the Svetlana Medvedeva case (2015), the UN CEDAW recognized professional bans for women as discrimination – it has become one of the important arguments in the advocacy for women's equal right to work. Since 2017, when ADC Memorial launched the regional campaign *#AllJobs4AllWomen*, recommendations on revision of the restrictive approach to women's work in the ex-Soviet countries have been given not only by the UN CEDAW, but also by other UN Committees, and progress has been made in a number of countries. Thus, the lists of banned professions were cancelled in Ukraine,

Moldova, Uzbekistan, and Kazakhstan. Legislative reforms in Moldova and Kazakhstan appeared to be the most advanced, as discriminatory articles were excluded from the labor codes. In Ukraine and Uzbekistan, only by-laws directly establishing lists of banned professions were abolished, while the labor codes remained not amended.

In Russia, the Labor Code has not been changed, and the list of banned professions has only been reduced. However, since 2021, women in the transport sector (metro and railway train drivers, truckers, sailors) are already employed legally. The further reduction of the list has also been announced, but many occupations remain banned to women. Raising this issue in an alternative report to the UN CEDAW, ADC Memorial insists on complete abolition of professional bans and exclusion of the discriminatory norms from the Labor Code. On its 80th session, The Committee recommended Russian authorities to revise the list in order to eliminate discriminatory gender stereotypes.

In Kyrgyzstan, the need of abolishing the list of prohibited professions has long been discussed by the civil society.

Within the framework of the *#AllJobs4AllWomen* campaign, the Kyrgyz Family Planning Alliance, partner of ADC Memorial and co-author of the alternative report to the UN CEDAW, actively promoted gender equality in employment. This problem is also raised by the Human Rights movement Bir Duino Kyrgyzstan and its activists.

During the constructive dialogue at the 80th session of the UN CEDAW, representatives of the Kyrgyzstan state delegation expressed their readiness to review the restrictive approach to women's right work and put gender equality at the forefront. In its Concluding Observations, the Committee recommended to amend the restrictive articles 218 and 303 of the Labour Code, to review the list of banned occupations (Government Decree No. 158 of 24 March 2000), to facilitate women's access to such professions and to ensure proportional and individual approach to any occupational restrictions (now the prohibitions apply to all women, regardless of their age, wish and/or ability to have children).

ACHIEVEMENTS IN OPPOSING PROFESSIONAL BANS FOR WOMEN IN 2021

News of the campaign #AllJobs4AllWomen

KAZAKHSTAN: cancellation of the list of prohibited professions and exclusion of discriminatory articles from the Labor Code

On October 12, President Tokayev signed the Law “On Amendments and Additions to Several Legal Acts of the Republic of Kazakhstan Regarding Social Protection for Certain Categories of Citizens,” which removes restrictions on employment for women from the Labor Code. This measure to eliminate discrimination against women was part of the Urgent Action Plan in the field of human rights, which was approved on June 11, 2021.

In accordance with the amendments, Kazakhstan’s Labor Code will no longer mention “banned professions.” This means that

the list of professions banned for women will be repealed (the corresponding words were deleted from subclause 27 of Article 16; however, this article still lists maximum weights that women can lift and move by hand);

the ban on women signing a labor contract and working in professions from which they were previously excluded has been lifted (subclause 4 of clause 2 of Article 26 – ban on women holding “arduous, harmful or dangerous jobs from the list of jobs restricted for women” — was deleted).

RUSSIA: the list of prohibited professions continues to be reduced

In Russia, the list of professions prohibited for women continues to be reduced. From March 1, 2022, by order of the Ministry of Labor and Social Protection of the Russian Federation, a number of professions were allowed in aviation (such as an aviation mechanic (technician) working with airframe and engines, instruments and electrical equipment, radio equipment, parachute and emergency rescue equipment; an aviation technician working with fuel and lubricants; a wing technician; an engineer working on the maintenance of aircrafts (helicopters)).

Raising again this issue in an alternative report to the UN CEDAW, ADC Memorial insisted on complete abolition of professional bans and exclusion of the discriminatory norms from the Labor Code. On its 80th session (November

2021), The Committee recommended Russian authorities to revise the list in order to eliminate discriminatory gender stereotypes.

KYRGYZSTAN: the authorities expressed their readiness to change the restrictive approach to women’s employment

During the constructive dialogue at the 80th session of the UN CEDAW (November 2021), representatives of the Kyrgyzstan state delegation expressed their readiness to review the restrictive approach to women’s right work and put gender equality at the forefront. In its Concluding Observations, the Committee recommended to amend the restrictive articles 218 and 303 of the Labour Code, to review the list of banned occupations (Government Decree No. 158 of 24 March 2000), to facilitate women’s access to such professions and to ensure proportional and individual approach to any occupational restrictions (now the prohibitions apply to all women, regardless of their age, wish and/or ability to have children).

BELARUS: authorities promise to halve the list of prohibited professions

During the review of the state report to the Committee on Economic, Social and Cultural Rights (CESCR) in February, 2022, the representative of the Ministry of Labor of the Republic of Belarus announced the reduction of the list of professions prohibited for women by half – from 181 to 90. The CESCR recommended to completely remove restrictions on women’s employment and strengthen the protection of the rights of employed mothers.

Uzbekistan: the UN CEDAW recommended reviewing the restrictive approach to women’s employment

Considering the state report of Uzbekistan and alternative materials at its 81st session (February 2022), the UN Committee on the Elimination of Discrimination against Women expressed concern with the fact that instead of the abolished List of professions prohibited for women, a new “recommendative” list was introduced, actually copying the previous one. At the

same time, women make up only 12% of employees in managerial positions, there is a significant gender pay gap, horizontal and vertical gender segregation in the labor market, barriers for employment of women from vulnerable groups.

