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ANTI-DISCRIMINATION Thematic Bulletin



memorial

THE YEAR OF MONITORING

THE SITUATION OF MINORITIES AND MIGRANTS

For the past year, ADC Memorial has been monitoring the many violations of the rights of people belonging to groups vulnerable to discrimination in war situations. The military aggression of Putin's regime caused tremendous suffering to all inhabitants of Ukraine from the very beginning, but made life even more difficult for those who were discriminated against even before the war. By unleashing the war, the Russian authorities have de facto created a state of emergency that allows legal institutions to be curtailed under the pretext of protecting the state from foreign and domestic enemies. While engaged in active confrontation with the West and threatened by economic collapse caused by the war and sanctions in response to it, the Russian authorities are intensifying their repression of dissenters. To avoid increasing public discontent with the ongoing war, losses, and crisis, the authorities are focusing their efforts on mobilizing conservative forces through irresponsible right-wing populism. Vulnerable groups, such as ethnic minorities and migrants, are the first to suffer from these political changes.

One year later, we summarize the results of the monitoring project in a report on the impact of war and crisis on minorities and migrants.

One of the most vulnerable ethnic groups in the region during the war are the Crimean Tatars. They faced repression as early as 2014, immediately after the annexation of Crimea by the Russian Federation, which forced some community members to flee to Ukraine. The Russian invasion of Ukraine in 2022 has led to further repression, both within Crimea and in the newly occupied territories adjacent to Crimea.

In Eastern and Central Europe, the Roma are one of the most vulnerable ethnic groups, facing a range of specific problems and social stigmas. According to human rights activists, the Russian invasion of 2022 forced around 100,000 Ukrainians of Roma origin to leave their homes. The war disrupted Ukraine's fledgling system of assistance to Roma, undoing years of efforts by human rights defenders and activists. This has exacerbated problems characteristic of Roma communities, including lack of documentation, insufficient educa-

tion, poverty, and the risk of racist violence. Often fleeing the horrors of war to safe territories, Roma faced xenophobia and rejection, with incidents reported both within Ukraine and in EU countries.

After the war began, citizens and natives of Ukraine residing in Russia became one of the obvious targets of repression. In early March, news emerged that the Ministry of Internal Affairs and the FSB were instructed to thoroughly scrutinize all Ukrainian citizens living in Moscow. Police summoned Ukrainians for questioning, inspected their apartments, and demanded access to their correspondence in social networks and messaging platforms.

It's clear that in the midst of the military crisis, the situation of migrant workers would become even more vulnerable for several reasons. These include the economic insecurity of foreign workers and the authorities' attempts to increase the loyalty of the population by promoting xenophobia during political turbulence. However, some aspects were less predictable, such as the active mobilization of migrants to participate in military operations and their use as labor in occupied territories.

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THE DISCRIMINATION AND PERSECUTION OF CRIMEAN TATARS IN 2014-2022

The annexation of Crimea in 2014 marked the beginning of merciless repressions against the inhabitants of the peninsula who disagreed with the new government, primarily the Crimean Tatars. Criminal cases, kidnappings, tortures, and long prison terms have become a grim reality. After Russia's invasion of Ukraine in February 2022, terror in Crimea intensified and spread to new territories occupied by Russia.

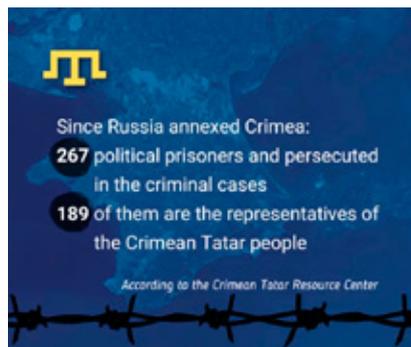
Already in March 2014, almost immediately after the annexation of Crimea, human rights activists began to document numerous cases of abductions, arbitrary detentions, forced disappearances, tortures, and extrajudicial executions of representatives of the Crimean Tatar people. Criminal cases were initiated against most of the detainees, mainly on the counts of membership in "Hizb ut-Tahrir", which is recognised as a terrorist organisation and banned in Russia. Less often investigations were opened on the charge of alleged participation in the activities of the Chelbidzhikhan volunteer battalion. There are known cases of reprisals against relatives and neighbors of the accused. Later, the participants of "Crimean solidarity" (the association of activists and relatives of accused and already convicted Crimean Tatars) faced persecution.

At the same time, the new government of Crimea quickly began to take repressive measures against the distinctive culture and identity of the Crimean Tatars. In particular, all public organizations, mass media and religious associations were obliged to re-register themselves, and a number of them, including the Crimean Tatar ones, failed to re-register. The Crimean Tatar media were closed or turned into an instrument of Russian propaganda. The Crimean Tatar language was pushed out of the education system and the public sphere. The Mezhlis, the highest representative body of the Crimean Tatar people, was declared "extremist" and banned, and its leaders were forced to leave Crimea. Instead of it, the Russian authorities created controlled bodies, such as the "National-cultural autonomy of the Crimean Tatars."

Due to the incessant persecution, hundreds of Crimean Tatars were forced to leave Crimea. In relation to those who remained but did not want to subscribe to the concept of "Russian Crimea", the repressions continued. In 2016, the PACE in its Resolution stated that the cumulative effect of the repressive measures of the Russian authorities against the Crimean

Tatars since the annexation was a threat to the very existence of this community as a separate ethnic, cultural and religious group.

INTENSIFICATION OF REPRESSIONS SINCE THE BEGINNING OF THE WAR



The full-scale war unleashed by Russia against Ukraine on February 24, 2022, opened a new phase of repression against the Crimean Tatars. Almost immediately after it began, a law was passed in the Russian Federation that provides for up to 15 years in prison for disseminating false information about the actions of the Russian military, which made dissent in Crimea even more dangerous. According to the Crimean Tatar Resource Center (CTRC), between February and September 2022 alone, Russian security forces conducted 25 searches, 108 detentions, and 124 interrogations, interviews, or "conversations" in Crimea. For 9 months of 2022, 138 people were arrested in Crimea, 104 of which are Crimean Tatars who oppose Russian occupation and military aggression. Employees of the CTRC note that most of the other violations by the security forces affect representatives of the Crimean Tatar people and that this practice has become systematic in Crimea.

With the beginning of the active phase of the war and the occupation of Kherson, where many Crimean Tatar settlements are located, the persecution of the Crimean Tatars began outside Crimea. So, on June 22-24, raids were carried out in the houses of Crimean Tatars in the Genichesk district of the Kharkiv region, with their subsequent detention. Bus driver Rasim Asanov, cultural worker, choreographer Susanna Ismailova, and IT specialist Ruslan Ismailov were taken by the Russian military to the basement of school No. 17 of Genichesk and accused of supporting the Mejlis of the Crimean Tatar people. The brothers Edem and Refat Karamazov disappeared without a trace. On June 28, af-

ter a house search, Crimean Tatar Rustem Seitmemetov disappeared. Later it became known that he had been in the basement of vocational school No. 17 of Genichesk for a long time, after which he was transferred to one of the pre-trial detention centers in Kherson. He was accused of preparing sabotage. On July 23, Appaz Kurtamet, a 20-year-old Crimean Tatar, teacher of the Crimean Tatar language from Novolekseevka, was detained at the Chongar checkpoint. He was trying to go to Crimea to live with his mother. Later, he was found in SIZO-1 in Simferopol, where he ended up on charges of transferring money, allegedly to finance the Islamic battalion "Crimea".

Until October 25, 2022, SIZO-1 was the only pre-trial detention center in Crimea. It was built over 200 years ago and is designed for 747 people. As prisoners and human rights activists reported, the cells in the pre-trial detention center were at times overcrowded more than twofold, so the arrested had to sleep in turns. Due to the lack of space, the detained Crimean Tatars and others persecuted for political reasons were placed in pre-trial detention centers in neighboring regions – Krasnodar Krai or Rostov Oblast. On October 25, a new pre-trial detention center for 366 people was opened on the territory of IK-1 in Simferopol. According to KrymSOS, about 60-70 people were transferred there, mostly those detained in the newly occupied territories of southern Ukraine. There is still no official information about this pre-trial detention center on the website of the Federal Penitentiary Service of the Russian Federation and the Federal Penitentiary Service of Crimea.

In 2022, the persecution of Crimean Tatars intensified for participation in the "Crimean Tatar Volunteer Battalion named after Noman Chelebiddzhikhan", a military formation recognized in the Russian Federation as a banned terrorist organization. Belonging to the battalion is often attributed by the Russian investigating authorities to those who participated in the actions of the civil blockade of Crimea in September-October 2015. Many detainees complained of torture and other gross violations in order to obtain confessions, so there is good reason to believe that the majority of those detained and convicted for participation in the activities of the battalion are innocent. Currently, according to human rights activists, the number of Crimean Tatars who ended up in the Simferopol pre-trial detention center on this charge can reach 10 people. Since the beginning of the war, many detainees have already received harsh sentences: from 5 to 8.5 years in prison.

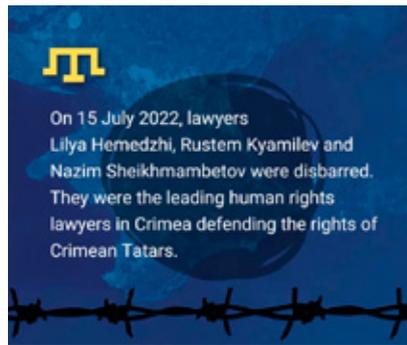
On September 21, 2022, the defendants in the case of blowing up a gas pipeline in the village of Perevalnoye (August 23, 2021) received huge sentences. Nariman Dzhelal, leader of the Crimean Tatar national movement, vice-chairman of the Mejlis of the Crimean Tatar people, was sentenced to 17 years in a maximum security labour camp with a fine of 700 thousand rubles and restriction of freedom for a period of 1.5 years. Brothers Aziz and Asan Akhmetov were sentenced to 15 years in a maximum security labour camp and fined 500,000 rubles each.

After the annexation, Nariman Dzhelal continued to live in Crimea, engaging exclusively in civilian activities in the interests of the Crimean Tatars, not associated with any acts of violence. Amnesty International said in a statement:

“The sole purpose of the criminal prosecution of Dzhelal is to silence him and stop his independent civic activities.”

During the trial, it became known that the witnesses, who pointed to the involvement of the accused in the case, gave their testimony under torture. The searches of the suspects, according to the lawyers, were carried out with multiple violations: without giving the accused copies of the decisions, without drawing up detention protocols, in violation of the right to contact a lawyer. The charges against Dzhelal were based on the testimony of three hidden witnesses and files found on his mobile phone. The Akhmetovs also alleged numerous violations by the investigation, threats and torture. In particular, Aziz Akhmetov claimed that the security forces beat his brother, Asan, took him to the forest, threatened him with execution and tortured him with electric shocks in order to force him to confess. Aziz himself, according to him, spent almost a day after his arrest with a bag on his head in a cell in the FSB building. All this time he did not sleep, could not move freely and leave the building, he was not allowed to drink and eat. The Akhmetovs' lawyer, Nikolay Polozov, who is in charge of the cases, also stated that the brothers were tortured with electric current by connecting electrodes to their heads.

Repressions against human rights activists and lawyers in Crimea also intensified. On May 26, 2022, in Simferopol, employees of the Department for Countering Extremism detained a lawyer Edem Semedlyayev. The reason was a tag on Semedlyayev's Facebook account in a post by another user of the social network, allegedly discrediting the Russian army. On the same day, the lawyer was found guilty and fined 75,000 rubles.



After the trial of Semedlyayev, his lawyer Nazim Sheikhmambetov was detained right outside the court building. According to the protocol, the reason for his detention was his violation of public order on the night of October 25-26, 2021, when several Crimean Tatars gathered near the Central District Police Station in support of the detained activists. On May 27, 2022, the Central District Court of Simferopol sentenced Sheikhmambetov to eight days of administrative arrest.

On the same day, two more lawyers who were supposed to defend Sheikhmambetov in court, Emine Avamileva and Ayder Azamatov, were detained. They, like the defendant, were accused of organizing a massive simultaneous gathering of citizens in public places, which led to a violation of public order on October 25, 2021. Later, Emine Avamileva was arrested for 5 days, and Ayder Azamatov for 8 days.

Immediately after the arrests, the head of the Crimean Human Rights Group, Olga Skripnik, stated that such detentions were aimed at intimidating all Crimean lawyers defending human rights on the peninsula:

“This is a full-blown policy of intimidation, including lawyers. This is a signal not only to these four lawyers, but it is also a signal to the entire legal community, which so far remains independent and tries to work exactly as lawyers and protect the interests of its clients. [A signal] that they are watching you, that they will always fabricate something on you, that “you are under their hood”. And the administrative arrest against lawyers is a very blatant step, with a certain implication of imprisonment, [like if they were saying:] ‘we are ready to go further and shut you down altogether.’”

On July 15, 2022, three lawyers: Lilya Hemedzhi, Rustem Kyamilev and Nazim Sheikhmambetov were deprived of their status and the opportunity to practice law, and on August 11, during numerous searches in the homes of Crimean Muslims, at least 9 lawyers faced targeted blocking of their mobile phones.

THE MASS MOBILIZATION OF CRIMEAN TATARS IN THE OCCUPIED TERRITORIES INTO THE RUSSIAN ARMY

One of the elements of the repressive policy against the Crimean Tatars can be considered the “partial mobilization”, which is carried out as part of Russia's military aggression in the territory of Ukraine. The representative of the President of Ukraine in the Autonomous Republic of Crimea, Tamila Tasheva, said that during the first days of mobilization, the Crimean Tatars received about 1.5 thousand draft notices.

The mass conscription provoked a wave of departure of the Crimean Tatars from the peninsula. Those who leave Crimea, and there are thousands of them, according to Suspilne, call their departure “self-deportation.” Many leave for the countries of Central Asia, where in 1944 their relatives were deported by the Soviet authorities and where many still have relatives or acquaintances. For some of them, the validity of the Ukrainian foreign passport, issued before 2014, has long expired. Others, mostly young people, have never had such a document. Those who were able to leave are trying to restore or issue Ukrainian passports in the Ukrainian embassies of the countries that accepted them in order to be able to travel to Europe and not return to the territory occupied by Russia.

Mobilization in Crimea, on the occupied territory, grossly violates the Fourth Geneva Convention and is considered a war crime by international law. Especially cynical is the mobilisation of the Crimean Tatars, who from the very beginning of the Russian aggression opposed the occupation: now they are being forced into a war against their country, their relatives and their countrymen.

DISCREDITING OF THE CRIMEAN TATARS IN THE RUSSIAN MEDIA

During the occupation of Crimea, the narrative about Crimean Tatars as “terrorists”, “extremists” and “agents of foreign special services” began to spread in the public space through the Russian state media and politicians. Again, as in Soviet times, politicians and journalists began to speculate on historical myths about the Crimean Tatars as “collaborators and traitors to the Soviet people” during the Second World War; such theses as “Crimean Tatars are not an independent people”, “Crimean Tatars need to be evicted again”, “Crimean Tatars are not respectable, they

must be avoided” are widely circulating. Officials of various levels have made such statements more than once, which resulted in growing Tatar-phobic sentiments in Crimea and their popularisation within Russian society.

Against the backdrop of discriminatory and offensive rhetoric, which is openly broadcasted by Russian politicians and Russian media outlets, cases of harassment and other discriminatory practices of Crimean Tatars by both ordinary people and civil servants have become more frequent in Crimea. According to the testimonies of the Crimean Tatars living in Crimea, after the annexation, their close friends, neighbors, colleagues and clients began to treat them worse. Thus, one of the representatives of the Crimean Tatar community we interviewed in 2017 said that immediately after the so-called referendum, the neighbors – ethnic Russians – simply stopped communicating with him:

“Neighbors, Russians, communicated [with us] until March 14, and then they put up a fence and without disputes, without anything, simply stopped communicating. It is clear that the neighbors went to the referendum, and the Crimean Tatars, it is understood, were for Ukraine.”

Here is how one Crimean Tatar describes his experience with the health-care system:

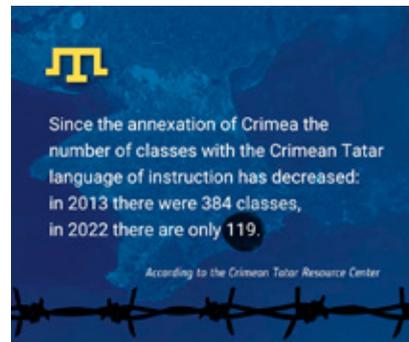
“90% of people living in our village are Crimean Tatars. An ambulance comes to us very rarely, when it is a matter of life or death. In August 2015, a man was electrocuted, and the ambulance came in 3 hours and 23 minutes, it was too late. And it takes only 15 minutes to drive to us from the hospital. I asked my friends who worked in the hospital why did this happen. They said that there were 6 free cars in the parking lot.

In the hospital, I often noticed that I had to sit for a very long time. They took my card, my last name and first name are visible there, [and after that] I could wait for 2-3 hours. Once [in August 2014] I came to the district clinic with an acute injury for 3 days in a row, I had an ankle fracture. The nurse did not love me because of my nationality even before, under Ukrainian rule. When I got to the appointment, they told me that I just had a fracture, but I had a displacement – they did not work efficiently. Several times the nurse spoke openly to the entire hospital: ‘You must leave here, you must be deported.’ In 2009-2010, this attitude was hidden, they did not always show it, but at the moment they have a free hand.”