The Committee recommended to Uzbekistan to refocus its employment policy and base it on the principle of gender equality, in particular:

- (a) Expedite the adoption of the Action Plan to create a pool of women eligible for managerial positions;
- (b) Take targeted measures to promote women’s access to formal employment, including management positions and higher paid jobs in traditionally male dominated professions and to decision-making positions in national and local administration, through professional training, incentives for women’s preferential recruitment, expanding the number and quality of childcare services and pre-school education in urban and rural areas, and by taking measures to alleviate the impact of the COVID-19 pandemic on women’s employment;
- (c) Effectively implement the principle of equal pay for work of equal value by regularly reviewing wages in sectors in which women are concentrated and adopting measures to close the gender pay gap, including through gender-neutral analytical job classification and evaluation methods and regular pay surveys;
- (d) Review the list of non-recommended occupations restricting women’s access to certain professions and jobs; facilitate women’s access to such occupations; and ensure that any restrictions are proportionate and applied on a case-by-case basis and not sweepingly to all women;
- (e) Ensure maternity protection for women working in the informal economy; facilitate the return to work of young mothers; and promote equal sharing of household and childcare responsibilities between women and men, including by expanding the use of paternity leave;
- (f) Ratify ILO Convention No. 156 (1981), on Workers with Family Responsibility; and
- (g) Improve access to employment and training opportunities for disadvantaged and marginalized groups of women, such as women belonging to ethnic minorities, women with disabilities and migrant women, and provide pre-departure training for women who migrate.

Gender Hub Azerbaijan launched #AllJobs4AllWomen campaign in Azerbaijan

Gender Hub Azerbaijan, a social platform that defends women's rights, has joined the #AllJobs4AllWomen campaign to lift the list of jobs prohibited for women in Azerbaijan.

The list of professions prohibited for women, which has been in force in Azerbaijan since 1999, consists of 678 types of work in 38 sectors. This is the largest list of restrictions on female labour in the region.

In 2019, the UN Committee on Economic, Social and Cultural Rights, based on the results of consideration of the state report, drew the attention of Azerbaijan to aspects of gender equality in the implementation of socio-economic rights and requested the information on measures aimed at lifting restrictions on women's employment. Hundreds of professions, including well-paid and in demand, remain inaccessible to women under the pretext of protecting their reproductive function, while the age of women, their ability and desire to have children are not taken into account. This leads to the creation of unequal labour conditions and creates a hurdle not only to professional realisation, but also to the economic independence of women.

In 2019, ADC Memorial, in its alternative information submitted to UN CESR noted the negative impact of deeply ingrained gender stereotypes, which result, inter alia, in violation of women's rights in employment.

In March 2020, members of the Committee on the Elimination of Discrimination against Women asked the Azerbaijani authorities to provide information on the measures taken to abolish the list of prohibited professions for women and ensure equal access to labour for women and men, on the planned measures to accelerate progress towards equality between women and men in areas where women are disadvantaged or underrepresented, including education and employment.

In response, the Azerbaijani authorities informed the UN CEDAW that they were planning to abolish the list of prohibited professions, and instead approve the lists of prohibited workplaces and harmful factors for pregnant women and women with children under one year of age in accordance with international standards. Also, in order to eliminate the sharp difference between the average monthly wages of women and men in the country, which is considered as indirect discrimination by ILO experts, changes are being introduced to the national legislation.

In June 2022, the state report of Azerbaijan is going to be considered by the UN Committee on the Elimination of Discrimination against Women.

ADC MEMORIAL WELCOMES THE RATIFICATION OF THE ISTANBUL CONVENTION BY THE REPUBLIC OF MOLDOVA

On January 31, Moldova completed the ratification of the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence (Istanbul Convention). It has come into force 3 months after the ratification – at May 1, 2022.

Ratification of the Convention means recognition of the problem of gender-based violence and domestic violence and the willingness of the state to change the situation, i.e. amend national legislation, expand the concept of violence against women (in addition to physical and sexual violence, it is also psychological violence, stalking, forced marriage, forced abortion, forced sterilization, harassment), strengthen or create legal, psychological, social support and protection of victims, effective prosecution of perpetrators. The Convention defines violence against women as a violation of human rights and a form of discrimination, and obliges countries to develop and adopt comprehensive anti-discrimination legislation, adopt an action plan on elimination of gender discrimination, and strengthen support for NGOs working on countering gender-based violence.

Ratifying the Istanbul Convention, Moldova responded to the recommendations of Human Rights defenders and international bodies. In alternative reports to UN Committees submitted by ADC Memorial in partnership with colleagues from Moldova, the Human Rights defenders called the authorities to respect women's rights and improve national legislation. In 2017, in a report to the UN Committee on Social, Economic and Cultural Rights, we raised the problem of discrimination against women in employment and recommended to cancel the list of professions banned for women. Again in 2017, the attention of the UN Committee on the Rights of the Child was drawn to the multiple discrimination of Roma girls and

women (harmful traditional practices of early marriage, problems of access to education, lack of support for Roma families). In 2020, in an alternative report to the Committee on the Elimination of Discrimination against Women, we stressed that deeply rooted patriarchal views on gender roles in the family and society and related discriminatory stereotypes significantly slow down the process of achieving gender equality in employment, support horizontal and vertical gender segregation, that further increases women's economic dependence. ADC Memorial called on the country's authorities to conduct effective information campaigns on women's rights in employment and countering gender stereotypes.

In 2020, among the recommendations of the UN CEDAW, there were accelerating the ratification of the Istanbul Convention, ratifying ILO Convention No. 190 against Violence and Harassment at Work, resuming the activities of the government body on equality of women and men, prohibiting sexist statements in the public sphere and the media, revising school curricula and textbooks in order to eliminate discriminatory gender stereotypes, as well as preventing the dissemination of such views by teachers.

Moldova already has good practices for achieving gender equality. Since 2013, the Anti-discrimination Law No. 121 "On Ensuring Equality" has been in force in Moldova; the Council for the Prevention and Elimination of Discrimination and Ensuring Equality has been working. In 2017, professional restrictions for women were abolished in Moldova – the list of professions prohibited for women was canceled, and special protective measures for pregnant, recently delivered and lactating women appeared in the country's Labor Code. We welcome the ratification of the Istanbul Convention as a new step for the protection of Human Rights of the most vulnerable groups and for the improvement of state gender policy.

Moldova became the 35th country in the world and the second country in the post-Soviet region that ratified the Istanbul Convention (it is in force in Georgia since 2017).



PERSECUTION OF LGBTI+ PEOPLE IN RUSSIA: Increasing repressions 2021-2022

It has been almost a decade since the repressive laws on “foreign agents” (2012) and “gay propaganda” (2013) were adopted. At the time of their adoption, defenders of the rights of LGBTI+ people were at the forefront of Russia’s human rights movement and became one of the first targets of state persecution. With the increase in political repressions came an increase in homophobia propagated by the authorities. Now we can assess how political repressions against LGBTI+ organizations and activists have been reflected in public opinion, state practices, and the situation of the most vulnerable LGBTI+ individuals.

In 2013, as preparations for the “gay propaganda” law were underway, Levada Center sociologist Aleksey Levison wrote the following about the results of a poll that identified a high level of homophobia in Russian society:

“What is currently being presented as a fight against propaganda is actually a fight against freedom. Not the freedom for same-sex relationships and marriage – that affects just a small percentage of people living in Russia – and not even the freedom to come out into public space, but the freedom of all people to express their opinion, their position in this space.... Homophobia always goes hand in hand with fascism. The heinous example of Hitler’s Germany showed very clearly what we should never have forgotten: What starts with wiping out a minority ends with disaster for all of humankind.”

A poll conducted by the Levada Center in October 2021 showed a heightening polarization of public opinion in regard

to LGBTI+ people. While the number of people who would deny adults the right to enter into a consensual same-sex relationship rose to 69% (60% in 2013), the number of people who recognize this right increased slightly, from 23% in 2013 to 25% in 2021. Opinions were also polarized in relation to equal rights for LGBTI+ people: There was significant growth in the number of people opposing equal rights (59% versus 47% in 2013), while the number of supporters of equal rights fell (33% versus 39% in 2013). In terms of personal attitudes toward LGBTI+ people, there was an increase in neutrality and friendliness (to 36%, from 29% in 2013) and a drop in negative attitudes (to 50%, from 68% in 2013), although there was an increase in what Aleksey Levinson called “collective phobias” (feelings of “repulsion and fear” rose from 26% to 38%).

POLITICAL PERSECUTION: recognition as “foreign agents,” forced liquidation of organizations, forced emigration

The increase in neutrality at a personal level coupled with denial of equal treatment politically and heightened unconscious fears are most likely the result of the fact that the persecution of LGBTI+ people has predominated on the political plane – in terms of laws (the creation of new lists of “foreign agents”) and their application (censorship, inclusion in lists, liquidation of organizations). The chronology of surging repressions in 2021-2022 given below lists organizations that work to protect LGBTI+ rights and individual

activists who were deemed foreign agents for various reasons, some not for the first time.

May 20, 2021, Phoenix Plus, an HIV service, and the administrator of the Parni+ [Guys+] website were fined 300,000 rubles. This organization was charged with violating the first clause of Article 19.34 of Russia’s Administrative Offenses Code (on failure to independently register as a “foreign agent”). NGO. Founder and director Yevgeny Pisemsky:

“I have been living with HIV for 20 years and have devoted 16 of those years to making sure people with HIV receive assistance, and to reducing the number of new infections as much as possible. Over the years of our work, we have helped tens of thousands of people, but the Ministry of Justice’s illegal decision has basically forced us to close down, since we cannot pay such enormous fines.”

On November 8, 2021, the interregional social movement Russian LGBT Network was added to the registry of unregistered public associations performing the functions of a foreign agent by the Ministry of Justice. The ministry decided that calling on people to sign a petition to revoke the law on “foreign agents,” publishing the book From Dawn to Dusk: Mama, Papa and the Kids, and distributing the results of a survey monitoring discrimination on the basis of sexual orientation and gender identity amounted to political activities. On the same day, Max Olenichev, the legal adviser to Russian LGBT Network and the advocacy group Coming Out, was added to the list of foreign agents.

On November 12, 2021, Igor Kochetkov, a historian, human rights defender, blogger and founder of Russian LGBT Network, was added to the registry of foreign media outlets performing the functions of a foreign agent:

"... I am a 'foreign agent' three times over.... I was the director of the charitable foundation Sfera, which was deemed a 'foreign agent' in 2016, then I recently became one again as the founder of the Russian LGBT Network, and now I've become one as an individual.

And I am now going to say something that is very unpopular with my colleagues: Yes, we are engaged in political activities, all joking aside. This is politics. I just explained why sexuality is politics. And when we speak about sexual freedom, this is a political question, which is where politics ultimately begins.

When we are evacuating gay Chechens, when we say that the Chechen government committed crimes against humanity and the Russia federal government covered this up for them, are we not engaged in political activity? Well, I'm sorry to say it, but we have to admit that we are. Yes, we are engaged in politics, and yes, we receive foreign financing, which I am also not ashamed of. And moreover, I can assert that no self-respecting human rights organization should receive state funding, at least from the state where it operates. Because the state is our natural opponent, and we will have a conflict of interest if we take money from this state and use it to protect people from it."