Statements that defame Crimean Tatars are made by high-level Russian officials and broadcasted by Russian state

media. Among them, for example, is the statement by the Secretary of the Security Council of the Russian Federation Nikolay Patrushev (July 9, 2018) that the political, social and economic situation in Crimea remains unstable due to the government of Ukraine, Ukrainian nationalists and the Mejlis of the Crimean Tatar people. During the investigation into the case of the gas pipeline explosion in the village of Perevalnoye, the head of Crimea appointed by the Kremlin, Sergey Aksyonov, named (September 15, 2021) the leader of the Mejlis, Nariman Dzhehel, as an agent of the US intelligence services, although his guilt in the incident was not proven, and the connection with foreign intelligence services was not even considered by the investigation.

VIOLATION OF LINGUISTIC AND CULTURAL RIGHTS OF THE CRIMEAN TATARS



The discrediting of the Crimean Tatars also finds its way into the school curriculums. In 2019, the Ministry of Education made an attempt to introduce a new textbook on the history of Crimea for the 10th graders in Crimean schools. The textbook contained statements that during the Second World War the Crimean Tatars more than other ethnic groups in Crimea welcomed the Nazi army and more than other ethnic groups collaborated with the occupation administration. Under pressure from the Crimean Tatar community, textbooks were withdrawn from schools for examination.

Learning and teaching the Crimean Tatar language is increasingly problematic. In 2021, 218,974 children studied in Crimea, of which 212,090 students studied in Russian, and only 6.7 thousand children studied in Crimean Tatar, despite the fact that according to the Russian census of 2014, there are 232,340 Crimean Tatars in Crimea. According to our data, in most schools, Crimean Tatar lessons are only optional, often at late hours or on weekends. At the same time, school administrations often refuse to open new elective courses in the Crimean Tatar language. For example, in March 2019, at secondary school No.

8 in Simferopol, the school administration asked the parents of Crimean Tatars to refuse to study their native language. In June 2018, in the village of Tsvetochnoye, Belogorsk district, the principal of a school refused to accept applications from parents to study the Crimean Tatar language. In August 2018, the director of school No. 46 in the village of Orlovka in the Nakhimovsky district (Sevastopol) refused to open a class with the Crimean Tatar language of instruction. All these situations were resolved only after the intervention of human rights activists, lawyers and with the active participation of the parents.

In 2017, the Russian-controlled Crimean authorities adopted a local bill “On the state languages of the Republic of Crimea and other languages of the Republic of Crimea”, which provides for the possibility of obtaining secondary (not higher) education in any of the three state languages, but language training is organized by an educational institution depending on opportunities of the education system. It would seem that the adoption of this law should have approved the equality of languages both in the educational and the public sphere. However, now, based on this provision of the law, educational institutions can refuse to study the language due to a lack of resources or opportunities, and school administrations are already using this argument to refuse to study the Crimean Tatar language.

Crimean Tatar national symbols, images and heritage of historical figures, attributes of the Crimean Tatar identity are used in the development of the pro-Russian propaganda discourse. At the same time, the authorities demonstrate a disdainful attitude towards the Crimean Tatar cultural heritage and memorable places. For example, they want to create a recreation area in Bakhchisaray on the territory of the ancient Muslim cemetery Sauskan, despite the protests.

Other Crimean Tatar shrines are also desecrated and destroyed – these are monuments and tombstones in cemeteries, memorial plaques dedicated to the Crimean Tatars who died in World War II, or the ones that have Crimean Tatar symbols on them. In just six years after the annexation, 23 such cases were recorded in Crimea – a little less than in 20 years before the annexation of Crimea. As a rule, acts of vandalism become more frequent on the eve of memorable dates associated with the deportation of the Crimean Tatars in 1944. Fixing the destruction and damage of cultural monuments, the activists are trying in vain to get a reaction from law enforcement agencies.

ROMA FROM UKRAINE: A YEAR OF WAR AND FLIGHT



Exactly one year ago, ADC Memorial published the report “Romani Voices From Hell”, which was based completely on interviews with Romani people in occupied territories and Romani people who had become refugees and lost their homes.

In the year since the war started, the situation of Ukrainian Roma, who faced major difficulties even in peacetime, has turned into a catastrophe. The Russian invasion interfered with Ukraine’s nascent system for providing assistance to Roma, since the work of state and private charitable foundations was redirected to wartime needs. Thousands of Roma became refugees and encountered discrimination and social isolation in European countries. The only way for people who lived in Eastern Ukraine and found themselves in occupied territories right after the war started to save their lives was to travel to Russia, where they were forced to undergo the “filtration” procedure at the border and endure life in refugee centers. Many for whom Russia was merely a transit country had a difficult time leaving for European countries because of various problems with their identity documents.

On April 8, International Romani Day, we had been published a new report containing the accounts of Romani people and the volunteers who helped them about their lives after fleeing Ukraine.

The Gender Dimension of the Problem

Roma women were especially vulnerable to the challenges brought about by the war. In traditional Roma communities, women were responsible for managing the household, cooking, and caring for children. They had to find ways to survive in a situation of war and daily risks of violence by armed groups. Furthermore, the lack of documents affected women from traditional Roma communities disproportionately.

Difficulties of evacuation

Even before the war, the lack of documentation often prevented Roma from enjoying social and economic rights. However, under wartime conditions, this problem became particularly acute as identity cards were frequently required to cross checkpoints and borders.

Another factor that complicated evacuation from the war zone was poverty. Many Roma simply did not have enough money to travel long distances to safe areas. For instance, after the outbreak of military actions, the travel costs from occupied Melitopol to Ukrainian-controlled Zaporizhzhya increased to 5,000 hryvnia per person, compared to only 200 hryvnia in peacetime.

While undergoing the evacuation process, some Roma encountered xenophobia in addition to the challenges of being refugees. Informants reported that some Russian military personnel displayed xenophobic aggression towards them, stating “they did not like that we were Roma.” Unfortunately, hostility was sometimes exhibited not only by the occupying troops but also by the local Ukrainian population. There is evidence that residents refused to allow Roma into the basements of their homes, which were used as bomb shelters. Human rights activists have also heard accounts of train conductors denying Roma access to trains because of their ethnicity.

Remaining under occupation

Roma who were unable to leave the occupied territories encountered the same challenges as other Ukrainians: violence, looting, deadly wartime dangers, and shortages of goods. Occasionally, Roma faced even greater aggression from Russian military personnel due to their ethnicity. Furthermore, the poverty within Roma communities and their specific employment situations made their circumstances even more arduous. For instance, in one of the Roma communities located in the Kherson region before the war, the primary means of earning a livelihood was through day labor in the fields, harvesting onions. However, after the occupation, these individuals were left without any sources of income.

After leaving the war zone, Roma continued to face various challenges. For instance, during a European delegation’s visit to Kiev, Lviv, and Uzhgorod in July, they discovered that conditions in many Roma refugee settlements were unacceptable. The delegation was especially appalled by the living conditions in a camp located in the woods near Lviv. In this camp, approximately 1,400 Roma, most of whom were children or young people, were forced to survive without basic necessities such as water, electricity, proper housing, health-care, or adequate infrastructure.

Roma frequently experienced discrimination during the distribution of humanitarian aid, and accessing refugee centers posed additional challenges. For instance, in Lviv, Roma had to seek shelter in a Catholic parish because state institutions had denied them access.

The discriminatory attitude towards Roma by the state bureaucracy presented another problem. Roma community members reported that “passport offices, registry offices, and migration services do not want to accommodate Roma, even despite the ongoing war, and make the process of obtaining documents as difficult as possible. Government agencies remain silent about the simplified procedures and require personal attendance.”

Access to education became another significant issue, with the already challenging situation worsening considerably. Due to the fighting and constant shelling, many schools have switched to distance learning, which further reduces access to education for children from the most marginalized Roma communities.

Through Russia

Cut off from western Ukraine by the fighting, some Roma families were forced to flee to Russia, which was their only option to save their lives. Later, with the aid of volunteers, they made their way to Europe. While heading towards Russia, the refugees faced numerous dangers due to the ongoing war and were subjected to inspection at multiple checkpoints. In Russia, they encountered difficulties earning a decent living due to the unwillingness of Russian employers to employ Roma. One informant reported that a group of Roma refugees was detained by Russian border guards while crossing the border into Estonia. The police applied pressure on them and did not release them until the following day.

Problems of Roma refugees from Ukraine in Eastern and Central Europe

Unfortunately, even after reaching the territories of neighboring secure states, Ukrainian Roma found themselves in vulnerable situations. Reports have emerged from various refugee-hosting countries of harassment and discrimination against Roma when attempting to cross the border, enter refugee centers, or receive humanitarian aid.

According to a report by the European Centre for Human Rights (ERRC), Roma children accompanied by adult family members other than their parents are often denied entry into Moldova and EU countries. Additionally, undocumented Roma have also been refused entry.

“NUMEROUS SERIOUS VIOLATIONS OF HUMAN RIGHTS IN THE RUSSIAN FEDERATION”: UN HRC issued recommendations to Russia

During the 136th session in October 2022, the UN Human Rights Committee considered the Russian state report on the implementation of the International Covenant on Civil and Political Rights, as well as alternative materials submitted by representatives of civil society. At the end of the session, the Committee published its recommendations, in which it noted the numerous serious violations of international obligations in the field of human rights by Russia.

Against the background of the ongoing military conflict in Ukraine, the experts of the Committee condemned the war crimes of the Russian military: murders, extrajudicial executions, enforced disappearances, torture, sexualized violence, arbitrary detentions and forced deportations of the civilian population from the regions of Ukraine controlled by the Russian Federation. Experts stressed the inadmissibility of forced conscription to war in Ukraine and the violent suppression of peaceful protests against such conscription.

The Committee expressed concern about human rights violations and persecution of human rights defenders in the North Caucasus. Human rights violations, such as arbitrary detention, torture and ill-treatment of the civilian population and especially of LGBTQ+ people by the security forces are still widespread in the North Caucasus Federal District and not properly investigated. In this regard, the Committee recommended that the Russian authorities ensure that all human rights violations are investigated thoroughly, effectively and impartially, that perpetrators are held accountable and, if convicted, punished in accordance with the gravity of the acts committed, and that victims and their families are provided with effective remedies for juridical protection.

The Committee expressed serious concern about the institutionalized discrimination and stigmatization of LGBTQ+ people in Russia, including in connection with the law “On the promotion of non-traditional sexual relations among minors” adopted in 2013 and

an amendment to it, approved in the first reading by Parliament, prohibiting “the denial of family values” and “propaganda of non-traditional sexual relations” among people of all ages. The Committee is concerned about the lack of adequate protection against violence and attacks against LGBTQ+ people in the Russian Federation, as well as the non-recognition of LGBTQ+ people as a social group in the Criminal Code of the Russian Federation, which does not allow to consider the crimes against LGBTQ+ people as criminal acts with aggravating circumstances. The Committee is also concerned about persistent harassment of LGBTQ+ organizations and their members, including excessive restrictions on their right to peaceful assembly and the complete cessation of their activities. Taking into account the information received from the reports of NGOs, the experts of the Committee recommended that Russia ensure a full and comprehensive investigation of cases of discrimination and violence against LGBTQ+ people and the provision of effective remedies for victims of violence, as well as bringing the perpetrators to justice. At the legislative level, experts recommended recognizing LGBTQ+ people as a social group in the Criminal Code of the Russian Federation, as well as repealing the law “On the promotion of non-traditional sexual relations among minors” and any other legislative acts that stigmatize or discriminate against LGBTQ+ people.

The HRC noted the ongoing acts of racism, xenophobia and racial profiling in Russia, in particular against migrants, refugees and Roma, which, according to human rights organisations reports, have increased during the Covid-19 pandemic, and are exacerbated by the use of new technologies. The experts recommended that the Russian authorities intensify their efforts to combat these phenomena; in particular, conduct awareness-raising activities aimed at promoting respect for human rights and tolerance for diversity, revising and eradicating stereotypical prejudices.



The alternative report of the ADC Memorial was devoted to the situation of the indigenous peoples of Siberia. The Committee took note of allegations of violations of the rights of indigenous peoples by mining companies. Article 27 of the International Covenant on Civil and Political Rights states that in those countries where ethnic, religious and linguistic minorities exist, persons belonging to such minorities shall not be denied the right to maintain their own culture, profess their religion and perform its rites, as well as use their native language together with other members of the same group. Taking into account other international standards and constitutional guarantees of indigenous peoples, the experts recommended that the Russian authorities ensure the participation of indigenous peoples in the decision-making process regarding their lands and resources, based on the principle of free, prior and informed consent. The Committee expressed concern about the liquidation of the Centre for Support of Indigenous Peoples of the North and the ongoing persecution of indigenous human rights defenders, including their exclusion from international forums. The Committee recommended that the Russian Federation ensure the freedom of association of indigenous peoples, including by reviewing the issue of liquidating the Centre for Support of Indigenous Peoples of the North.

THE UN CERD FOUND THE RUSSIAN FEDERATION RESPONSIBLE FOR NUMEROUS VIOLATIONS OF THE CONVENTION ON THE ELIMINATION OF RACIAL DISCRIMINATION

At the 91st session of the UN Committee on the Elimination of Racial Discrimination (April 12-13, 2023), the state report of the Russian Federation on the implementation of the relevant Convention was considered. In their Concluding Observations, the Committee's experts called on the Russian authorities to stop human rights violations in Ukraine and expressed serious concerns about the numerous facts of systemic discrimination against Roma, indigenous peoples and migrants in Russia.

One of the main topics during the discussions regarding the report was the gross violations of human rights of Ukrainians committed in the course of hostilities in Ukraine by the Russian Armed Forces and private military companies. In particular, arbitrary detentions, extrajudicial executions, torture, rape, and forcible transfer or deportation of residents to Russia, including children, were considered.

According to estimates by the Ukrainian authorities, as of May 19, 2023, during more than a year of hostilities, 19,392 children were taken to Russia from the territory of Ukraine, of which only 365 have been returned to date.

The Committee did not ignore the discriminatory practices that accompany forced mobilization in Russia, in particular, disproportionate recruitment among ethnic minorities and indigenous peoples.

The actions of the Russian authorities in the occupied Crimea – the persecution of ethnic Ukrainians and Crimean Tatars – were seriously criticized. In particular, the Committee noted the damage to the Crimean Tatar cultural heritage – the exclusion of the Crimean Tatar language from public space, the desecration and destruction of monuments; the restriction of political and civil rights of Crimean Tatars, as well as the persecution of human rights defenders, activists, lawyers and journalists.

The Committee expressed serious concern about the widespread hatred and propaganda of racist stereotypes against ethnic Ukrainians, in particular in the Russian state media, on the Internet and social networks, as well as by public figures, including State Duma deputies. The Committee specifically noted the inaction of the Russian authorities in stopping such actions and the absence of any sanctions against those responsible.

The Russian delegation tried to prevent the consideration of issues related to the war in Ukraine, arguing that they are considered by the International Court of Justice on the suit of Ukraine against Russia, and formally this may prevent their discussion at the Committee session. However, the Committee underlined the inconsistency of the Russian Federation's arguments and demanded an answer to all the questions raised.

The Committee noted the increasing incidence of racism, xenophobia and racial discrimination in Russia. The recommendations of the Committee reflected the issues raised in the alternative report of ADC Memorial and the International Committee of Indigenous Peoples of Russia. The experts expressed concern about reports of ongoing racially motivated police violence and racial profiling by law enforcement officials against members of groups vulnerable to racial discrimination, mainly Roma, migrants, especially from Central Asia and the Caucasus, people of African descent and victims of intersecting forms of discrimination. The experts recommended that the Russian authorities intensify their efforts to combat these phenomena, in particular, conduct training programs for police officers, prosecutors and other law enforcement officials to identify and register cases of racial discrimination, as well as carry out activities to inform the public about the rights enshrined in the Convention, and how to complain about racial discrimination, especially among Roma, indigenous, migrant communities and stateless people.

The Committee expressed serious concern about institutionalized discrimination and persistent violations of the rights of the Roma. CERD members pointed out that Roma communities continue to suffer from social exclusion and poverty: most informal Roma settlements face limited access to basic services, constant gas and electricity cuts, low levels of housing, as well as ongoing house demolitions and forced evictions without alternative housing or compensation. The Committee noted discrimination against Roma children in the field of education, expressed in the refusal to admit Roma children to some Russian schools, the segregated approach to the education of Roma children, and the disproportionately high dropout rate among Roma children, especially at the secondary school level.

Noting the positive steps taken by Russia (comprehensive action plan for the socio-economic and ethnocultural development of the Roma in the Russian Federation), the members of the Commit-

tee, nevertheless, recommended that the Russian authorities intensify their efforts to combat discrimination against Roma in all spheres of life: to stop forced eviction and demolition Roma settlements, organize the legalization of informal Roma settlements and ensure their rights to residential buildings, take effective measures to ensure Roma access to basic services, stop using gas and electricity cuts as a repressive measure in Roma settlements. With regard to Roma children, the Committee recommended ensuring their access to quality and inclusive education, ending de facto segregation in schools and investigating cases of denied admission to schools.

In its Concluding Observations, the Committee paid serious attention to the problems of indigenous peoples living on the territory of Russia. The Committee's criticism was that only 47 indigenous peoples are officially recognized as such due to the narrow definition of indigenous peoples in Russian law, which only provides protection for groups of less than 50,000 people. Larger indigenous groups do not have legal protection for their lands, resources and means of subsistence. The Committee drew attention to inadequate compensation for damage caused to indigenous communities by mining companies, violations of the rights of indigenous peoples to use their traditionally owned lands and natural resources, the right to traditional food, and a clean and healthy environment. Instead of protecting their rights, indigenous peoples face excessive bureaucracy and restrictive regulations in obtaining permits for traditional activities such as hunting and fishing.