On December 17, 2021, the Far Eastern social movement Mayak [Light-house] was added to the registry of unregistered public associations performing the functions of a foreign agent by the Ministry of Justice. This organization provides legal and socioeconomic assistance to LGBTI+ people and women who are the victims of violence in Russia's Far East. Mayak director Regina Dzugkoyeva said:

"I understood that this would happen to us, even though I was hoping for common sense to prevail. We still don't know why exactly we were deemed a foreign agent. Maybe we will find out later. But right now anyone could become a foreign agent and any activity at all could be considered political activity.

For me it's madness to call an organization that helps your very own citizens a foreign agent. They help women suffering from domestic violence. They save Russian citizens – homosexual, bisexual, transgender, but still Russian citizens – and they suddenly end up foreign agents.

If I had wanted to get rid of foreign financing, I would probably have done that back when all this was starting. But I believe there is no foreign or non-foreign financing in our work. There is a prob-

lem: Women being beaten in their families. There are LGBTI+ people facing violence. And it doesn't matter one bit to me which foundation is giving me money to save these people. Our organization gets financing where it can. If the state doesn't help, then of course I'm going to look for help from any other source I can find.

We are planning to continue our work, to carry out the same functions that we carried out before."

On December 23, 2021, Coming Out and the advocacy group Reverse were added to the registry of unregistered public associations performing the functions of a foreign agent by the Ministry of Justice.

On April 15, 2022, the following people were added to the registry of "foreign agent" media outlets:

Maria Sabunayeva, a well-known psychologist (who organized and heads Russian LGBT Network's psychological service), feminist, and author.

"I have worked for LGBT organizations deemed foreign agents like the advocacy group Coming Out and the Russian LGBT Network. It appears this was enough: We were paid using grant money (since it's impossible to receive support for LGBTI+ people in Russia), and any mention of the rights of a given group is deemed political activity.

But this coincides with my feminist optics, where 'the personal is political,' even though that obviously is not what the Ministry of Justice based its decision on. The stamp of foreign agent is, of course, about political persecution by the government, about an attempt to force us to be silent and stop acting.

Now I have to figure out how to do all this reporting about how I spend my money (spoiler: on my family's life, food, medications, rent, transportation, and other terrible political expenses). Instead of spending time with my child, I have to think about litigation with the Ministry of Justice to be removed from the registry, even though my human rights position here is that I am prepared to be listed in this registry for as long as it exists, because this is not about how I personally ended up there, but about the fact that it shouldn't exist in principle, that it's a blot on the country. It's likely that my responses will also have to be marked as the political statements of a foreign agent. Let it be that way!"

Regina Dzugkoyeva, head of the Autonomous Nonprofit Organization Lilit and the Far Eastern social movement Mayak, which works to protect the rights of LGBTI+ people.

"It seems to me that listing someone in the foreign agents registry is an attempt to brand people with a disgraceful

stamp to make society condemn them. But I don't think this trick will work for them.... I have a long and spotless reputation. I'm receiving many messages in support now. People aren't turning away from me."

the journalist Karen Shainyan, creator of the popular video channel "Straight Talk With Gay People," which is about the life of LGBTI+ people and communities in Russia and elsewhere.

On April 22, 2022, the Ministry of Justice added Yaroslav Sirotkin, a member of the LGBT-movement Callisto from Yaroslavl and one of the coordinators of a shelter in Armenia for LGBTI+ refugees from Russia, Ukraine, and Belarus, to the registry of "foreign agent" media outlets.

Assigning LGBTI+ organizations the status of "foreign agent" has become a prelude to their liquidation in court, with charges of unconstitutionality. For example, on April 21, 2022, a Saint Petersburg court liquidated the charitable foundation Sfera, which provides support for Russian LGBTI+ initiatives, at the request of the Ministry of Justice. In court, a representative from the ministry said that the foundation's activities "were aimed at changing the law, including the Constitution," and were not in line with charitable purposes. According to the ministry, the foundation only provides assistance to the LGBTI+ community, while the Constitution enshrines "the main traditional family values."

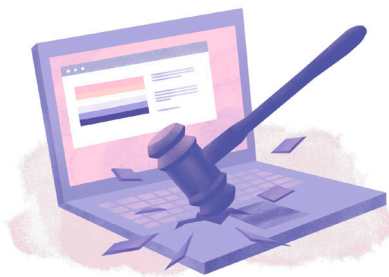
"...the ministry and the court adopted this decision on grounds that were not legal, but ideological. There is no Russian law that bans the activities of organizations that 'are not in line with' a given value. The law simply does not contain any grounds for liquidating this NGO. In this sense, the court decision was significant: Mandatory state ideology has returned. It's official." – Igor Kochetkov, founder and past director of the foundation

The natural result of political repression is the emigration of human rights defenders and activists. On April 20, 2022, the entire Coming Out team left Russia. Aleksandr Voronov, executive director of Coming Out:

"We are a Saint Petersburg-based initiative. We have spent our entire existence working from Saint Petersburg, for LGBTI+ people from Saint Petersburg, and we never considered leaving. After the war started, and to our enormous regret, we understood that we could not continue further work from Russia: We could no longer guarantee the safety of our team if we stayed there. Because of security considerations and heightening repressions and censorship, we would have to make deals with our conscience even when posting to social media.

We were not prepared for such deals. We elected to continue working from abroad to be honest with ourselves and our beneficiaries, and to be able to continue doing what we truly believe is important.

We also believe that we will someday be able to return to Russia, open our doors, and again meet the people who are dear to us. But for now we will do everything within our power to bring this day closer.”



PROHIBITION OF ENLIGHTENMENT AND CREATIVITY ON SOCIAL THEMES

The repressive law “on propaganda” has made it almost impossible to draw attention to discrimination against LGBTI+ people. This concerns not just the persecution of human rights organizations and the blocking of educational websites, but also the censoring of television shows, advertising campaigns, foreign films being rented in Russia, and the translation of children’s and educational books. Repressions have even affected show business, a sector where the public expression of freedom of sexual relations has traditionally been permitted. Below are several examples of violations of freedom of speech, freedom of expression, and creative freedom.

On March 10, 2021, upon the recommendation of the district prosecutor’s office, the Ostankino Court prohibited the distribution, on YouTube, of Karen Shainyan’s clip “Gay Adoption: Is this the Russia you want? #DaVyberu [#YesItIs] (18+).” This clip came into being as a dissection of stereotypes in a homophobic advertisement about “Russia’s future” and included detailed stories about same-sex couples raising children. The clip’s blocking was appealed and found illegal. Maks Olenichev, legal advisor to Coming Out:

“The prosecutor’s office had to reject the lawsuit, because we showed that Karen Shainyan’s clip complied with all the requirements of the law. Discussions about the situation of LGBTI+ people in Russia are complicated, but possible. The

state does not always succeed in restricting or stopping them. In fact, it turned out that the prosecutor’s office did not understand if this was gay propaganda or not, so it was mistaken in citing the law on gay propaganda.”

On June 5, 2021, the Resource Center website for LGBTI+ people was blocked for “gay propaganda” under a decision of the Ordzhonikidzevsky District Court, Yekaterinburg.

On November 17, 2021, Moscow’s Basmanny District Court fined the television station Muz-TV one million rubles for promoting non-traditional sexual relations to minors (Part 2 of Article 6.21 of Russia’s Administrative Offenses Code). The judgment reads that:

“during an analysis of the recording of MUZ television (in the episodes Muz-TV Prizes 20/21. The Dawn of the World) investigators identified characteristics of the promotion of non-traditional sexual relations among minors, which was expressed in the distribution of information aimed at forming non-traditional sexual attitudes among minors, making non-traditional sexual relations appear attractive, and presenting a distorted view of social equality between traditional and non-traditional sexual relations, or imposing information about non-traditional sexual relations and arousing interest in such relations, committed with the use of the mass media. In other words, information was disseminated that rejected family values, promoted non-traditional sexual relations, and is banned for distribution to children....”

In their opinion, experts said that there were guests at the premiere whose “clothes and behavior that did not correspond to the image of a man of traditional sexual orientation in Russia’s culture,” and that the host, Filipp Kirkorov, “said that love is beautiful, that it has no boundaries, frame of mind, or gender, that everything done in the name of love is correct, that is, the possibility of same-sex relations was implied [on air] in an environment where there was a high level of positive emotions.”

On November 16, 2021, the Federal Oversight Service for Communications, Information Technology, and Mass Media [Roskomnadzor] blocked the website of the LGBT film festival Side by Side on the basis of complaints from right-wing groups. Even though the website is marked 18+, the official reason for its extrajudicial blocking was that “information about age restrictions does not prevent minors from accessing the website’s resources.” In December 2021, it became known that the Ministry of Culture refused to include the Side by Side festival in a list of international film festivals for the upcoming year “because of violations of the law.” This obligates the

festival’s organizers to obtain distribution certificates for each film, making it impossible to hold the film festival at all.

On April 15, 2022, the Main Investigative Department of Nevsky District, Saint Petersburg opened a criminal case under Part 1 of Article 148 of Russia’s Criminal Code (“Public actions expressing willful disregard for society and committed with the intention of offending the religious feelings of believers”) against the photographer Sergey Kondratyev. This case was prompted by a complaint about an eight second video on Sergey’s Instagram page. The video shows him kissing his partner in front of Saint Petersburg’s Holy Trinity Cathedral.

“I didn’t even think there would be any consequences when I posted the video, and I still don’t think that my video could offend someone or cause emotional distress – it’s just a regular kiss. But I am preparing for the worst. I have absolutely no faith in the Russian justice system and, if the case goes to court, the verdict will naturally be guilty. The only question is what the punishment will be.”— Sergey Kondratyev

The criminal investigation of Yulia Tsvetkova – an artist, director, and LGBTI+ activist from Komsomolsk-on-Amur – has been dragging on for over three years. On February 5, 2019, she was accused of promoting an LGBTI+ lifestyle to minors for working with adolescents to put on a play about gender stereotypes. Police and FSB officers intimidated the child actors and their parents. In November 2019, she was charged with the illegal preparation and dissemination of pornographic materials online (paragraph b of Part 3 of Article 242 of Russia’s Criminal Code) for maintaining the public page Vagina Monologues on Vkontakte. She was kept under house arrest from November to March as part of the criminal case, but the court later changed this pretrial restriction to a written undertaking not to leave. Yulia went on a hunger strike on May 1, 2021 to protest the amount of time the trial was taking: In December 2021, charges of disseminating pornography were filed for the fourth time.

“This is all the same case, the prosecutor just isn’t forwarding it to court, but is instead sending it back for additional investigation. First the Ministry of Internal Affairs was leading the investigation, then it was the Investigative Committee (they filed charges twice), and now it’s the Investigative Committee for Khabarovsk Krai.”— Yulia’s mother, Anna Khodyreva.

According to information from the Russian LGBT Network, the FSB is involved in the identification and administrative prosecution of “the promotion of

non-traditional sexual relations,” which “is not one of the agency’s responsibilities under its bylaws.” According to the organization, letters from the FSB were used to open the case against Yulia Tsvetkova and the case against Aleksey Pavlov, the administrator of a gay dating group who was fined 50,000 rubles for “promoting non-traditional sexual relations.”