The Committee recommended taking measures to prevent the negative impact of industrial projects on the land, territories and resources of indigenous peoples in order to protect their customs and traditional ways of living. The experts recommended that the Russian authorities revise the relevant legislation in order to amend the definition of indigenous peoples, abolish the requirement for a maximum number, and ensure full and effective legal protection of all cultural, territorial and political rights of the indigenous peoples of Russia. In particular, the experts recommend that the authorities of the Russian Federation establish territories of traditional nature management with federal status in accordance with the law, as well as review legal and political restrictions on traditional activities in order to facilitate access to them for indigenous peoples and eliminate any discriminatory restrictions.

PROVERBIAL DEFENSE

Russia reports to the UN Committee on the Elimination of All Forms of Racial Discrimination

Russia's recent appearances at UN bodies have prompted a sharp reaction: Over 50 countries condemned the invitation of Children's Rights Commissioner Maria Lvova-Belova to an informal meeting of the Security Council on April 5 and blocked the official live feed of her online speech, which representatives of several states left the hall for. In April 2023, Russia took over the rotating presidency of the Security Council (which is quite absurd for an aggressor country). On April 24 it opened a debate on nothing less than the protection of the UN Charter's principles, which it has clearly violated with its war against Ukraine. The UN Secretary General, the European Union representative, and other diplomats addressed this at the Security Council meeting.

Moscow is taking advantage of its status within the worldwide organization to continue to speak on various UN platforms, sometimes provoking scandals, and sometimes, on the contrary, attempting to avoid critical issues related to the war in Ukraine. In mid-April, Russia submitted an entirely routine report to the UN Committee on the Elimination of All Forms of Racial Discrimination regarding its compliance with the corresponding convention. The Russian delegation immediately tried to remove "military topics" from the discussion, supposedly because they are being reviewed by the UN International Court of Justice in Ukraine's claim against Russia, which would technically prevent them from being discussed at the committee session. This refers to violations, alleged by Ukraine, of the Convention on the Elimination of All Forms of Racial Discrimination, i.e., the persecution of Crimean Tatars and Ukrainians in Crimea (including the banning of the Mejlis and the absence of schooling in Ukrainian). The [Russian] Foreign Ministry representative even issued a separate statement adding another argument: Human rights in Crimea were not a topic of discussion at the last session (although, here they are, item 12 on a list of questions for the 2017 session) and therefore were included in that list of recommendations for no reason.

But the committee did not go along with the Russian delegation. It said that these arguments were invalid, demanded a response to all "Crimean questions," and posed many other questions related to the war, for example, about the disproportionate mobilization of ethnic

minorities and Indigenous peoples and about Ukrainian children removed to Russia. On the topic of children, Russian representatives generally repeated the arguments Lvova-Belova made in her speech (this was not kidnapping, but "a humanitarian mission to evacuate [children] from the conflict zone," "this is in no way adoption but only temporary care in a family"). The Russian delegation did not deign to provide the committee with a response on Crimea. Head of the Federal Agency for Nationality Affairs Igor Barinov defended himself with a proverb, saying "seeing is believing" and more effective than listening to "biased representatives of various NGOs" within the walls of the UN.

The reality of wartime and sanctions occasionally intruded into the Russian delegation's responses to "peaceful" questions. For example, a representative of the Prosecutor General's Office explained the enormous difference between the tens of thousands of websites blocked for disseminating hate and the small number of prosecutions for this by saying that the hate was disseminated from foreign websites and that it has recently been focused against Russian citizens. A representative from the Sports Ministry spoke about racism in football, but did not miss the chance to complain about discrimination against Russian athletes.

Sometimes it was unclear if the strange responses from delegation members were due to incompetence, or if the Russians were just knowingly playing the fool. A Labor Ministry representative informed the committee that low pay for migrant workers did not violate their rights and that Russian citizens holding the same positions are also not paid well, as if he didn't understand that he wasn't being asked about the equality of all workers on paper, but about the systemic bilking of migrants in practice. And an Internal Affairs Ministry representative didn't blink when he said that profiling was used to catch serial killers, but never during "checks," as if he weren't aware of anti-migrant raids and document checks of people with a non-Slavic appearance or of all the accompanying blackmail and other manifestations of arbitrary behavior on the part of the police.

This time, the champion of the nutty ideas challenge was the representative from the Education Ministry. Respond-

ing to a question about segregation in relation to children in separate "Roma classes" (a discriminatory practice in wide use), he said: "In the Russian Federation... instruction is provided in 74 national languages. Therefore, at the decision of the parents and the school, any (!) language can be chosen for instruction and learning, for example, the Romani language. In such classrooms and school groups, extracurricular classes can include children of any nationality; there are no restrictions on the basis of nationality or race here." One wonders if the Education Ministry official was aware that, after the 2018 amendments to the Law on Education, native – i.e., non-Russian – languages are studied "voluntarily, by choice," so that this does not – God forbid – "damage" the official Russian tongue? Where on earth did he get the figure of 74 languages of instruction? (Statistics in this area are murky; there are probably about 25 such languages, and these are the "titular" languages of Russian constituent entities.) Well, and the option of "any" language and classes with "instruction and learning in the Romani language" is not a lie, but an effrontery...

The UN committee has always been mindful of the rights of the Roma minority, and the Federal Agency for National Affairs is not always indifferent to its recommendations. The only unfortunate thing is that Russian officials are again writing about the Roma's alleged nomadic way of life, which they only revert to out of necessity (take, for example, the victims of the pogroms in Chemodanovka and Ust Abakan in 2019). The authorities deny the problem of racism, which is what buttresses structural discrimination against Romani people. During the session, the head of the Russian agency said that the pogroms and arson were not based on ethnicity or biases, but on "the antisocial behavior of certain members of the Romani people." Unfortunately, evidence of anti-Roma bias is always visible in Russia: This includes conflicts with "people's gatherings" that have flared up all over the country; demands to "evict the Roma"; the all too familiar operations and raids against entire settlements; the reckless hatred on social media; and even the use of the word *info-tsigane* "online fraudsters" [lit. "online Gypsies"] to describe questionable bloggers.

The topic of racism appears to be far removed from the war at first glance – it was no accident that Ukraine cited violations of the Convention on the Elimination of All Forms of Racial Discrimination when speaking about the situation in Crimea. ADC Memorial’s alternative report to the UN committee stresses that the annexation of Crimea, the creation of puppet “republics,” and, finally, the invasion of Ukraine in 2022, have the most direct relationship to the problems of racism, discrimination, and ethnic tension. After all, these catastrophic events became possible and have not been resisted by Russian society because for many years the authorities have whipped up anti-migrant hysteria, indulged xenophobia, preached about a “special path” and national greatness, inculcated “traditional values” (read, obscurantism), and promoted pseudo-historical constructs about “ancestral Russian lands.” A Levada Center poll on the level of xenophobia and racism on the eve of the invasion showed that over half of the respondents (51-52%) did not want to let Roma, Africans or migrant workers from Central Asia into the country, 45% did not want to let Chinese nationals in, 41% did not want to let Chechens in, and 32% did not want to let Ukrainians in.

It is the height of cynicism that these very same people have been disproportionately involved in the aggression. This includes residents of the poorest “ethnic” regions, ethnic minorities, small Indigenous peoples, unemployed migrants, and new Russian citizens who emigrated from former Soviet countries and whose newly acquired citizenship is now a source of deadly risk. The Committee on the Elimination of All Forms of Discrimination has already released new recommendations for Russia, which are sharply critical of both the “peacetime” and “wartime” matters that the Moscow delegation so wanted to avoid.

Olga ABRAMENKO –
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JOINT REPORT ON THE SITUATION IN RUSSIA IN THE FRAME OF THE UPR: racism and discrimination based on ethnicity, migration status and citizenship



By the 44th session of the Universal Periodic Review, ADC Memorial and the International Committee of Indigenous Peoples of Russia, with the support of the European Network on Statelessness (ENS) and the Institute on Statelessness and Inclusion (ISI), made a joint submission on discrimination related to ethnicity, migration status and citizenship.

The report covers the problems of discrimination against Indigenous peoples (destruction of the traditional natural environment, insufficient legislative guarantees of the right to traditional lands); Roma (anti-Roma pogroms, demolition of Roma settlements and eviction of residents, segregation of children in schools); the Crimean Tatar people (escalation of repression in Crimea and spread to newly occupied territories); racism and arbitrariness against migrants; the catastrophic impact of the war and mobilization on ethnic minorities and Indigenous peoples.

Among the problems related to citizenship, the report highlights the lack of judicial control over detention of stateless persons and migrants in deportation centers without access to legal aid; the citizenship stripping as a repressive measure. Special attention is paid to Russia’s war crimes against Ukrainian children: the assignment of Russian citizenship to children deported from Ukraine to Russia and their adoption or placement in children’s institutions or foster families in Russia.

The evaluation of the Human Rights situation in Russia at the 44th UPR session will take place in November, 2023.

ADC Memorial submitted reports within the framework of the UPR on the situation of vulnerable groups in Azerbaijan, Uzbekistan and Turkmenistan

The reports of ADC Memorial cover the problems of vulnerable groups in these countries, including discrimination based on gender and ethnicity.

As for vulnerable ethnic minorities, the report on Uzbekistan is focused on the problems of education in native languages, the situation of Mugat/Luli, and pays special attention to the tragic events in Karakalpakstan: the brutal suppression of protests in the summer of 2022 and unfair sentences imposed on demonstrators.

The report on Azerbaijan is devoted to the problems of such groups as Talysh, Lezgins, Tsakhurs, Armenians, and others: their underrepresentation in government bodies and public administration, the problems of preserving their

cultural heritage and recognizing their contribution to the history and culture of Azerbaijan, education in their native languages. Special attention is paid to marginalized Roma-like groups, in particular, the Dom minority.

The report on Turkmenistan focuses on the problem of discrimination based on gender and/or SOGI: the attack on women’s rights in all spheres of life and the extremely difficult situation of LGBTI+.

The 44th session of the UN Universal Periodic Review, scheduled for November 2023, will consider the human rights situation in a number of countries in our region (Russia, Uzbekistan, Turkmenistan, Azerbaijan).

THE UN COMMITTEE ON THE ELIMINATION OF RACIAL DISCRIMINATION ISSUES RECOMMENDATIONS TO AZERBAIJAN

The UN Committee on the Elimination of Racial Discrimination (CERD) during the 107th session in August 2022 considered the state report of Azerbaijan and alternative materials submitted by representatives of civil society, and expressed concern about the condition of ethnic minorities and civil society in the country in its recommendations.

While noting the efforts of the Azerbaijani authorities to ensure accountability for certain violations committed during the period of active hostilities in Nagorno-Karabakh and the efforts to investigate those violations, the Committee expressed its deep concern at the serious human rights violations committed during the hostilities in 2020 and later by the Azerbaijani armed forces against prisoners of war and other protected persons of Armenian origin. These violations included extrajudicial executions, tortures, destruction of homes, schools and other civilian objects. The experts pointed to the inadmissibility of the destruction and damaging of the objects of Armenian cultural heritage, including churches and other places of worship, monuments, landmarks, cemeteries, and called for an investigation into these violations. It is also unacceptable to incite racial hatred and promote racist stereotypes against persons of Armenian nationality or ethnicity, including by public figures and government officials.

The Committee also noted the lack of comprehensive statistics on the demographic composition of the popu-

lation, disaggregated by ethnicity or national origin, and recommended the authorities to collect and provide the Committee with reliable, up-to-date and complete statistics, including data on ethnic self-identification.

The Committee expressed concern about the lack of detailed information on the representation of ethnic minorities, and especially women, in the public sector, elected bodies, in high positions, and recommended that the authorities take measures to ensure fair and equal representation of ethnic minorities, including women, in government and public administration.

The CERD experts recommended that the Azerbaijani authorities develop and adopt legislative and policy measures, based on effective and constructive consultations with ethnic minorities and civil society organizations, to protect and preserve ethnic minority languages, including measures to increase access to mother tongue education in schools for children belonging to ethnic minorities. Such a recommendation was given to the Azerbaijani authorities in view of the reduction in teaching hours for national minorities' languages in school curricula, as well as the lack of teaching staff and financial resources for teaching these languages at schools and a necessity to provide schools with textbooks.

In its recommendations, CERD paid particular attention to the situation of the Roma and the Dom communities. Members of the Committee expressed

concern about stigmatization, harassment and discrimination against Roma and Dom people, their vulnerable economic situation (extreme poverty, high unemployment), low level of education among children. They noted that the Roma and the Dom systematically face obstacles in obtaining identity documents and in accessing health care. The Committee recommended the adoption and implementation of a comprehensive policy to combat structural discrimination of these communities, ensure their access to education, employment, healthcare and housing, as well as ensure that all members of the Roma and the Dom communities are issued identity documents. The Committee also recommended that the authorities take immediate legislative action against racial profiling of the Roma and the Dom and include statistics on their communities and information on their economic, social and cultural situation in their next periodic report.

The Committee expressed concern at reports that the authorities had denied registration to numerous new civil society organizations, including those protecting the rights of ethnic minorities, and recommended that the authorities take measures, including legislative ones, to ensure the smooth functioning of civil society organizations, in particular by simplifying the procedure of registration of public organizations.

AZERBAIJAN ANNOUNCES ADOPTION OF ANTI-DISCRIMINATION LAW

During a dialogue with the Committee on the Elimination of Racial Discrimination on August 15-16, 2022, the state delegation submitting Azerbaijan's periodic report on the implementation of the Convention reported that the country is preparing to adopt a law on the prevention and elimination of racial discrimination.

During the session, the experts of the Committee raised questions about the situation of ethnic minorities. A significant number of these questions were devoted to the situation of the Armenian population in the Nagorno-Karabakh region and the conflict between Azerbaijan and Armenia in general (most of the alternative NGO reports touched on this problem).

In addition, experts expressed concern about the lack of transparency in data on the ethnic composition of the country's population; low representation of ethnic minorities in government and public administration; violations of linguistic rights and the exclusion of the languages of a number of ethnic minorities from the school curriculums, book publishing sphere, and the media; devaluing the role of ethnic minorities in the history and culture of the country and rewriting history; political repression against the Talysh; structural discrimination of Roma and Dom groups and the lack of positive measures for the integration of these groups; persecution of human rights activists and members of political opposition.

UN CERD DREW ATTENTION TO THE PROBLEM OF DISCRIMINATION AGAINST ROMA CHILDREN IN GEORGIAN SCHOOLS

The UN Committee on the Elimination of Racial Discrimination at the 108th Session in November 2022 reviewed the state report of Georgia and alternative materials submitted by representatives of the civil society. In its recommendations, the Committee expressed concern about the violation of the rights of children from among ethnic minorities, including Roma, to education (the report of the ADC Memorial was devoted to the situation of Roma groups in Georgia).

The Committee noted the general efforts of the Georgian authorities to combat discrimination: in particular, the adoption of amendments to the anti-discrimination law (2014), that took place in 2019, expanding the scope of the law and strengthening the authority of the People's Defender's Office to investigate complaints of discrimination, as well as the adoption of the State Strategy of Civil Equality and Integration in 2021. The Committee considers that the discriminatory attitude towards ethnic minorities is still preserved and that the awareness of the representatives of ethnic minorities about the relevant legislation and compensation mechanisms remains extremely limited.

One of the main topics raised by CERD experts during the session was the violation of the rights of ethnic minorities to education. Noting that school and preschool education serves as the most important factor in the integration of children representatives of ethnic minorities into Georgian society, the Committee noted the shortcomings of school infrastructure in areas of compact ethnic minority residence, poor teacher training and lack of reference materials for teachers of the Georgian language and languages of ethnic minorities.

CERD experts recommended to the authorities of Georgia to amend the educational provision in the areas of compact residence of ethnic minorities, including in relation to access to preschool education, school infrastructure, specialized language training and educational resources for teachers of Georgian as a second language and teachers of minority languages. It also recommended arranging the release of textbooks in minority languages.

In its concluding remarks, the Committee paid special attention to the problem of the education of Roma children. While welcoming the measures taken by Georgia to provide the Roma with personal documents, the Committee noted

the persistence of significant problems in regard to the access of Roma children to education and their low learning outcomes, as well as language and cultural barriers, due to which Roma children miss classes and drop out of school more often than other pupils. The Committee is concerned that early marriages continue to hinder access to education for Roma girls. Therefore, the Committee recommended that the Georgian authorities enforce the ban on early marriage and implement the practice effectively, including through awareness-raising campaigns among Roma, educating about the harmful effects of early marriage, and providing victims with appropriate rehabilitation and counselling services.

In other recommendations, the experts of the Committee emphasized the need to facilitate the access of Roma children to pre-school institutions, as well as the need to ensure the effective integration of Roma children into the pre-school environment, so that the children could enter primary school with sufficient knowledge of the Georgian language. It was also recommended to support the organization of extra-curricular activities and clubs, the work of schools and municipal child protection services to attract children to schools and receive a full education.

Excerpts from the Alternative ADC Memorial report on Georgia's implementation of the UN Convention on the Elimination of All Forms of Racial Discrimination:

...One of the factors that creates a foundation for discrimination is the predominance of various cultural and social stereotypes about ethnic minorities. The concept of Georgia's civic nation is founded on the narrow religious and ethnic identity of Orthodoxy and the Georgian ethnicity. This means that the rights of religious-ethnic minorities are violated in Georgia.

Islam is professed by most ethnic Azerbaijanis, who make up almost seven percent of Georgia's population (about 233,000 people), Chechen-Kisti (5,697 people, according to the 2014 census), Lezgins, Ahiska Turks (Meskhetian Turks), and partly Abkhazians and some Georgian ethnographic groups (Adzhars and Meskhetians). This means that there is an ethnic dimension to violations of the right to freedom of religious belief. These violations include discriminatory

refusals to build mosques and disdain for Muslim cultural heritage.

Roma live in many localities in Georgia, in most cases among the ethnic majority, and, less often, as small groups in dense settlements. Nongovernmental organizations think that data on their numbers in Georgia might be closer to 3,000 people.

Roma groups in countries of the South Caucasus have specific problems that are typical of Roma communities in the Eurasia region. These include a low level of education, extreme poverty, poor socioeconomic support, harmful traditional practices (early arranged marriages, exploitation of children (participation in panhandling, housework, work outside the home like collecting scrap metal, selling at the market, and so forth)), and multi-discrimination against women and girls.

The failure to receive a quality education remains an acute problem for Romani children. Even though the Georgian law "On General Education" enshrines the right to a full general education, most Romani children continue

to be left on the sidelines of the education process. This is in many ways due to the fact that Roma do not know the Georgian language well. Children speak the language of their ethnic group or Russian at home, and they do not attend nurseries or preschools, so they arrive at school without basic knowledge or language skills.

A preschool education could be the solution to this problem. However, parents' lack of financial resources and the tradition of raising children at home are barriers to this, particularly because Roma are alienated and fear animosity and xenophobia. Teachers who work with Romani children say that Georgia does not have specialized courses for teachers who teach non-native speakers, which means that teachers do not have the correct approach to teaching these children. Unable to overcome the language problem, most Romani children leave school after the lower grades.

Harmful practices like exploitation and early and forced marriages are a consequence of poor school attendance by Romani children.

ADC MEMORIAL'S STATEMENT AT THE UN FORUM ON MINORITY ISSUES, December 2, 2022, Geneva

In 2022, the region of Eurasia marks the anniversary of the Declaration in the situation of a deep crisis, first of all, due to the war of Russia against Ukraine. The military aggression is based on the ideology which misinterprets and discredits the idea and the general discourse of minority rights protection. In the shadow of this global tragedy, decades of violation of minority rights in Central Asia have resulted in unprecedented repressions against the Pamiri peoples in Gorno-Badakhshan Autonomous Oblast of Tajikistan and against the Karakalpak minority in Uzbekistan.

In both countries, dozens were killed during peaceful demonstrations, hundreds wounded, hundreds –community leaders, activists, journalists and human rights defenders – were detained and put under trial behind closed doors, within politically motivated cases, without access to legal assistance. They are experiencing or facing risk of torture, life or long term imprisonment sentences, mass forced emigration, kidnapping and extradition.

We recommend initiating, with the participation of the UN structures and competent experts, creation of inde-

pendent investigative mechanisms, to give an objective assessment of the tragic events in GBAO and Karakalpakstan, to issue recommendations and follow up their implementation.

We call on Tajikistan and Uzbekistan to immediately stop reprisals against Pamiris and Karakalpaks; investigate cases of violence and torture; ensure transparency of the trials, unhindered work of lawyers, media, human rights defenders, international observers.

We urge all participating states to guarantee international protection for minorities representatives seeking asylum, not to expel them to Tajikistan or Uzbekistan.

International community, including the UN bodies, should react more decisively to the problems of minorities in Central Asia. We welcome the suggestion on creating a Voluntary Fund on support of the minority rights protection agenda.

Impunity provokes escalation in the whole Erurasia region. Standing with Ukraine, we welcome preparing the Tribunal on the war crimes and atrocities

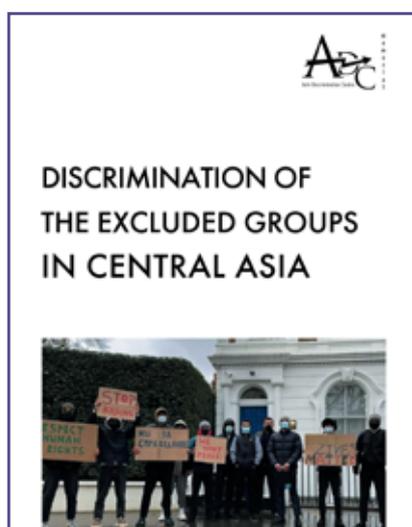
committed by Russia in Ukraine, and propose to think about further tribunals on the recent events in Central Asia.

The 15th session of the United Nations Forum on Minority Issues "Review. Rethink. Reform. 30th anniversary of the UN Declaration on Minority Rights" is taking place on 1-2 December 2022 at the Palais des Nations in Geneva. Under this item, the Forum will consider ways to eliminate the persisting gaps in the implementation of the Declaration and means to achieve tangible progress.

Participants will consider: whether additional instruments at the international or regional levels are needed, whether existing norms should be strengthened through better implementation, oversight and enforcement, whether businesses or other international economic institutions, including development aid, should be better included in the efforts to protect the rights of minorities, the role of the media in the protection and promotion of minority rights, and in addressing the gaps in the minority protection regime identified during the two days of discussions of the Forum, and how the Declaration can be used to respond to the new challenges that have appeared since its adoption.

ETHNIC MINORITIES IN CENTRAL ASIA: FROM NON-RECOGNITION TO STIGMA AND DISCRIMINATION

ADC Memorial side event during the OSCE/ODIHR Human Dimension Conference



On October 4, 2022, in Warsaw, as part of the OSCE/ODIHR human rights conference, a side event was held dedicated to the problem of discrimination against ethnic minorities in Central Asia. It was dedicated to peoples who do not have their own statehood and who have recently been involved in large-scale conflicts. The authorities do not recognise the problem of discrimination and do not allow independent observers, experts and journalists into regions where ethnic minorities live.

Edir Bova ("Taza Shailoo", Kyrgyzstan) spoke about the situation of the Dungans in Kazakhstan and Kyrgyzstan, about the anti-Dungan pogroms (February 2020) and the problems of the policy of interethnic relations in Central Asia.

Alisher Ilkhamov (Central Asia Due Diligence) devoted his speech to the recent protests in Karakalpakstan (July 2022), which were brutally suppressed by the authorities of Uzbekistan.

Rustamjon Dzhoniev spoke about the repressions against the Pamir peoples by the Tajik authorities, the non-recognition of the Pamir identity, the recent escalation (2021-2022), numerous victims, closed trials against the residents of Badakhshan Mountainous Autonomous Region, the lack of a fair investigation, impunity of the security forces.

VERDICT IN THE NUKUS CASE: RISKS OF A KOSOVO SCENARIO

On Jan. 31, after more than two months of court hearings, the first instance court finally issued a verdict in the Karakalpakstan case, which has 22 defendants. Readers are reminded that this case concerns protests that took place in Nukus on July 1 and 2, 2022, which were sparked by the Uzbek government's intention to delete provisions from the Constitution that guarantee Karakalpakstan's sovereign status within the country and its right to secede from the country if the majority of residents vote in favor of this in a referendum. According to official data, 21 people died while the protests were being suppressed by law enforcement bodies and National Guard units, but independent sources put the number of fatalities at least 77. Our previous analysis of the charges against protest leaders Dautemurat Tajimuratov and Lolagul Kallykhanova proved that they were politically motivated, illegal, biased, and absurd. With little hope that Uzbekistan's justice system would act independently, we called on the Uzbek authorities to issue a just decision, which would mean acquitting all or most of the defendants. Did the authorities hear our call?

At first glance, it appeared that a certain compromise had been reached. Under this compromise, five of the 22 defendants were released from custody right in the courtroom. Two of them, including Kallykhanova and Kalilayev, were given suspended sentences, and the rest received sentences, but their preventive measures were changed, which is a very strange formulation from a legal standpoint and begs the question of the actual reasons for their release. Kallykhanova, the only female defendant, was apparently released out of concern for reputation. Four of the five, including Kallykhanova, fully admitted their guilt, and one only partially admitted his guilt. At least two testified against Tajimuratov, accusing him of misleading them. And that looks like some kind of backroom deal.

Whatever the case, 17 defendants were still sentenced to actual prison time, and nine of them were given fairly long sentences, from seven to eight years. But Tajimuratov was given the longest sentence – 16 years imprisonment. Below is a table showing who was released from detention, who was given a prison sentence, and what the length of that sentence is.



Photo – <https://t.me/AzizAbidov>, Official channel of the head of the Public and Mass Media Relations Department of the Supreme Court of the Republic of Uzbekistan

The average prison term is 6.5 years. This is much less than the terms handed down after the Andijan events of 2005, but the verdict issued in this case is still quite severe. Most importantly, just like in 2005, the charges and trial were a travesty of justice.

The difference between the prison terms in this case and the ones in the Andijan case can most likely be explained by the fact that there was an element of violence on the part of the protestors during the 2005 events (seizing of the prison, the armory at the barracks, and the regional Khokimiyat building, as well as the storming of the National Security Service's local office). This time, there were many fewer elements of violence on the part of the protestors. The authorities maintain that three law enforcement officers died, but they have not announced their names for some strange reason.

If we take a closer look at the results of the trial, we can see that no real progress was achieved in ensuring a fair and impartial review of the case. The authorities made small concessions in the form of suspended sentences and “changing preventive measures” for a few of the defendants. As noted above, most of the defendants were sentenced to actual prison time. Only one of the charges against Tajimuratov – the most absurd one – was dropped. This charge cited two completely different articles of the country's Criminal Code: Article

104(3)(a) (intentional grave bodily harm caused by two or more persons) and Article 28 (complicity in committing a crime or organizing such a crime). After this charge was dropped, Tajimuratov's term was reduced from 18 years (which is what the prosecutor requested) to 16 years. This doesn't really resemble a compromise, and considering Uzbekistan's long-standing practice of extending prison terms for political prisoners upon completion of their initial terms, there is nothing meaningful about reducing the sentence by two years. As far as the five defendants released from custody are concerned, their release was not determined by an acquittal, but in a completely arbitrary manner that left the verdict in force and without any legal grounds, most likely because of a call from the powers that be. And, considering the absence of an independent judiciary in the country, the entire verdict undoubtedly came from the president's office.

The end of the trial in Bukhara was overshadowed by another sad event: Four days after the verdict, one of the convicts died – Polat Shamshetov, the former head of the criminal investigation department of the Ministry of Internal Affairs of Karakalpakstan. It is important to pay attention to his personality, as he, along with Tajimuratov, is an iconic figure. Being a son of the first and only president of Karakalpakstan, Dautlebay Shamshetov, Polat Shamshetov had a potential to become a leader of the movement for the inde-

pendence of Karakalpakstan, and it might be the reason of his arrest. His father, a former party functionary, was elected Chairman of the Supreme Council of the Republic in early 1991, and in November of the same year he took the newly created post of the President of Karakalpakstan. It was the time of the so called “parade of sovereignty” of the former Soviet Union republics, and Karakalpakstan achieved the greatest autonomy within Uzbekistan, with a certain trend towards achieving full sovereignty. However, six months later, under pressure from Uzbek President Islam Karimov, he was forced to leave his post. Already in 1993, an agreement was signed between Tashkent and Nukus on the entry of Karakalpakstan into Uzbekistan as a sovereign republic with the right to withdraw from it if the majority of its population voted for it. Most likely, a part of the Karakalpak society has nostalgia for the period between 1991 and 1993. The decision of the Uzbekistan authorities to arrest Polat Shamshetov and put him behind the bars was caused with the fears that he could lead the struggle for sovereignty and even, perhaps, for the republic’s secession from Uzbekistan, despite the fact that he apparently did not take an active part in the July protests. In the same light, we can consider the fact of his death, the causes of which require an independent investigation.

It’s worth taking a separate look at how the defendants behaved in court. While the press reports that at least seven of them placed all the blame on Tajimuratov and testified against him, Tajimuratov himself behaved in a dignified manner throughout the hearings. He did not betray his convictions and he presented a cogent argument refuting the charges against him, engaging in polemics with the speakers and asking them questions when he did not agree with them. In other words, he behaved

quite professionally as an attorney and left the impression of a stoic person with remarkable leadership qualities.

If Tajimuratov is not exonerated after he files appeals with higher courts, he will very likely become a heroic martyr in the eyes of the Karakalpak people, with all the ensuing consequences for relations between the central government and the Karakalpak population. While there was no widespread movement to secede from Uzbekistan in Karakalpakstan prior to the June events, with the exception of a small group of dissidents outside the country, there is now a greater likelihood that events there will begin to follow the Kosovo scenario. Readers are reminded that the events in Kosovo developed very badly, and also around a dispute regarding this region’s status as part of Yugoslavia. The start of Kosovo’s sovereignty movement can be considered a small demonstration by students in Pristina in 1981, which the authorities responded to with mass repressions and restrictions on the autonomy Kosovo had had until that point. The actions the authorities took, which they thought were a necessary measure to eliminate a threat to Yugoslavia’s territorial integrity, had the opposite effect, giving rise to a spiraling growth in protests and challenges, first to granting Kosovo the status of a republic within Yugoslavia, and then to its secession from Serbia.

Another risk stemming from the events in Karakalpakstan and the wrongful court verdict is that following such a major political crisis, [Uzbek President] Shavkat Mirziyoyev may try to restore a Karimov-type dictatorship as a way to maintain authoritarian control over the country. In this regard, it is notable that in an interview with *Mediazona*, Aman Sagidulayev,

a Karakalpak dissident in exile who leads *Alga Karakalpakstan* and has long spoken in favor of sovereignty for Karakalpakstan, announced a planned action in Nukus protesting Tajimuratov’s sentence. “We do not intend to notify the authorities about this demonstration or the date on which it will be held,” he said, “because everyone who sought approval for such events is in an Uzbek prison. And Tajimuratov is proof of this. To be sure, this will be a peaceful demonstration where we will put forth the following demands: the release of all Karakalpak political prisoners; the dissolution of the republic’s parliament; the resignation of the government, the prosecutors, and other vassals appointed by Tashkent; and free elections for new leadership of Karakalpakstan.” Now we can expect that the Uzbek authorities will unleash even tougher repressions in the autonomous republic in response to this attempt to organize a protest, thus provoking a new wave of dissatisfaction and protest sentiments, which is what happened in Kosovo.

In light of the above, the international community must take measures to influence the Uzbek government to ensure compliance with the norms of the Constitution and international law in the Karakalpakstan case and prevent the country from slipping back into a dictatorship similar to the regime of former Uzbek president Islam Karimov. The European Union could play a special role in this matter because it has an effective means of leverage over the Uzbek authorities, namely, the Generalized Scheme of Preferences Plus (GSP+), which grants third world countries tariff-free access to its markets. In 2021, Uzbekistan was granted status under GSP+, which opened up excellent opportunities for the country to export its products to wealthy European markets. In a recent publication analyzing the trend of the worsening human rights situation in Uzbekistan, the author of this article already called on the EU to review the extent to which Uzbekistan satisfies the conditions for GSP+ status, given the fact that this status is only awarded to countries that have made observable progress in human rights. The events we have described in Karakalpakstan and the judicial farce in Bukhara add to the argument that this leverage should be deployed in practice.

*Alisher ILKHAMOV,
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Due Diligence*

The trial of 22 participants in the events that took place in Karakalpakstan on July 1-2, 2022 started in Bukhara Oblast Court on Nov. 28, 2022. The defendants include Daulet Tajimuratov, who is considered the informal leader of the protests, and Lolagul Kallykhanova, a journalist who supported Tajimuratov’s calls to stand up for the Republic of Karakalpakstan’s sovereignty in her video addresses.

Readers are reminded that the protests erupted in response to Taskent’s intention to strip Karakalpakstan of its constitutional status as a sovereign republic in Uzbekistan and of its constitutional right to secede from the country if a majority of the population voted in favor of this at a referendum. The central government sent security units to Nukus to suppress the protests. According to official information, 21 people, including four representatives of security agencies, died as a result of the heavy-handed suppression. Local doctors, however, put the number of fatalities at over 70. The authorities did not release the names of the security officers who were killed, even though this would have been in their interests from the standpoint of public relations and justifying the harsh methods used to suppress the protests. They also did not announce funerals for these officers. This gives rise to serious doubts about the accuracy of the official statistics about this group of victims. It is more likely that the fatalities occurred only among the population of Karakalpakstan.

REPRESSIONS AGAINST THE PAMIRIS IN TAJIKISTAN: NUMEROUS VICTIMS, LAWLESSNESS, IMPUNITY

On May 18 of this year, in the town of Vamar, the administrative center of the Rushansky district of the Badakhshan Mountainous Autonomous Region (BMAR), an event took place, which the press dubbed the “Rushan Bucha”, by analogy with the bloody events in Ukraine.

These two events in their cruelty and inhumanity leave many speechless. Defending your own identity and the right to think of yourself as a person that you are by birthright and to be who you feel you are have unfortunately ended in disaster in both cases.

In the photographs, you see 4 friends, residents of the village of Derzud. On May 17, 2022, several hundred residents of the Rushan district in the town of Vamar took part in a civil rally of disagreement with the decision of the Tajik authorities to conduct a military operation against participants in a peaceful protest in the city of Khorog, the administrative center of BMAR.

Ardasher Munosibov is the only son of his parents. The picture shows Ardasher's father, bending over his son. Then and now, this heartbroken father is the symbol of the Pamiris who do not know what to do with their tragedy and pain and whether there is anyone in this world who will heed the cry about injustice.

Before death, all four were subjected to savage torture and beatings. During these many hours of an illegal interrogation, they were insulted on ethnic and religious grounds.