On June 29, 2021, the European Court for Human Rights registered the complaint Tsvetkova v. Russia. The court asked Russia to respond to the questions of whether articles on freedom of expression, the right to a fair trial, the right to personal inviolability and family life, and the article banning discrimination (in conjunction with Article 10 of the European Convention on Human Rights) were violated. Russia was supposed to respond to the questions by February 23, 2022.



NORTH CAUCASUS: Murders, Kidnappings, Torture

The most vulnerable members of the LGBTI+ community are having an even harder time accessing assistance because many human rights defenders have been forced to leave Russia and many organizations working in this area have been shuttered. This is particularly true of the North Caucasus, where the situation with LGBTI+ rights is most acute. Illegal detentions, kidnappings, arrests, torture, and killing of LGBTI+ people committed with the involvement of security officials has been documented there. The North Caucasian Federal District ranks first in terms of frequency of physical violence committed by the relatives, colleagues, and classmates of LGBTI+ people. The lives of LGBTI+ people in this region are also at high risk because of “conversion therapy” and the practice of “driving out evil spirits and djinns,” which is practiced not just as a form of alternative “folk” medicine, but also at quasi-medical centers, where people are “cured” of being homosexual or transgender. Security officials catch up with people who try to flee to other regions of Russia with assistance from local colleagues.

In April 2021, the European Center for Constitutional and Human Rights (ECCHR) and the Russian LGBT Network filed a criminal action in a German court against five supporters of Chechen leader Ramzan Kadyrov. The authors of this action accused the five Chechen officials of harassment, illegal arrests, torture, rape and incitement to murder of at least 150 people because of their sexual orientation and gender identity.

In March 2017, information was received from Chechnya about mass repressions against Chechens suspected of being gay. The victims started appealing for assistance to the Russian LGBT Network, which, in cooperation with Novaya gazeta journalist Yelena Milashina, prepared a report on these crimes. The Investigative Committee’s pre-investigation review did not yield any results: No criminal cases were ever opened, and, in spite of the public testimony and complaints of real people, the Russian authorities said they could not confirm evidence of a crime. In 2019, the Russian LGBT Network helped over 140 gay Chechens immigrate to European countries and Canada.

On June 10, 2021, 22-year-old Khalimat Taramova, who was hiding in a safe house in Makhachkala intended for victims of domestic and sexual violence because of domestic violence and threats to her life and health due to her sexual orientation and her desire to divorce her husband, was forcibly removed from this safe house and returned to her relatives in Chechnya as part of a “special operation.” Several days later, Chechen television broadcast an interview with Taramova recorded at her parents’ home. In it, she asserts that her rights are not being violated and that she is fine. According to her relatives, Khalimat is not a member of the LGBTI+ community, since “there cannot be sexual minorities” in Chechnya. Akhmed Dudayev, the Chechen minister for national politics said that Khalimat had mental health problems, which were supposedly confirmed by medical documents. Such a statement implies that there is a direct threat to the safety and life of Khalimat Taramova, who could be placed in a psychiatric clinic or even killed, since evidence from human rights organizations shows that honor killings are practiced in Chechnya and the North Caucasus in general and are often masked as suicide:

“We call on human rights organizations, international human rights organizations, and the international community in general to do everything within their power to save Khalimat Taramova, whose life and health are currently under threat, and we demand that the Russian authorities protect her rights and free-

doms, including by ensuring her safety and her ability to leave Chechnya.”—Russian LGBT Network

On February 22, 2022, the Achkhoy-Martanovksy District Court in Chechnya read out its verdict concerning the brothers Salekh Magamadov and Ismail Isayev. The court sentenced 21-year-old Magamadov to eight years in prison and 18-year-old Isayev to six years in prison under charges of buying a bag of food for a Muslim fighter. The brothers (one is gay, the other, transgender) were the administrators of the Telegram chat for atheists Osal Nakh 95.

The brothers explained that in April 2020, they were kidnapped (Magamadov, in Grozny, and Isayev, in Saint Petersburg) and held for two months in the basement of the second regiment of the Akhmat Kadyrov Patrol and Checkpoint Service in Grozny; both were tortured. Magamadov said he was told he had been arrested for his own good, that he was lucky that he hadn’t left for Europe because then no one could have corrected him: “We are torturing you to correct you. We will release you when we believe you have been corrected. If you end up here a second time, we will subject you to even harsher torture, because you’re just dense.” After they were tortured in 2020, the Russian LGBT Network helped the brothers leave for Nizhny Novgorod, but Chechen security officials arrested them on February 4, 2021 with the assistance of local colleagues and took them to Chechnya. There, the brothers were not allowed to see a defense attorney for three days, while their father was beaten and threatened with disgrace for the entire family if the brothers did not turn down a lawyer. The parents and older brother left Russia immediately after this. In March 2021, security officers brought “almost 20” of the defendants’ relatives to the police department and demanded that they find the brothers’ parents and bring them to Chechnya and that they commit “honor killings” against Magamadov and Isayev.

“Everyone knows the case is fabricated, but Chechen society believes that this is correct and that we should be killed, but to the shame of our times, the case had to be brought to court,” wrote the younger brother, Ismail Isayev, from the pretrial detention center. “For Chechen society to despise us, all we have to do is exist. But, fortunately, I have deep contempt for the opinion of this society, whatever it may be, and I don’t have to reckon with it. I am accustomed to following my common sense and my heart, so I will remain alone before society. I think the fact that so many evil and ignorant people wish us ill and the fact that we have not adapted ourselves to this harsh world, is a credit to us.”

DISCRIMINATION, HATE SPEECH, HATE CRIMES: the reality of LGBTI+ across Russia

The most flagrant violations of LGBTI+ rights have been recorded in the North Caucasus, but polls taken throughout the entire country show a high level of homophobic violence, discrimination, and xenophobia. According to a poll by the Russian LGBT Network (October 2021), 78.4% of respondents had faced violence or discrimination in connection with their gender identity and/or sexual orientation. Almost one-third of all cases of violence originated with members of homophobic and transphobic organizations. The poll showed that LGBTI+ people everywhere must hide their identity or orientation. Almost one-quarter of respondents were involved in cases where their personal data was used illegally for blackmail or extortion, and the rights of 14.8% were violated at work. Fifty-two people were fired because of their gender identity or sexual orientation.

The law enforcement and judicial systems are not only unable to protect the rights of LGBTI+ people, but in fact often act as agents of discrimination and violence. In 25% of cases, the police did not accept victims' statements, and staff at law enforcement agencies often support homophobic attitudes and actively fight LGBTI+ activism. They do not bother to investigate attacks by right-wing groups and often disrupt educational LGBTI+ events themselves. Experts from human rights LGBT organizations in the Far Eastern Federal District also commented that the media are active disseminators of homophobia in the region and that they "promote hatred of LGBTI+ people, with real success." Experts from some regions also commented on the negative role played by the local elite, which cultivates homophobic and transphobic attitudes in the public consciousness.

On May 8, 2021, Sergey Dyatlov was attacked by a group of four people on his way to a Saint Petersburg nightclub. The attack was accompanied by the yelling of xenophobic statements. There were a lot of people on the embankment. They asked the attackers to stop, but that didn't help. Paramedics diagnosed Sergey with a concussion, hematomas, contusions, and abrasions. The police caught the main attacker, who is being prosecuted under Article 6 of the Administrative Offenses Code (which is interpreted as "battery" and entails an administrative fine or administrative arrest).

"We do not agree with this assessment of the crime and will push for a criminal case under Article 116 of the Criminal Code, since this attack was on the grounds of hatred of an LGBTI+ person, and for the prosecution of all the attackers." — Coming Out lawyer Kseniya Mikhailova

On June 30, 2021, the VkusVill grocery store chain published the story of an LGBTI+ family made up of four women (a mother, her two daughters, and the girlfriend of one of the daughters) as part of the advertorial "Recipes for Family Happiness." Many Russian media outlets wrote about the ad, noting that this was the first time a large Russian brand was supporting LGBTI+ people. Homophobic groups started attacking VkusVill immediately after the article was published. The Telegram channel Male State published links to the accounts and home address of the women and spewed out insults and death threats. VkusVill removed the photo from the publication, replacing it with these words:

"There was an article in this spot that struck a painful chord with a large number of our shoppers, employees, partners, and suppliers. We regret that this happened and believe that this publication was our mistake and demonstrates the unprofessionalism of certain staff members. Our company's goal is to give our buyers a chance to buy fresh and tasty products every day. It is not to publish articles that reflect any political or social views. We did not in any way wish to become the source of discord and hatred."

The women were forced to quickly move from their apartment to a safe place.

I don't think we expected it to blow up like that. We were accustomed to our little world. With the same activists, and the same Nazis. We know each other by sight, we are constantly in the same space. But then they started showing us on TV. And that was surprising, that was terrifying. — Mila

Then we started getting hates. And these weren't bots or trolls (we know what they look like), these were real threats. And yes, we were scared. I honestly flew off the handle when I saw a threat against my granddaughter. This really shook me. — Yuma

On October 12, 2021, administrators at the Telegram messaging service banned the main channel of Pozdnyakov, the instigator of the harassment, citing demands from Google Play and App Store concerning discrimination against LGBTI+ people. On October 18, the Nizhegorodsky Court upheld the

prosecutor's claim to deem Male State an extremist organization. Its activities were banned in Russia, and its social media channels were partially blocked.

The results of a poll by the Russian LGBT Network show that adolescents are particularly vulnerable: They are subjected to violence and discrimination in the family, at schools, and on the streets, and they are harassed online. Among respondents under the age of 18, 20.5% were subjected to physical violence; 73%, to psychological violence; and 4.7%, to sexual violence. In addition, both peers and teachers in schools were sources of violence. An analysis of secondary data indicates that one in ten students at institutes of higher education "seriously considered dropping out because of homophobia or transphobia; seven people were forced to leave school because of homophobia or transphobia displayed by other students, teachers, or administrators."

According to a poll of the school environment in the context of harassment due to sexual orientation and gender identity, one in two to three students faces violence in some form. Because of the legally-enshrined ban on "promoting non-traditional sexual relationships to minors," LGBTI+ adolescents are an invisible social group. Adults refuse to help them and advise them to change their behavior or even support harassment by other students, while specialists who provide assistance to children risk punitive measures for "propaganda."

"Sexual orientation and gender identity are still not considered grounds for aggression and violence. Even those teachers and school psychologists who understand the scale of the problem are afraid to help adolescents because of current laws," — Alla Chikinda, PR manager at the Resource Center for LGBTI+ People.

The political persecution of defenders of LGBTI+ rights, social organizations, and activists has intensified in recent years, as has homophobic propaganda in general, which labels LGBTI+ rights as a symbol of "Western" values. This, in turn, contributes to an increase in xenophobia, condones the impunity of aggressors, and opens the path to newer and newer hate crimes. The vicious circle of state repressions, general homophobic attitudes, and harassment and violence must be broken. On International Day Against Homophobia, Biphobia, and Transphobia, we recall that LGBTI+ people from Russia are in need of support and protection.