For example, the murdered Shukhrat Rushtov was told that the Pamiris should not be buried like Muslims, because they have a dirty and unfaithful religion, and they themselves are also unclean. Shukhrat Rushtov, according to our information, had his tongue and genitals cut off for attempting to defend himself verbally.

This is the body of a resident of Vamar – Edgor Amrihudoev. They took him straight from work. He was not even, like many other victims, a participant in a civil action of dissent. One of the witnesses of the Rushan massacre told me that he saw how the special forces stabbed the naked bodies of the dead with knives, saying: “This is the fate of those who consider themselves Pamiris, not Tajiks.”

The guilt of all these brutally murdered people was that they were ethnic Pamiris.

During the so-called counter-terrorist operation in Wamara, more than 40 people were brutally killed. President Rahmon, who has been the permanent

head of Tajikistan for more than 30 years, said that he personally gave the order to start cleaning up the region.

The Pamiris are an ethnic and religious minority in Tajikistan that is not officially recognized by the Tajik authorities. This is a people with a very ancient and tragic history, during which the Pamiris were repeatedly discriminated against and physically destroyed by various forces precisely because of their identity. The Pamiris are Ismaili Shiites, in contrast to the Sunni majority of Tajikistan. During the civil war in Tajikistan, mass ethnic cleansing of the Pamiris took place. There are thousands of dead people, whose names are still unknown to the general public.

From 2012 to the present day, at least 100 people have died at the hands of Tajik security forces. Many of them were subjected to extrajudicial executions. Not a single murder case was prosecuted, a forensic medical examination was not carried out, and the perpetrators were not punished.

Here is one of the most striking examples of impunity: prosecutor Mukhtor Akhrorzoda is an employee of the regional prosecutor's office in Khorog. He openly writes on social networks that he will rape all Pamiris from 7 to 70 years old. And he continues to work.

Over the past six months, hundreds of residents of BMAR have been arrested. They do not have lawyers. Investigations and trials are held behind closed doors. Most Tajik lawyers do not want to take on Pamiri cases for fear of losing their lawyer's license. In private conversations, they admit that they receive the order to refuse from the authorities.

Under the guise of a population census, information is collected about the Pamiris and their family members, especially those who live, work or study outside of Tajikistan. The authorities control the remittances of Pamiri migrants. For every transfer of money from abroad, the Pamiris have to give an account.

On Youtube, you can find a video of the special operation in Khorog from 2012, in which the Tajik military insults the Pamiris, calling them “Ghanaians”, “infidels”, and “dirty”, and declares that all Pamiris should be killed. This video was filmed by the special forces themselves and it was they who posted it on the Internet.

Pamirophobia is not a problem of individual Tajik nationalists, but of the Tajik authorities as a whole. They are not satisfied that the Pamiris consider themselves Pamiris, not Tajiks. The authori-

ties have tacitly banned the Pamiris from speaking their native languages in state institutions. The Pamiris are not allowed to print books, magazines and newspapers in their own languages, despite the language law, which obliges the state to create conditions for the development of the Pamiri languages.

In 2011, at the “Imruz” radio station I created, it was decided to open an hour-long program in one of the Pamiri languages. However, the authorities did not like my initiative, and I was recommended to take the program off the air in exchange for the freedom of my employees.

Badakhshan Mountainous Autonomous Region is the largest region of Tajikistan and this region does not have any non-governmental media, including in the Pamiri languages. All efforts to create these media have failed because President Rahmon sees the emergence of a free press as a threat to the security of his power, and the formation of media in minority languages as a threat to the nation-state.

Tajiks from other regions of the country have always called the inhabitants of Badakhshan “Pamiris” and considered them different. The authorities informally also call them “Pamiris”. For 30 years the Pamiris have been living under the most severe pressure and persecution. Religious discrimination is one of the problems of Tajik society. A law on religion adopted a few years ago, proclaims the Sunni Hanafi madhhab as the main and central religious direction of the country.

What to do?

- State leaders and international organizations should pay attention to the problems of discrimination against the Pamiris in Tajikistan. Carefully study all the facts and evidence of the persecution and manhunt of the Pamiris.
- Provide financial, psychological and legal assistance to Pamiri activists and their relatives, who today are being persecuted and imprisoned.
- Assistance is needed in the creation and free functioning of public organizations, and independent media to protect human rights and the national identity of small ethnic groups living in Tajikistan.

Rustamjon JONIEV

THE UN CERD CALLED FOR AN END TO THE REPRESSION AGAINST THE PAMIRS IN TAJIKISTAN

Based on the results of the consideration of the state report at the 109th session, the UN Committee on the Elimination of Racial Discrimination addressed its recommendations to the authorities of Tajikistan. They respond to the problems raised in the alternative report of ADC Memorial.

The situation of the Pamiri peoples was at the centre of the session's debates. In its recommendations, the Committee expressed regret that the country's authorities persist in non-recognizing the Pamiris as a specific group with ethnic, linguistic, religious and cultural characteristics. However, the Committee was dissatisfied with the incompleteness of statistical data on some other groups as well, such as ethnic minorities, for example, Yaghnobi, migrants, refugees, etc.

As it's said in the Concluding Observations, "The Committee is seriously concerned over the tensions in the Gorno-Badakhshan Autonomous Region (GBAO) with reports of the use of lethal and excessive force against protesters in the region, followed by prolonged internet shutdowns and subsequent violent attacks, arbitrary detentions, threats and harassment of the members of the Pamiri minority (art. 5).

The Committee recommends that the State party: (a) Carry out as soon as possible, an impartial and transparent investigation surrounding the events in GBAO since November 2021, in accordance with applicable international standards. (b) Take all the necessary measures to prevent further escalation of violence in the region, including by responding to the grievances of the Pamiri minority. (c) Engage in a constructive and open dialogue with the Pamiri minority. (d) Implement conflict-prevention measures that meet international human rights standards, including measures to protect the Pamiri minority."

Speaking about the under-representation of ethnic groups in government bodies, administration and public life, the Committee mentioned the Pamiri peoples as well and called on the country's authorities to take special measures to overcome this problem.

The Committee paid serious attention to the protection of the linguistic rights of ethnic minorities, expressing concern about the lack of

adequate support for the study and expansion of use, in particular, of the Yaghnobi and Pamiri languages. The Committee recommended:

(a) Adopt special measures and allocate additional resources to ensure sufficient opportunities for children and young people from ethnic minorities to learn and be educated in their mother tongues, particularly during pre-primary and basic education, through the adequate provision of trained teachers and textbooks in minority languages; (b) Empower and develop appropriate competencies of regional and local authorities concerning minority education and support the participation of minorities in the process of policy formulation at the regional and/or local level; (c) Take effective measures to ensure the preservation of minority languages, particularly the Pamiri and Yaghnobi languages; (d) Support the inclusion of the Pamiri languages in the education system and in television and radio broadcasts.

An important recommendation of the UN CERD relates to the unlawful application of the law on combating terrorism against civil society organizations, human rights defenders and journalists. It also applies to the convicted Pamir activists. The Committee recommended that the State party: (a) Carry out effective, thorough, and impartial investigations into all reported cases of arbitrary arrests and detention, intimidation and harassment of, and threats and reprisals against human rights defenders, members of civil society organizations and journalists belonging to minorities, as well as those advocating for their rights, establish accountability for perpetrators and provide remedies to the victims; (b) Review the definition of "terrorism" and related offences contained in the Law of the Republic of Tajikistan on Combatting Terrorism and provisions of the Criminal Code, in line with international human rights standards, and ensure that this legislation is not used to arrest, detain or prosecute human rights defenders, members of civil society organizations, and journalists, including those working on the rights of minorities, in the exercise of their rights to freedom of opinion and expression and their rights to freedom of peaceful assembly and association; (c) Take all the necessary measures, including through the adoption of a specific law on the protection of human rights defenders, to ensure that all human rights defenders,

including those working on minority rights, are recognized and can carry out their peaceful and legitimate activities without fear of restrictions, judicial prosecution, and reprisals; (d) Take all the necessary measures to ensure that civil society organizations can operate freely without undue restrictions, excessive administrative burdens, threats, or any other form of persecution.

The Committee once again expressed concerns about the situation of the Mugat/Jughi group and noted with regret the reluctance of the Tajikistan authorities to adopt an action plan to improve the situation of this minority, although in the previous recommendations and in the General Comment No.27 (2000) on discrimination against Roma groups, the Committee pointed out the importance of positive measures. The CERD urged the authorities to adopt such an action plan or strategy to improve the situation of Mugat/Jughi, paying particular attention to the situation of women and girls, their protection from discrimination and stigmatization, ensuring their right to education, work, health care and adequate housing. The Committee also recommended organizing educational campaigns to promote tolerance towards the Mugat community.

Some other important recommendations of the Committee relate to the situation of migrants, refugees and stateless persons, improvement of anti-discrimination legislation, national Human Rights protection mechanisms.

Within one year of the adoption of the recommendations, the authorities of Tajikistan should report about implementation of the priority recommendations: bringing the Criminal Code in line with Article 4 of the Convention and criminalization of acts of racially motivated violence and incitement to racial discrimination (para 12), improving the situation of Mugat/Jughi (para 16), and measures to prevent deportation of Afghan nationals (para 24).

The Committee requested Tajikistan's authorities to pay particular attention in the next periodic report to two recommendations of high importance: concerning Pamiri peoples (para 14) and the situation of civil society, human rights defenders and journalists (para 36).

THE TRAGEDY OF THE DUNGAN AND THE SUBSEQUENT IMPUNITY OF THE PERPETRATORS AS CATALYSTS FOR THE VIOLATION OF NATIONAL MINORITY RIGHTS IN CENTRAL ASIA AMID GLOBAL PROCESSES

In publishing this article by a civil rights activist about the problems of Dungan people in Central Asia, ADC Memorial is expressing its extreme concern about reports of numerous posts on Kazakh social media that incite ethnic enmity and hatred of the country's Dungan population and call for violence and about reports that defenders of ethnic minority rights are being subjected to harassment and pressure.

Readers are reminded that the bloody pogrom of dense Dungan settlements in southern Kazakhstan (February 2020) that killed at least 11 people and injured thousands, was accompanied by and in many ways caused by mass calls for violence on social media. Unfortunately, the consequences of this conflict have yet to be overcome, primarily because the actions of the authorities and security units were never given a legal assessment and responsibility was assigned to the victims.

The Dungan tragedy must not be repeated. The international community – bodies of the UN, the EU, the CoE, and the OSCE – must pay particular attention to the problems of ethnic minorities in Central Asia. The government of the Republic of Kazakhstan must prevent provocative acts in relation to the Dungan population, not just in dense Dungan settlements in the south, but also in other cities where they live and work. Defenders of ethnic minority rights and civil rights activists must be freed from pressure and persecution for their human rights activities. Justice for the victims of the conflict must be restored: This also involves reviewing the sentences of the convicted Dungans, which international human rights institutions have long been calling for Kazakhstan to do.

Amid the global challenges that have impacted the entire world in recent years (the COVID19 pandemic, Russia's aggression against Ukraine, the economic crisis, and so forth), the global community and international institutions have not responded to the problems of protecting and defending the rights and freedoms of national minorities in Central Asia in an appropriate or timely manner. This, in turn, has contributed to an escalation in violation of minority rights in the region.

Even though Central Asian countries have from time to time experienced conflicts involving ethnic minorities, the anti-Dungan pogrom in Kazakhstan was unprecedented: During the night of February 7-8, 2022, four Dungan settlements in Korday District were brutally attacked by thousands of aggressive people chanting nationalist slogans. At the time, at least 11 people died because of the unrest. Hundreds of people were wounded, citizens' property was looted and set on fire, and several thousand people – mainly women, children, and the elderly – were forced to flee to the neighboring republic. During the first hours of the conflict, telecommunications and electricity connections were turned off in all four villages; in other words, people were cut off from the outside world.

State law enforcement structures were unjustifiably and even criminally late to take measures to assist and intervene, which only contributed to the scale of the consequences. Witnesses said that this was confirmed by court proceedings and that the delay was intentional to give criminal elements the opportunity to "deal" with the Dungan. The most tragic aspect of this all was that guilt for organizing the conflict was assigned to the Dungan who came out to protect their homes, while the true organizers and many of the attackers were never identified to accommodate the nationalist mood in a part of society. Dozens of Dungan were arrested within the one to two months following the conflict; 13 have been sentenced to prison terms of varying lengths. The investigative actions of law enforcement bodies involved a colossal amount of pressure on the detainees and the use of prohibited measures (torture). The trials were held behind closed doors in the pretrial detention center in Taraz, Jambyl Oblast under strict quarantine measures related to the COVID-19 pandemic. This limited the ability to provide the defendants with a robust defense. But even in spite of these circumstances, the defendants' attorneys were able to introduce convincing evidence that the charges were groundless and that the detained Dungan were innocent. Unfortunately, the court's decision was politically motivated.

History, of course, will put everything in its place: Sooner or later, the concerned parties, the organizers, and the attackers will be identified and the events will be assessed from legal and

social standpoints. And even though the Korday pogrom will always be a blemish on the history of modern Kazakhstan, we must also talk about those who displayed courage and humanity.

About the fearless ethnic Kazakhs – friends, neighbors, and other local residents – who rushed to help in the first hours of the tragedy, who rallied to defend the Dungans, and who hid Dungan families in their homes, literally wresting them from the hands of the arriving bandits, saving them from reprisals, and proving the inviolability of good-neighborliness, friendly relations, and unity.

About the brave community leaders and ordinary concerned citizens who were not afraid to be publicly condemned in wide-ranging information attacks deployed by various nationalistic "troll factories" and who openly supported the Dungan people on social media and other information platforms, demanding a fair trial and punishment of the guilty parties.

About people of different nationalities who opened up their homes to Dungan refugees and victims and collected food and hygiene products, clothes, medicines, and so forth for them. And there were many people like this, many more than the bandits carrying out someone's political order.

Unfortunately, the Korday tragedy did not receive proper attention from international institutions or in public space both because of the pandemic and because of restrictions created by the Kazakh government to prevent publicity. For example, reporters and human rights groups, including international ones, were not allowed to visit the place of the conflict, and no international organization has visited the area yet.

Subsequent tragedies involving a violation of minority rights in Central Asian countries occurred as a natural result of the Korday events.

These include the persecution of Pamiris in Gorno-Badakhshan Autonomous Oblast (GBAO), Tajikistan, which started (for the umpteenth time in history) in November 2021 with the suppression of protests using similar methods of blocking the Internet and turning off electricity and telecom-

munications connections. These also include the problems of the people of Karakalpakstan, Uzbekistan, whose protests were suppressed in June 2022 using the same mechanisms of blocking communications and shutting off the minority from the outside world. In a situation of isolation, the arbitrary will and impunity of security and law enforcement structures in both countries led to dozens of fatalities and hundreds of injuries and arrests. The trials of the protestors that are underway in Tajikistan and Uzbekistan are reminiscent of the trials of the Dungans.

Unlike the events in the GBAO or in the Republic of Karakalpakstan, the conflict in Korday had no protest potential on the part of the Dungan themselves, and the actions of the bands of nationalist thugs that attacked Dungan settlements were artificially orchestrated. We hope that one day we will learn what political games and groups the Dungan fell victim to.

International organizations like the UN Committee on the Elimination of All Forms of Racial Discrimination, the Office of the UN High Commissioner for Human Rights, the UN Special Rapporteur on National Minorities, the OSCE High Commissioner on National Minorities, and other international human rights institutions – must devote more attention to the problems of national minorities in Central Asia within the framework of their mandates.

These institutions cannot limit themselves to gathering information from the state and analyzing open sources. Instead, they must visit conflict areas; familiarize themselves with the situation; meet with the victims, the local population, and government bodies; and provide an objective assessment of the events as soon as they possibly can.

It is important to remember that ethnic minorities have no other way to protect their rights in the face of violations made by state institutions than to appeal to international organizations intended to protect minority rights. The problems of minorities have taken a back seat to the global processes occurring in the world, and minority voices are going unheard. Lack of engagement, inattention, and a formalized approach to minority issues on the part of international organizations could trigger other conflicts and result in even more far-reaching and tragic consequences.

Delegates at the Stockholm+50 international meeting developed a new declaration on the rights of indigenous peoples



Photo by IISD/ENB

At an international meeting in Stockholm on 2-3 June 2022, supported by the UN General Assembly, delegates from indigenous communities from different countries developed a new Declaration on the Rights of Indigenous Peoples. Fifty years have passed since the existing Declaration, adopted at the 1972 UN Conference on the Environment, was passed.

Participants presented a platform to accelerate the implementation of the 'Sustainable Development Goals', including the 2030 Agenda for Sustainable Development, the Paris Agreement on Climate Change, as well as the global biodiversity framework.

During the meeting, indigenous delegates issued a Declaration of Indigenous Peoples. In the text, they stated that humanity had failed to fulfill many of its environmental commitments, and that states had not fully realised the promises made at the first Stockholm conference. Among other things, they criticised governments and international organisations for excluding indigenous peoples from decision-making and from developing and implementing climate change and environmental measures that directly affect the places where indigenous peoples traditionally live.

Delegates called for the effective and immediate inclusion of indigenous knowledge and expertise in all relevant decisions and actions on climate change, on biodiversity loss and on land rehabilitation, and for the full inclusion of indigenous peoples in decision-making on climate change, biodiversity and combating desertification. Delegates demanded that UN Member States recognize the existence of indigenous peoples within their borders, reflect in national legislation their collective rights to territories and natural resources in accordance with the UN Declaration on the Rights of Indigenous Peoples, ensure indigenous peoples' participation in consultations to obtain their Free, Prior and Informed Consent (FPIC) in the design, adoption, implementation and monitoring of legislative measures, policies, programmes and projects concerning their lands, stop discrimination and violations.