THE RIGHT TO BE



Article 7 of The UN Convention on the Rights of the Child (whose adoption is marked on November 20, World Children's Day) states that a child has the right from birth to a name and a right to know their parents. It would seem like the right from birth to a name is so obvious that it's strange to spell it out in a special article of an international convention. When I first learned about this clause, it seemed so far from reality that I thought it probably concerned some extreme cases where children were born into slavery and assigned some kind of nickname or number instead of a name...

However, it turns out that this basic right is often violated in our middle latitudes in cases involving abandoned children or so-called foundlings. These children are not given their parents' last names, and their first names and dates of birth are often changed (particularly in cases where children are declared "foundlings," even though their names were known when they were taken from their families, and then given different names in the adoption database, which apparently simplifies the process of transferring a child to a new family, since there is no need to search for the parents and go through the process of depriving them of their rights). "Child services" workers could care less that the child will suffer all their life, not understanding who they are and where they are from. Until recently, it has been very hard to draw the attention of journalists and society to the fates of these children, whose names, ages, and information about their supposedly unknown parents have been changed by the child services system.

But recently, Lida Moniava sparked a heated discussion about another aspect of the rights of the child: the right to information about their origin and even existence and the right to know their parents. Here the question is not about children forcibly taken from their parents, but about children whose parents voluntarily gave them up at birth and sent them into the state foster care system. Moniava's account of an event in the life of one such "abandoned child," whose foster parents wanted to find the orphan's relatives, garnered thousands of comments (the extent to which the details of this story coincide with real life isn't important – what's important is that this could and does happen) and demonstrated what society thinks about a child's right to have a name, to be themselves, and to exist in the consciousness of their relatives.

It turns out that many people (a majority, apparently) support the existing practice that allows parents to abandon a child at birth and conceal their existence by telling relatives and other close people that the child died. Such a child is similar to the hero of Lev Tolstoy's play "The Living Corpse," except that Protasov staged his own death (even though the dramatic events of an unhappy marriage and the inability to simply divorce pushed him into this), but here other people make this decision for the child. However, experts say that the rights and interests of the child clash with the rights of their parents (even deceased parents) to privacy, since parents have no obligation to tell anyone that they gave up their child.

They have no obligation to share, which means they have the right to conceal. They have the right to conceal this abandoned child from their relatives (siblings, grandparents), but they apparently don't have the right to tell these interested parties that they have a sibling, grandchild, or cousin in an orphanage or in foster care (which is what Lida Moniava did). In any case, experts "cannot give a clear-cut answer" on whether this can be done or not.

But the UN Committee on the Rights of the Child and the Council of Europe do have a clear-cut answer: Priority should be given to the rights of the child, including their right to have ties

with their relatives (and with those who did not abandon the child but didn't even know that the child existed) and their right to information about their origin. This is exactly why in 2013 the UN recommended that Russia stop using so-called baby boxes, which allow people to give up their child anonymously. Clearly, the idea of anonymously handing over one's child has its plusses – since the Middle Ages, there have been safe houses where an unfortunate mother could leave her "love child," thus saving herself from disgrace and the infant from a likely death. If a live child could not be concealed, then they would have to be concealed by means of a humane killing (which happened quite often in those times). But the Committee on the Rights of the Child noted that there is no longer any need for these extremes: It is possible to accept a child and establish the parents' names (or at least one parent's name) so that the child can later learn whose child they are.

This question should not be about the material aspect, i.e., the parents' obligation to pay child support for a child abandoned to the state. It would be good to separate these issues – it's very important to give a child a name and the knowledge of their origin. But the state could assist the children of the poorest parents unable to pay child support without help from these parents. After all, a nuclear power won't go bankrupt keeping a child in an orphanage or paying foster parents. I don't think we need a law on who should pay child support. What we need is a clarification, so that the most vulnerable people do not decide to remain anonymous because they fear they will not be able to pay for the life of a child handed over to the state. As UN experts said, "Russia is a wealthy enough country to support children without violating their right to know who they are and where they are from."

Stephania KULAEVA,
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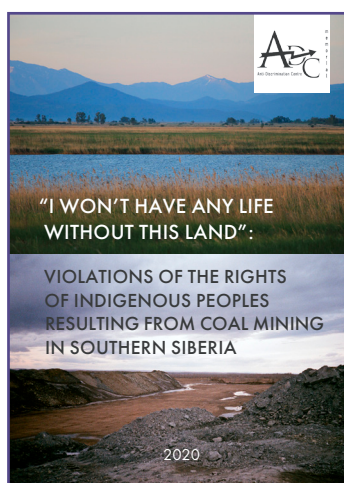
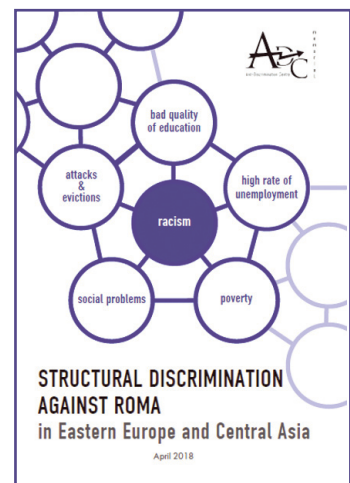
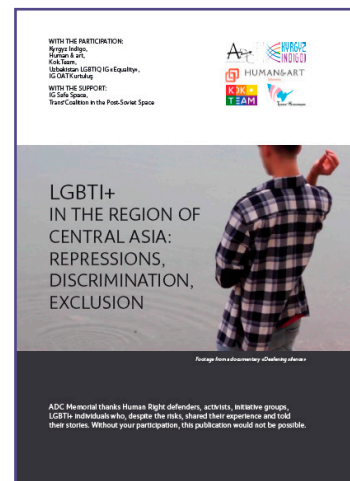
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