ADC Memorial has repeatedly raised the issue of the catastrophic environmental consequences of violations of indigenous peoples' rights in its reports, including in the implementation of state projects in their territories and in the implementation of the FPIC principle.

THE DISCUSSION “HOW THE LIVES OF THE INDIGENOUS INHABITANTS OF SIBERIA ARE BEING DESTROYED” WAS HELD DURING THE OSCE/ODIHR CONFERENCE

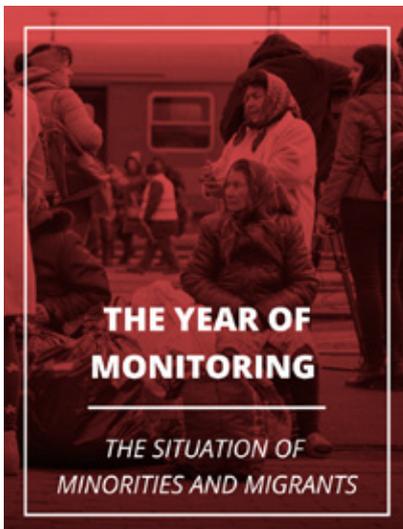
On October 3, 2022, during the annual OSCE/ODIHR Conference in Warsaw, ADC Memorial organized a side event on the rights of the indigenous peoples of Siberia. The participants of the meeting were shown a film “Shor Gold” by Vyacheslav Krechetov. The film is about the destructive activities of coal and gold mining companies, as a result of which the indigenous people of the Shors can no longer lead a traditional way of life.

Dmitry Berezhkov, an invited expert on the rights of indigenous peoples (Indigenous Russia), devoted his speech not only to the problem of the destruction of the natural environment and, as a result, the traditional way of life and identity of indigenous peoples, but also to new challenges associated with Russia’s military aggression against Ukraine. Forced mobilization to participate in the criminal war poses a threat of the physical destruction of indigenous peoples, who are already dramatically small-numbered.



INDIGENOUS PEOPLES OF THE RUSSIAN FEDERATION

Violations of the rights of people belonging to groups vulnerable to discrimination in war situations



While the primary victims of Russian aggression were the residents of Ukraine, the conflict also posed a threat to the situation of indigenous peoples residing within the Russian Federation.

As early as March, Pavel Sulyandziga, an expert on indigenous peoples, had already predicted that military aggres-

sion and the subsequent transformation of the Russian regime would have a detrimental impact on indigenous ethnic groups:

- The Russian state’s withdrawal from international legal institutions will only exacerbate their indifference towards the rights of indigenous peoples.

- The economic hardships brought on by the conflict will make it difficult for indigenous peoples to access vital goods and services, particularly medicines and medical treatments. This issue is compounded by the fact that indigenous peoples often reside in remote regions, making it even more challenging to obtain necessary resources.

- The main danger, however, lies in the recruitment of young indigenous individuals into the army. Due to their limited knowledge and awareness, they may not fully realize the potential risks involved. Moreover, high levels of unemployment within these communities create strong incentives to join the military. The death of even a few young individuals can be a significant loss for these small, often thousands or even hundreds-strong, indigenous communities.

The accuracy of the last prediction was confirmed in April, when journalists became aware of the first data on the losses of Russian troops. Based on official sources and regional media, the Russian BBC compiled a list of names and regions of 1083 soldiers who died in Ukraine. As a result, five out of ten regions with the highest registered number of losses among conscripts per capita turned out to be “ethnic” republics, which are also characterized by a high level of unemployment among the local population.

The situation worsened with the announcement of “partial mobilization” in September 2022. A disproportionate number of people were mobilized in Crimea and Russian regions with large indigenous populations, such as Buryatia, Sakha, Dagestan, Yakutia, Tuva, Khakassia, Kalmykia, and Chuvashia.

The criminal war in Ukraine was a disaster not only for millions of Ukrainians, but also for the peoples of Russia, even those who live in the harsh conditions of the Far North, Siberia, and the Far East.

THE FEAR OF “GENDER”

In late June, at the height of the war, Ukraine ratified the Istanbul Convention – the Council of Europe Convention on preventing and combating violence against women and domestic violence. On the one hand, this makes complete sense: Ukraine hopes to join the EU, especially in the current circumstances of war, and the Convention is one of the fundamental components of “European values.” But, on the other hand, ratification at this specific time also symbolizes recognition of the role of women at this most difficult moment for the country and respect for their equal rights. Even the stipulation that accession to the Convention will not result in changes to the Constitution or laws on the family, marriage, and child-rearing does not alter the situation: An important step has been taken, and there is no doubt that not just the EU, but, most essentially, Ukrainian civil society will monitor implementation of the obligations the state has undertaken.

It cannot be said that the ratification of the Istanbul Convention was easy: It has been over 10 years since Ukraine signed the Convention (2011), which was opposed by conservatives and religious figures, who traditionally fear the concept of gender and even the very word itself, which they often conflate with what they see as the disagreeable topic of LGBTI+ issues. However, there’s more: In early August, President Zelensky instructed the Cabinet of Ministers to consider the question of legalizing LGBTI+ marriages, having responded to the corresponding petition in the following manner: “Every citizen is an integral part of civil society, and all the rights and freedoms enshrined in Ukraine’s Constitution apply to them. All people are free and equal in dignity and in rights.” Since Ukraine’s Constitution interprets marriage as a union between a man and a woman, and the Constitution cannot be changed in wartime, a solution could be to legalize same-sex partnerships, and experts see the creation of this institution as entirely plausible. Recognizing the equality of LGBTI+ people specifically during wartime is also symbolic as an appraisal of their contribution to the overall fight against Russian aggression. The petition says: “Today every day could be our last. Let people of the same gender have the opportunity to create a family and receive an official document confirming this. They need the same rights that traditional couples have.”

A study by the Center for Expertise in the Social Sciences at the Ukrainian National Academy of Sciences’ Institute of Sociology about the Ukrainian population’s tolerance for LGBTI+ people that was done

on the eve of the war showed that support for the right of same-sex couples to register their family relationship has doubled since 2013. Twenty-seven percent were fully in favor, while another 26 percent were in favor with some stipulations (a total of 53%). This figure stood at 33% in 2013. Support for equal rights for LGBTI+ people is also growing, although unevenly in terms of geography, and society is still quite paralyzed in this sense. So the mythologized fears of “gender” are gradually receding.

Conservative elites in other former Soviet countries also fear the word “gender” and, even more so, the abbreviation SOGI (sexual orientation and gender identity). When reviewing state reports, various UN committees regularly issue “routine” recommendations like adopting a comprehensive anti-discrimination law and a gender equality law to countries that have yet to adopt such laws (if they have adopted such laws, the laws avoid the word “gender” and talk about equality between men and women). The “routine” responses are that other laws (generally the Constitution, the Labor Code, education laws, etc.) contain anti-discrimination provisions that are sufficient. Human rights defenders and UN committees insist that SOGI be included in the definition of discrimination along with a number of other attributes (skin color, ethnicity, beliefs, and so forth), but lawmakers are resistant to this and say that the attributes listed are more than enough and that SOGI is implied under “and others.”

However, the adoption of an anti-discrimination law, even an imperfect one, is already a major step forward: Such a law clearly articulates a ban on discrimination and liability for breaking it and creates a special body authorized to review complaints and perform expert evaluations. In late June, Tajikistan suddenly announced that the “Law on Equality and Elimination of All Forms of Discrimination” had been adopted by the lower house of parliament and was expected to be approved by the upper house; this was a surprise because, until recently, the government didn’t see any need for such a law. Even though SOGI was predictably not included as a ground for discrimination, the law still refers to direct and indirect discrimination, segregation, sexual harassment, victimization, and positive measures for fighting discrimination, using a contemporary approach and terminology.

The fact that the law was adopted does not really mesh with the overall impression of an authoritarian Tajikistan. However, this gesture shows that the country’s government is not indifferent to the opinion of the global community: The law was developed as part of the National Action Plan for 2017-2020 to implement the recommendations of states on the UN Human Rights

Council. This was already the second cycle of review of the human rights situation in Tajikistan as part of the Universal Periodic Review. Now the third cycle is underway, and Tajik and international human rights organizations have submitted new reports: In particular, these reports raise the topic of discrimination against ethnic, religious, and linguistic minorities. The recent events in Gorno-Badakhshan Autonomous Oblast showed that the country’s government is heightening persecution of the Pamiri population. It would be nice to believe that the new law could create a platform for dialogue in the GBAO, which the Tajik government has basically rejected in favor of open repressions.

Tajikistan’s anti-discrimination law creates a legal framework for the fight for equality of other vulnerable groups, including “invisible” groups lumped under “and others.” Within this legal framework, transgender people who have been denied the ability to change their documents, HIV-positive persons who have been stigmatized, and victims of gender-based violence can file discrimination lawsuits.

Analogies are frequently made between the military aggression of Russia, whose government does not recognize Ukraine’s right to freedom and independent development, and the behavior of a domestic tyrant, who suppresses and terrorizes the people close to him. In fact, the ideological foundation of war is a tangle of imperial complexes, patriarchal “fastenings,” rejection of the rights and equality of others, and a pathological fear of “gender” – its main component. Support for equal rights for LGBTI+ people will most likely grow, including among people who oppose them, because of Russia’s clear menacing role in unleashing a war.

Russia is experiencing the triumph of obscurantism as other countries are making “gender” breakthroughs in the law. The fate of the domestic violence law, which has not been adopted for many years, is, sadly, well-known – what kind of Istanbul Convention can there be with that? And then they want to toughen the law on gay propaganda to include a total ban on this topic in public. Over the past two years, all the leading LGBTI+ organizations have ended up on the list of “foreign agents.” Then individuals started being added to the list: The Ministry of Justice is not concealing the fact that this law is being applied for discussing the topic of SOGI before a wide audience, as in the case of Karen Shainyan, who is challenging her status as a “foreign agent.” Russia has no intention of complying with the European Court’s judgment in the NGO “foreign agents” case.

Olga ABRAMENKO

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ON THE 8TH OF MARCH, WE ARE SUMMING UP THE IMPACT OF THE #ALLJOBS4ALLWOMEN CAMPAIGN

The #AllJobs4AllWomen campaign officially launched on March 8, 2017. The goal of the campaign was to achieve the abolition of the lists of prohibited types of work and professions for women in all countries of Eastern Europe and Central Asia and to provoke public discussions around the existence of professions recognized as dangerous for women, that only reinforces discriminatory stereotypes and segregation in the world of work.

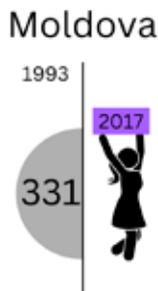
During the campaign, the ban on professions for women was lifted in Moldova, Ukraine, Turkmenistan, Kazakhstan and Uzbekistan.

In Armenia and Georgia, references to lists of prohibited professions have been removed from labour codes, but still, there are restrictions on women's labour. In Armenia, the list of jobs and professions that are harmful to women, minors and people with disabilities has not yet been cancelled, and in Georgia, taking an occupation mentioned in a similar list is prohibited for pregnant and lactating women.

Until now, in Azerbaijan, Belarus, Russia, Kyrgyzstan and Tajikistan, hundreds of professions are legally prohibited for women, including prestigious and highly paid ones. Positive changes have taken place in Russia (the list is gradually being reduced), and several countries have announced a reduction (Azerbaijan, Belarus) and the lifting of bans (Kyrgyzstan).

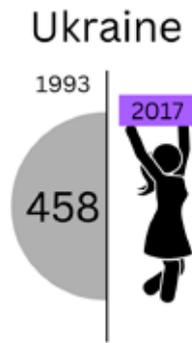
The largest list of restrictions on women's labour in the region since 1999 is in force in Azerbaijan – 678 types of work in 38 industries are prohibited there.

A brief overview of changes in the laws of the countries

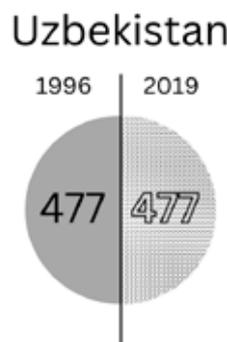


On August 25, 2017, changes to the Labour Code came into force in Moldova. The article on the list of prohibited professions has been excluded from the Labour Code. Unnecessary occupational

restrictions for all women have been replaced by protective measures for pregnant, postpartum and breastfeeding women, including their temporary transfer to lighter jobs while maintaining average wages.

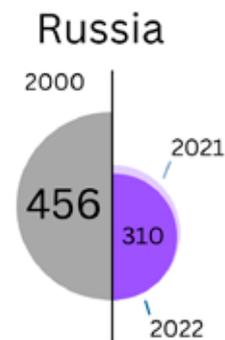


On December 22, 2017, the Resolution of the Cabinet of Ministers of Ukraine came into force, repealing the Decree of the Ministry of Health No. 256 of December 14, 1993, with a list of 450 professions prohibited for women, with the exception of Chapter 3 – mining, which will be cancelled after the denunciation of the ILO Convention No. 45 on the prohibition of the employment of women in underground work in mines of any kind. Articles 175 and 176 still remain in the Labour Code of Ukraine, providing for restrictions in the sphere of work for women at night and during pregnancy, or if they have children under 3 years old.



In Uzbekistan, the ban on the employment of women in certain industries or professions, cancelled on May 1, 2019, has acquired a “recommendatory status”, leaving employment in professions that are “not recommended” for women practically inaccessible. In March 2022, the UN CEDAW called on Uzbekistan to revise the list of non-recommended jobs that restricts women's access to certain professions and jobs; facilitate women's

access to such professions; ensure that any restrictions are proportionate and applied on a case-by-case basis and not indiscriminately to all women. The committee expressed concern that the new “recommendation” list was actually a copy of the old one. At the same time, women make up only 12% of employees in managerial positions, there is a significant difference in the salaries of women and men in the country, horizontal and vertical segregation in the labour market, while access to employment for women from vulnerable groups is complicated.



On August 14, 2019, the Russian Ministry of Justice reduced the list of prohibited professions for women by about 100 professions. These changes came into force on January 1, 2021. The list continues to shrink: from March 1, 2022, by order of the Ministry of Labour and Social Protection of the Russian Federation, work as an aviation mechanic (technician) with the airframe and engines, with instruments and electrical equipment, with radio equipment, with parachutes and emergency rescue equipment, with fuel and lubricants and as a wing technician, as an engineer directly involved in the maintenance of aircraft (helicopters) was removed from the list.

According to Russian Railways, in January 2023, two women have already completed their training as electric locomotive drivers (on March 6, one of them, 41-year-old Oksana Sokolova, a mother of three, went on an independent trip), 5 women work as electric train drivers. Women are accepted to study within the training programme for women assistant drivers in Moscow, St. Petersburg and Yekaterinburg.

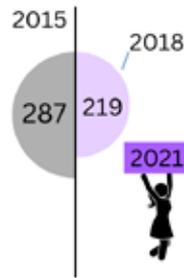
Since the lifting of the ban, more than 50 women have completed their training as metro train drivers and started working, according to the Moscow Metro. In the St Petersburg metro, there is now one woman driver in training.

At the beginning of December 2022, draft bill No. 251841-8 “On recognizing article 253 of the Labour Code of the Russian Federation as invalid” was submitted to the State Duma of the Russian Federation. It is this article – “Ensuring the protection of women’s health at certain jobs” – that establishes the infamous “list of prohibited professions”, that is, a list of industries, jobs and positions with harmful and (or) dangerous working conditions, in which the use of women’s labour is limited. The exclusion of Article 253 means the complete removal of restrictions for women on the choice of a profession and the possibility of official employment in previously “forbidden professions”. Restrictions on the use of women’s labour in jobs related to lifting and manually moving weights exceeding the maximum allowable for them are also removed. In the explanatory note, the authors of the bill indicated that the bill was developed “in order to eliminate the legal basis for professional and economic discrimination against women” and noted that the existing list of professions prohibited for women limits their ability to earn more income, which leads to lower pension payments for women in the future.

The bill was recommended by the authors for consideration at the spring session of the State Duma, but so far has received only negative feedback from relevant committees. The State Duma Committee on Labour, Social Policy and Veteran’s Affairs, which is responsible for preparing for the first reading in the State Duma, wrote in the conclusion of the bill that “measures taken to protect women in certain types of work, taking into account the physiological characteristics of their bodies, should not be considered discrimination” (almost verbatim copied from the Occupational Health textbook for 1988). The State Duma Committee on Family, Women and Children also wrote about the inadvisability of discarding lifting restrictions on women’s work, because “women, being involved in hard or hazardous work, will thus worsen their reproductive health, as well as reduce their social security, which in turn will have a negative impact on the demographic situation in our country.”

There is no data yet on whether the State Duma will accept the bill for consideration even in the first reading.

Kazakhstan



On October 12, 2021, the President of Kazakhstan signed the Law “On Amendments and Additions to Certain Legislative Acts of the Republic of Kazakhstan on the Issues of Social Protection of Certain Categories of Citizens”, excluding restrictions on the employment of women from the Labour Code. As a result, the Labour Code of the Republic of Kazakhstan no longer mentions “forbidden professions”, although, in Article 16 of the Labour Code, there is a mention of the maximum norms for lifting and manually moving weights by women.

Aigerim Kamidola, a lawyer and human rights activist, notes:

“According to my observations, both the state and civil society have treated the legislative repeal of the ban as an end in itself, while legislative repeal is only the first step towards ensuring equal labour rights for women. In an interview after the cancellation of the list, Almagul (a heavy truck driver who campaigned to lift the ban on professions for women) admitted to me that there were no actual changes, and this makes it clear that labour discrimination persists.”

A whole year has passed since the abolition of the list of professions prohibited for women. To this day, the state has not done real work to ensure that women are no longer discriminated against while being employed in “permitted” professions. The book “Свободные в своем выборе” (Free in Their Own Choice) offers a range of measures that could help governments understand what next steps they could take on this issue. First of all, you need to conduct a large information campaign. It is necessary to talk about changes in the labour code and women’s rights, taking into account the changes. This will help to eradicate stereotypes about women and reduce the level of labour discrimination. Carrying out a gender analysis of textbooks and collecting statistics on the employment of women in “permitted” professions are necessary points for the eradication of stereotypes associated with “non-female professions”. The allocation of quotas, grants, and mentoring programs for women workers could also help expand women’s employment opportunities in these occupations.”

Kyrgyzstan



In November 2021, at the 80th session of the CEDAW, representatives of the state delegation of Kyrgyzstan expressed their readiness to reconsider the restrictive approach to the work of women and make gender equality a priority principle of state policy in the field of labour. In its Concluding Observations following the session, the Committee recommended amending articles 218 and 303 of the Labour Code establishing occupational prohibitions for women, revising the list of prohibited jobs (Government Decree No. 158 of 24 March 2000), facilitating women’s access to such occupations and ensuring proportional and individual approach regarding any professional restrictions.

A year ago, on the eve of March 8, 2022, the Ministry of Labour, Social Security and Migration prepared a draft legal act on the abolition of the list of professions prohibited for women: “The list of jobs was adopted in 2000, and after 22 years, due to social and economic changes in the country, as well as with the introduction of new technologies, certain types of work have gone out of the scope of work related to difficult, harmful and dangerous working conditions, and, therefore, have lost their relevance.” During the year, there was no progress in the abolition of the list of prohibited professions.

Last week, the Ministry of Labour, Social Security and Migration of Kyrgyzstan submitted for public discussion the draft bill “On the Ratification of Convention 190 of the International Labour Organization on the Elimination of Violence and Harassment in the World of Work” (2019). Ratification of this Convention will minimize and subsequently eliminate violence and harassment in the field of labour relations. If the project is approved, Kyrgyzstan will become the first country in Eastern Europe and Central Asia region to ratify the Convention.

Azerbaijan

678

June 2022. The authorities of Azerbaijan and Belarus announced a reduction in the list of prohibited works (from 678 to 241 in Azerbaijan and from 181 to 90 in Belarus). The reductions concern professions that, due to technological development, no longer pose a risk to women's reproductive health.

After considering the state report of Azerbaijan at the 82nd session (June 15-16, 2022), the UN CEDAW recommended the complete abolition of occupational bans, encouraging the employment of women in previously prohibited jobs, and applying labour restrictions only in specific cases. The social platform Gender Hub Azerbaijan, which defends women's rights, has joined the #AllJobs4AllWomen campaign and is developing advocacy for gender equality in the world of work, including advocating for the abolition of the list of jobs prohibited for women in Azerbaijan.

Belarus

182

On June 3, 2022, during a meeting of the National Council on Gender Policy under the Council of Ministers of the Republic of Belarus, representatives of the Ministry of Labour and Social Protection once again announced their joint work with the Ministry of Health to reduce by about half the list of 181 hard jobs and jobs with harmful and (or) hazardous working conditions, which prohibits the involvement of women in labour. Plans to reduce the list of prohibited professions have been announced by the authorities of the Republic of Belarus about once every six months for the past five years. Almost all public organizations and media outlets that raise the issue of the discriminatory character of the list were outlawed: they were liquidated or declared extremist in the summer and autumn of 2021 during the mass repressive campaign of the authorities against civil society organizations. The Center for the Promotion of Women's Rights in Belarus 'Her Rights', together with which ADC Memorial prepared a report "Discrimination against women in Belarus in the labour sphere" for the UN CEDAW in 2016, was also liquidated.

UN CEDAW RECOMMENDS AZERBAIJAN TO REVOKE OCCUPATIONAL BANS FOR WOMEN

Following the consideration of the state report at the 82nd session (June 15-16, 2022), the Committee on the Elimination of Discrimination against Women addressed a number of important recommendations to Azerbaijan.

In particular, the Committee was concerned about the economic situation of women in Azerbaijan. Women are paid significantly lower wages compared to men, they have limited opportunities in the labor market and are underrepresented in leadership positions, experience unequal distribution of household responsibilities and excessive involvement in unpaid domestic work. Women's prevalence in low-paid and the informal economy has intensified during the pandemic, often in exploitative conditions. The Committee paid attention to the particularly vulnerable position of women from ethnic minorities, IDPs, migrants, women with disabilities, as well as to a high risk of sexual harassment in the workplace. The government of Azerbaijan announced its intention only to reduce the list of professions prohibited for women from 678 to 241.

The Committee recommended to completely abolish the occupational bans, encourage women to take previously prohibited jobs, and apply restrictions on work only in specific cases. In an alternative report, ADC Memorial and Gender Hub Azerbaijan emphasized that restrictions can only be temporary (for example, in the case of pregnancy or recent childbirth) and should not lead to loss of earnings.

In the field of employment, the Committee also recommended:

- To take targeted measures to increase women's access to formal employment, including leadership positions and higher-paying jobs in traditionally male occupations, through the provision of vocational training, promotion of female-prevalent hiring, increase the quantity and quality of childcare and preschool services in urban and rural areas, and to take action to mitigate the impact of the COVID-19 pandemic on women's employment;
- To ensure maternity protection for women working in the informal economy; to help young mothers to return to work; to promote equal sharing of household and childcare responsibilities between women and men, including through parental leave, and introduce specific provisions on employer liability for dis-

crimination against women in career development, recruitment, promotion and professional training;

- To enact legislation specifically prohibiting sexual harassment in the workplace, ensure that victims have access to effective remedies, effectively investigate complaints of sexual harassment, prosecute and adequately punish perpetrators, and protect victims from retaliation;
- To improve access to employment and training opportunities for disadvantaged and marginalized groups of women such as women from ethnic minorities, IDP women, migrant women and women with disabilities;
- To ratify the International Labor Organization Violence and Harassment Convention (No. 190).

The recommendations of the Committee also relate to other issues raised in the report of ADC Memorial and Gender Hub Azerbaijan. In particular, in order to overcome patriarchal stereotypes and harmful practices, the Committee recommended: to implement the National Action Plan for the Prevention of Selective Abortions; to develop and implement a comprehensive strategy and programs to introduce modern gender ideas into public discourse and public consciousness in order to eliminate discriminatory stereotypes regarding the roles and responsibilities of women and men in the family and society.

The Committee paid great attention to the problem of gender-based violence and recommended: criminalize all forms of gender-based violence against women, including domestic violence, giving preference to criminal proceedings; define domestic violence in law and take into account the special protection needs of disadvantaged and marginalized groups of women, including women with disabilities, migrant women and internally displaced women; to effectively use protection orders; to prosecute perpetrators and police officers who do not respond to reports of any type of violence against women and girls, ensure that all such cases are effectively investigated and those responsible brought to justice; to ensure that women and girls have access to justice and lighten the burden of proof for complainants; to strengthen victim support and protection services, including providing a 24/7 hotline, adequate and accessible shelters, medical care, psychosocial counseling and economic support for victims in all regions of the country; to intensify awareness-raising among the general public about the criminal nature of all forms of gender-based violence; to raise awareness of the general public and law enforcement officials about the Istanbul Convention.

UN CEDAW CALLED ON THE AUTHORITIES OF UKRAINE AND ARMENIA TO TAKE MEASURES TO IMPROVE THE SITUATION OF WOMEN FROM VULNERABLE GROUPS IN LABOR SPHERE

The UN Committee on the Elimination of Discrimination against Women at its 83rd session issued recommendations to Ukraine and Armenia, which should be implemented during the next reporting period. The Committee's important recommendations to Ukraine relate to the issues raised in the ADC Memorial's alternative report on the rights of Roma women and girls.

Analyzing the level of gender equality in Ukraine, the Committee, first of all, expressed concern that Russia's military aggression, occupation and annexation of Crimea created serious obstacles to the implementation of the Convention throughout the country and leads to gross violations of human rights. The Committee noted that the Russian military attack on Ukraine is particularly hard on women and girls in a highly vulnerable situation – internally displaced women, women from rural regions, older women, women with disabilities, women from ethnic minorities (in particular, Roma and Crimean Tatar), LGBTI (Lesbian, Bisexual, Transgender, and Intersex) women. The Committee called on the Ukrainian authorities to pay due attention to the situation of women in conflict prevention, conflict and post-conflict situations.

Highlighting the general problems of compliance of Ukrainian national legislation and law enforcement practices with the Convention, the Committee welcomed the abolition of the list of more than 450 professions prohibited for women and the approval of guidelines for conducting gender examinations in enterprises, institutions and organizations.

Noting the successes of the Ukrainian authorities, the Committee nevertheless made many recommendations on such important issues as gender-based violence, equal rights for women and men in labor, political and public life, access to healthcare and socio-economic rights. In almost every one of the recommendations, the Committee noted Roma women and girls as one of the vulnerable groups to which the Ukrainian authorities should pay special attention. Thus, speaking about the increase in unemployment and other problems of women's labor, the experts of the Committee recommended that special attention be paid to unemployed Roma women, internally displaced women, single mothers, young mothers, older women, women with disabilities, LBT and women from other vulnerable groups.

In the health sector, the Committee recommended that the Ukrainian authorities continue their efforts to ensure access to high-quality health services, including sexual and reproductive health and mental health services, and also specifically noted Roma women.

In the socio-economic sector, the Committee recommended that Ukraine ensure sufficient public funding and gender-responsive budgeting to guarantee adequate access to social protection for disadvantaged or marginalized groups of women, in particular Roma women, single mothers, older women, unemployed women and women from other vulnerable groups.

Of utmost importance in terms of protecting children's rights was the recommendation to amend national legislation to abolish any exception to the minimum marriageable age of 18 for both women and men. The Ukrainian authorities were encouraged to continue to conduct awareness-raising campaigns, including among Roma women and girls, and to provide age-appropriate, inclusive sexual and reproductive health education, including teaching modern forms of contraception to adolescent girls and boys to prevent early pregnancy as the main reason for child marriage. In order to improve the level of education of Roma children, the Committee recommended that Ukraine take additional measures to increase enrollment, retention and completion rates among Roma girls and women and girls with disabilities, including through the implementation of the Strategy to Promote the Empowerment of Persons Belonging to the Roma National Minority in Ukrainian Society for the period up to 2030 and the National Strategy for the Creation of a Barrier-Free Space in Ukraine.

Having reviewed the state report on the status of women in Armenia, UN CEDAW experts raised similar issues, paying much attention to labor violations. Thus, the lack of progress was noted in the abolition of the list of types of work and professions that are considered dangerous for women, minors and people with disabilities, contained in Decree No. 2308-N of December 29, 2005, which reinforces segregation in the labor market. The need to abolish the list of professions and fields of activity that are "harmful" to women has also been declared by the ADC Memorial for many years.

Continuing the theme of violations of women's rights in the workplace, the Committee was concerned about the significant pay gap between men and women and limited access to stable employment with adequate remuneration for disadvantaged and marginalized groups of women, including women belonging to ethnic minorities.

Given these problems, the Committee recommended that the Armenian authorities reorient their employment policy towards achieving gender equality, and to achieve this goal, abolish the list of non-recommended professions that restrict women's access to certain types of activities and facilitate women's access to such types of activities. The Committee also recommended that measures be taken to eliminate the gender pay gap, increase women's access to management positions and high-paying positions in areas traditionally dominated by men, ensure maternity protection for women employed in the informal sector, expand the practice of providing care leave fathers, and facilitate access to employment and training for disadvantaged and marginalized groups of women (e.g. women belonging to ethnic minorities, internally displaced women and women in situations similar to those of refugees, migrants and women with disabilities). Of particular importance is the recommendation to enact legislation explicitly prohibiting sexual harassment in the workplace, to provide victims with access to effective remedies, to ensure that allegations of sexual harassment are effectively investigated, that perpetrators are prosecuted and adequately punished, and that victims are protected from retaliation.

The experts of the Committee did not leave unnoticed the reports of discrimination and harassment of lesbian and bisexual, transgender and intersex women and hate speech against them, as well as the absence of legal provisions governing gender reassignment surgery and gender reassignment in general, and the lack of training programs for medical personnel on the rights of lesbians and bisexual, transgender and intersex women.

To prevent gender discrimination against this category of women, the Government of Armenia was recommended to take legislative and policy measures to combat gender-based violence and discrimination against lesbian and bisexual, transgender and intersex women and protect their rights in all areas covered by the Convention.

PERSECUTION OF LGBTI+ PEOPLE DURING THE YEAR OF WAR

In 2022, Russia strengthened its anti-LGBT legislation by expanding the ban on “gay propaganda” to encompass people of all ages. Dissemination of positive or even neutral information about the LGBTI community, as well as public display of non-traditional orientations, can result in significant fines. This law effectively imposes censorship on artistic expression, as films and other visual works presenting LGBT themes are now prohibited. The tightened “foreign agents law” has been actively used against both registered and unregistered associations and activists advocating for the rights of the LGBTIQ+ community in Russia.

In 2022, Russian courts imposed fines in amount of nearly two million rubles under the article concerning the dissemination of information related to LGBTQ to minors. Fourteen individuals, one legal entity, and one official were convicted by the courts. In July 2022, “Coming Out” published a study examining the impact of the 2013 law that banned the promotion of “non-traditional sexual relationships” on the lives of non-heterosexual and non-cisgender teenagers. The study revealed that the majority of LGBTQ+ teenagers lack access to information regarding gender and sexuality, experience feeling of isolation, fear seeking assistance, and lack support.

The situation of LGBT individuals in the North Caucasus can be described as disastrous. They lack effective mechanisms to protect their rights, and the only viable option to evade persecution and the constant threat of physical reprisals is to flee abroad and seek asylum. On May 5, 2023, the “Crisis Group SC SOS,” an organization providing assistance to LGBTQ+ individuals and their families who face life-threatening situations in the North Caucasus, was registered as a “foreign agent” due to “their activities deemed as promoting LGBTQ relationships, which are perceived as conflicting with the state’s policy of preserving and reinforcing traditional Russian spiritual and moral values”.

Since the beginning of the full-scale military invasion to Ukraine, Russian officials, politicians, and various public figures have consistently propagated xenophobia against the LGBTIQ community, labelling it as a “destructive LGBT ideology” that runs against “Russian and Orthodox values.” They perceive it as an integral part of Western countries’ strategy to undermine Russia. The Deputy A. Khinsein went as far as to claim that

“LGBT is a weapon of hybrid warfare.” The patriarch of the Russian Orthodox Church, in a speech endorsing the Support for the People of Donbas (SWO) movement, expressed his support for “the struggle of the people of Donbas against gay pride.”

Implementation of the homophobic legislation: expansion of the “LGBT propaganda” ban to all ages and introduction of the “sex reassignment propaganda” ban

Throughout the summer and fall of 2022, deputies raced against time to submit their drafts of the law amendment to the State Duma. The proposed article aimed to hold adults accountable for the “propaganda of non-traditional sexual relationships.” On December 5, a new version of Article 6.21 of the Code on Administrative Offenses came into effect, now titled “Propaganda of non-traditional sexual relationships and/or preferences, sex reassignment.” This revision means the following:

“Propaganda of non-traditional sexual relationships and (or) preferences or gender reassignment, manifested through the dissemination of information and (or) the engagement in public actions with the intention of promoting non-traditional sexual attitudes, endorsing the appeal of non-traditional sexual relationships and (or) preferences or gender reassignment, or distorting the perception of social equality between traditional and non-traditional sexual relationships and (or) preferences. It also encompasses the imposition of information about non-traditional sexual relationships and (or) preferences.”

The amounts of fines as penalties have been revised, with individuals potentially facing fines of up to 400,000 rubles (6 000 euro), while organizations may be subject to fines of up to 5 million rubles (75 000 euro). In the case of foreign nationals, the punishment not only involves a fine but also includes expulsion from the Russian Federation.

While the bill was still under active discussion in the State Duma, several book publishers took pre-emptive measures and implemented self-censorship. This resulted in the withdrawal of books featuring LGBT characters from sale, and some authors were even encouraged to rewrite their stories by removing non-heteronormative characters. In Novosibirsk, a children’s performance of The

Princess and the Ogre was cancelled, while a number of scenes from movies were censored on Russian streaming services.

Violence and pressure even in “closed” LGBTI+ communities

In February 2023, subsequent to the enactment of the broadened “propaganda” law, a significant incident occurred involving law enforcement. During a meeting of a support group for LGBT individuals at a community center of the Russian Far Eastern social movement “Mayak,” police and the E-Center conducted an unannounced search. It is worth noting that neither a search warrant nor a court order was presented by the law enforcement representatives. They justified their actions by referring to it as an “inspection” rather than a search. Following the search, the attendees were taken to the police station for questioning.

This incident is not an isolated case but rather a pattern of repressive actions. The police have previously conducted similar “inspections” during human rights and educational events across the country in their search for LGBT propaganda among minors.

Persecution of foreigners for “LGBTI+ propaganda”

Almost immediately after the adoption of the amended law, a number of cases emerged under the updated article. Among the first individuals prosecuted for “propaganda” were foreign nationals: a transgender sex worker from Kyrgyzstan (fined 100,000 rubles and expelled), a blogger Haoyan Xu (a Chinese citizen) who operates a YouTube channel with their partner discussing their relationship (arrested for 7 days and expelled), and a German citizen Alexander Roth, fined 150,000 rubles and expelled for “promoting information about non-traditional relationships and preferences” in personal correspondence on the LGBTIQ dating app Hornet.

Sexual orientation of a foreign citizen or stateless individual who identifies as LGBTIQ is now a ground for their expulsion from Russia, thereby exacerbating discrimination and potentially exposing them to criminal prosecution upon their return to their home country or the state they are being expelled to.

Persecution of Yan Dvorkin – defender of the rights of T-people

The newly enacted “propaganda law” in November, 2022 has introduced further challenges for transgender individuals by prohibiting dissemination of information that “promotes gender reassignment.”

Yan Dvorkin, a psychologist and head of the Center T initiative group for assisting transgender and non-binary individuals, has been fined 100,000 rubles for being engaged in “propaganda of non-traditional relationships and gender reassignment” on the internet among adults. This fine followed a complaint lodged by child welfare authorities, who regularly monitored well-being of his child with disabilities. An expert examination conducted by the Expert-Criminalistics Center of the Ministry of Internal Affairs discovered that Dvorkin’s publications contained “justifications of the naturalness of non-traditional sexual relationships,” which, in accordance with the Ministry of Internal Affairs, is deemed to be “propaganda of LGBT and sex reassignment.”

From Yan Dvorkin’s speech in court:

“I find the mere existence of Article 6.21, which applies to individuals whose sexual orientation and/or gender identity does not align with what the state considers ‘traditional,’ to be both outrageous and discriminatory. These individuals include homosexuals, bisexuals, and transgender persons. However, people with diverse orientations and gender identities have always existed across all nations, making their presence traditional for all societies.

Having a professional background in psychology, I would like to draw your attention to the fact that sexual orientation and gender identity are innate characteristics that are not subject to societal or individual influence or alteration. Discrimination against individuals on the basis of their sexual orientation, gender identity, race, nationality, religion, or physical characteristics can fuel xenophobia within society. Xenophobia can have profound psychological effects on both those who are targeted by it and those who propagate it, often motivated by a belief in the superiority of one group over another. It can contribute to increased violence within a country and negatively impact the mental health and well-being of all individuals involved.

Living a life where you have to conceal your true identity, censor your speech, and live in constant fear of being exposed is deeply harmful. Such a life is not something I would wish on anyone. That’s why

it is of utmost importance to persist in protecting our rights. We will appeal the court decision. We’ll keep talking about what’s going on until the discrimination against people stops”.

“LGBTI propaganda” – any statement about LGBTI people that is not in a negative way

On April 19, 2023, the Ministry of Justice endorsed the propaganda guidelines that Roskomnadzor will employ to censor and take fines for online publications. These regulations are scheduled to come into effect on September 1, 2023. According to the order, any positive or neutral mention of LGBTQ+ individuals in the context of “promoting non-traditional sexual relationships over traditional ones” is deemed impermissible. Ksenia Mikhailova, a legal expert:

“According to Roskomnadzor, any online platforms that consistently publish information about queer individuals in a non-negative manner now fall under the criteria for propaganda. Roskomnadzor recognises this as an attempt to ‘generate an interest in non-traditional sexual relationships’ and promote a shift from a negative perspective to a positive one.”

On that same day, the Bolshoi Theatre removed the ballet performance “Nureyev” from its repertoire. This ballet had previously won three nominations at the prestigious 2019 Golden Mask Theatre Prize.

The Ministry of Justice plans to ban changing gender markers in passports

On April 24, 2023, Minister of Justice Chuichenko told the media that the Ministry plans to “legally exclude the possibility of sex change in passports and other documents” as one of the first steps to enshrine family values in Russian law. (You can follow the anti-trans legislative initiative [here](#))

Tatiana, a lawyer at the Transgender Legal Aid Project:

“It is impossible to understand from Chuichenko’s speech whether we are discussing a complete ban on changing the gender marker in documents or, let’s say, a mere “medicalization” of this process, which would entail the introduction of obligatory surgical operations on genitals.”

Human rights defender Igor Kochetkov:

“Minister Chuichenko should be dismissed immediately for incompetence. He seems unaware that transgender peo-

ple had their documents changed in the USSR, and this practice continues in some countries like Iran, even with its fundamentalist regime. Ensuring gender matching in official documents is crucial for individuals to fully exercise their rights and responsibilities. To grasp the implications of depriving transgender individuals of the ability to change their documents, one can simply imagine the impact if their own gender marker were abruptly altered.”

Yan Dvorkin, “Center T”:

If it becomes mandatory to undergo surgery in order to change gender markers on documents, several issues would arise:

Many transgender individuals would be unable to change their documents due to health reasons, as surgery is not feasible or safe for everyone.

The cost of surgeries presents a significant barrier for many transgender people who may not have the financial means to afford them.

It’s important to recognize that not all transgender individuals desire or require surgery. Transgender identity is not synonymous with undergoing surgical procedures.

Transgenderism refers to the discrepancy between one’s gender identity and the sex assigned at birth, and it should be acknowledged as just that—no more, no less. The imposition of forced surgery is simply savage and inhumane.

Currently, there is no information available regarding the specific types of surgeries involved. However, there are significant concerns that these surgeries may result in sterilization, such as hysterectomy and orchiectomy. These procedures are generally rare because individuals can safely opt for hormone therapy without the need to remove hormone-producing organs. Hysterectomy is an extremely serious and complex operation, and personally, I don’t know anyone who has undergone it. It is cruel to compel individuals to undergo such surgeries, considering the potential severe health consequences they can entail.”



A new report of ADC Memorial and LGBT organisations under the UN UPR on gender discrimination in Russia



In November 2023, the human rights situation in Russia will be evaluated at the 44th session of the Universal Periodic Review, a special UN mechanism. During the previous cycle of the UPR (2018), Russia was criticized for homophobic legislation and harassment on the basis of SOGI, gender discrimination in employment and the non-adopted law against domestic violence, lack of adequate support for certain ethnic groups and indigenous peoples, insufficient measures to overcome statelessness.

The current UPR cycle is taking place against the background of the war unleashed by Russia in Ukraine and the tightening of state repression against human rights defenders, activists, oppositionists and dissidents. Russia has not only failed to comply with the recommendations given by various countries in 2018, but has violated the main international obligations in the field of human rights.

The report of ADC Memorial, the Russian LGBT Network, the human rights initiative DELO LGBT+ and the International LGBT Film Festival “Side by Side” is dedicated to discrimination based on gender and SOGI and covers such issues as discrimination against women in the workplace (professional bans, tightening of homophobic legislation, persecution of LGBTI+ in the North Caucasus, violations of the rights of LGBT parents, discrimination against transgender people and others.

NO AGE LIMIT FOR PEOPLE-404

A tried-and-true recipe for retaining power when discontent is on the rise in the country is “a short victorious war”. If that war turns out to be neither short nor victorious, then the next option is to assign guilt to a minority and fight against that minority as if it were a universal evil.

Suffice it to recall Goebbels’s famous 1937 speech: “We will fearlessly point to the Jew... Look, here is the enemy of the planet, the destroyer of civilizations, a parasite among peoples, the son of Chaos, the incarnation of evil, a demon reaping degeneration on mankind.”

Russian State Duma deputies, who are currently occupied with adopting a new law banning the “promotion and acceptance of non-traditional sexual relations,” have never lacked this kind of fearlessness. This brand new law will ban people of any age from speaking openly about their sexual orientation and gender identity, to all intents and purposes making them “banned people” again.

In speeches made by the authors of the law, spin doctors, and even Putin himself, the LGBT+ topic is inextricably connected with the war in Ukraine: In this construct, equal rights for LGBT+ people are presented as the quintessence of what it is about Western ideology that is foreign to Russia, and victory in the war, which is supposedly being waged against the West, demands a total ban on the mention of LGBT+ issues in the media and cultural and public space.

In his speech about the annexation of four Ukrainian regions, Putin talks about “the battlefield to which fate and history has called us,” about protecting children and grandchildren from “enslavement, from monstrous experiments designed to cripple their conscience and spirit,” and about protection from “perversions that lead to degradation and extinction.” Here he’s talking about gender and the proverbial parents numbers one, two, and even three.

Pyotr Tolstoy: “If we look at the promotion and acceptance of non-traditional sexual relations as a tool of hybrid war (and no one has any doubt about that today), then this is dangerous not just for our children, but for our entire society. This law protects future generations from the promotion of perversions. At the decisive stage of our battle, we stood up for our traditional family, moral, and religious values. The only result of this can be victory; we have no other options. Russia’s future is on the line.”

State Duma Chair Vyacheslav Volodin: “We are protecting against the darkness that is spreading pervasively throughout the world.”

State Duma Deputy Chair Anna Kuznetsova: “LGBT+ is the most effective tool for destroying our country.”

State Duma Deputy Khinshteyn spoke most explicitly about the connection between the war and the fight against LGBT+: “The special operation is underway not just on the battlefield, but also in people’s conscience, in their minds and spirits. Today we are essen-

tially fighting so that Russia does not have ‘parent number one,’ ‘parent number two,’ and ‘parent number three’ instead of one mama and one papa. This yet again demonstrates our civilizational conflict with the West.”

Some journalists have been surprised by such head-on logic – this can be seen in such headlines as “Deputy Khinshteyn Names an Unexpected Reason for Russia’s Special Operation.” It’s as if they’re saying, “It’s pretty strange to learn that the cause of the invasion of Ukraine was not actually ‘denazification’ or ‘demilitarization,’ but the fight against LGBT+.”

Meanwhile, there’s nothing really to be surprised about here. It’s the same old thing: “degeneration,” a threat of destruction to the country and culture, and the need to fight to the last with a group that is ascribed a most evil role are all very familiar. Here is another example from Goebbels’s speech at the 1935 Nazi Party Congress in Nuremberg: “This war is not just anti-bourgeois, it is anti-culture. It means, in the final consequence, the absolute destruction of all economic, social, state, cultural, and civilizing advances made by western civilization for the benefit of a rootless and nomadic international clique of conspirators, who have found their representation in Jewry.”

LGBT+ activists, who are directly affected by the new repressive law, are drawing these exact same historical analogies: Fascist regimes launch repressions against the most defenseless and “unpopular” groups (Jews, Roma, LGBT+, followers of certain religions).

Yulia Alyoshina, who simply cannot work under the current law, has already announced that she is abandoning her political career:

“I have never engaged in such propaganda, but I cannot conceive how I can continue with my public political activity as an openly transgender woman,” she wrote.

The spin doctor Anton Krasovskiy, who tried to ingratiate himself with the authorities by betraying himself and everything he has previously said, has already been fired, even though he was of course not the only one to openly call for the killing of Ukrainians. Others were able to do this, but this didn’t help him, and it even harmed him. History has many examples of cases where members of a persecuted minority (Krasovskiy is openly gay, although he is remorseful about this and about his words begging to forgive him, a “fool”) attempted to outrun their persecutors in terms of aggression and lackeyship, but are still driven out by the “masters of the universe.”

*Olga ABRAMENKO,
First published on the blog
of Radio Svoboda*

CENSORSHIP AND IDENTITY

News about censorship cuts in series and films available to the Russian audience come every day. It's funny and scary at the same time – it's funny that instead of “gays” heroes of a film now say “men” or “boys”, which completely changes (more precisely, cancels) the meaning of what is happening on the screen. It's scary and sad – because it was through movies that young people from communities farthest from modern culture could find themselves, and receive support in complete isolation from their own kind. One young man told how he first understood what was happening in his life, how he was different from others in his very traditional and poorly educated family, where there were no books, newspapers, or the Internet. The moment of truth for him became the film “Brokeback Mountain”: “I watched this film and cried, and my mother was beating me.”

This film, which is now included in the list of prohibited ones for “LGBT propaganda” by Roskomnadzor, tells about, in essence, love defeated by circumstances, about families that did not allow the heroes to be together, about the fear of exposure and about the impossibility of the desired way of life in a homophobic environment. A film without a happy ending, which cannot be called “propaganda” in any way, which is now defined by the censors as “rejection of “traditional sexual relations” in favor of “non-traditional ones”. This lyrical film conveys the pain of life for those who are surrounded by hatred, rejection, and fear even in the 21st century.

If you deny the truth about love and relationships, cut out everything that concerns gays, lesbians and trans people from all types of public art, people[’s lives] would become even darker and scarier. Of course, many people are able to find uncensored versions on the Internet (it is easier for those who know foreign languages), some will still be able to buy books in a store, hidden in bags, so that the cover and the name of the author, who writes on topics related to sexual orientation and gender identity in one way or another, are not visible (which is required by new barbaric norms of the law). For many people, social networks remain a salvation and a means of unity (although they have to use them with the newest VPN on).

But these forms of relative freedom, like reading independent media, our opinions and websites, are available, unfortunately, not to everyone. The people I’m thinking about now even read (if they know how to read) with great difficulty and only in cases of extreme necessity (reading a document or address). They are not able to read books, blogs, or ar-



ticles. The only social network they use is “Odnoklassniki”, and even that – not all of them. No supporting community, places of cultural meetings and festivals of arthouse cinema. Instead of all this – a traditional community, close family ties, neighbors who spy on each other (they are usually also their relatives). There can be a lot of pleasant things in such a life: people love each other, communicate a lot and cheerfully, the relationships between children and parents are warm and close. In a narrow and closed world, life is determined by traditions, rituals, and the life experience of seniors. Communication with the rest of the outside world is felt mainly through the television screen, political news is of little interest to anyone, but all kinds of TV series, films, and entertainment programs attract attention, expanding the horizons of the residents of patriarchal communities. And even when some stories are perceived as foreign, in the spirit of “we don’t behave like that”, even then they provide an understanding that there is another way of living for both the elders and the younger ones.

During the post-Soviet decades, many people have learned that gays, lesbians and transgender people exist not only in some distant and foreign countries, and most importantly, this is not only a prison (camp) topic. Sociological polls have shown year by year the reduction of social distance in relation to LGBTQ+, willingness to accept such acquaintances, neighbors and even relatives. I think that various manifestations of mass culture – from popular singers to heroes of TV series and films – played

an important role in all of this. Human rights and activist sites, fashion bloggers and journalists, city clubs and events have created their own environment. Unfortunately, in recent years accusations of “foreign agents”, liquidation of NGOs and similar “targeted repressions” have been organized to abolish it. But this environment – even at its peak – remained of little notice outside of big cities and educated social circles.

And everyone watched pop contests, like “Eurovision”, until recently, as well as teleseries like “Sex and the City”. It is clear that a bearded man in a woman’s dress caused shock, laughter or disapproval among unprepared people at first, but gradually all this became more understandable, habitual, helping to understand something about close acquaintances around oneself. For those who were helped by these shows to understand themselves, and at the same time to be understood by older relatives, the television window to the world became a real lifesaver.

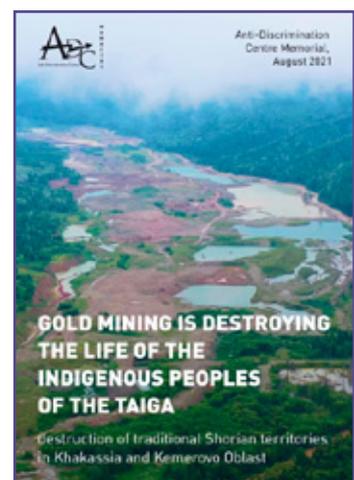
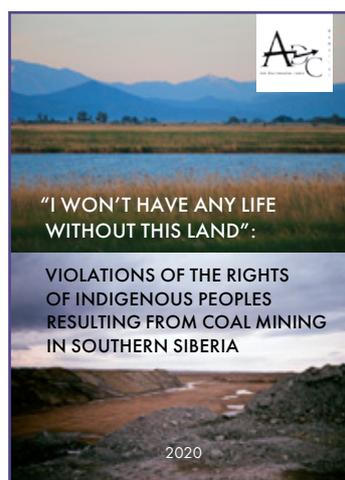
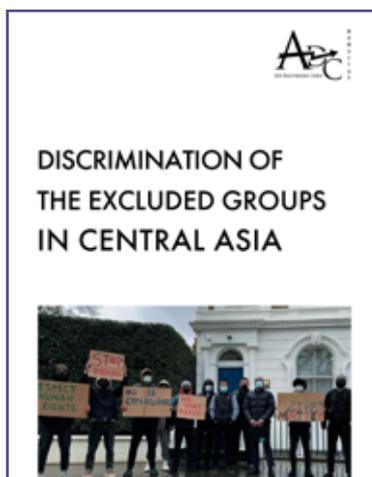
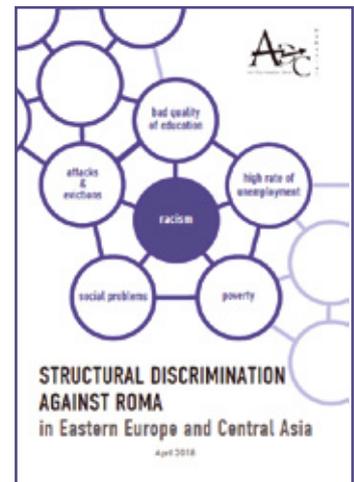
The exit of romantic stories of same-sex love into self-published, closed blogs, “to the kitchens” of intelligent houses, will not cancel subcultural and intellectual discussions on this topic. But the youth in traditional communities will be hit hard, leaving them alone again with loneliness, exclusion and the vile influence of labour camp “ways of life”.

*Stefania KULAEVA,
first published in
the Radio Liberty blog*

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HUMAN RIGHTS REPORTS BY ADC MEMORIAL



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