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Input for a Thematic Report of the UN Special Rapporteur on Human Rights Defenders on the Situation of Human Rights Defenders Working in Rural and Remoted Areas

Russian Federation Repressions against independent defenders of the rights of Indigenous peoples

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Background information

The share of the rural population of the Russian Federation has been stable at about 25-27% in recent decades, while the vast territories of the Arctic zone, Siberia and the Far East are characterized by low population density and harsh natural conditions. In these very territories, representatives of ethnic minorities and Indigenous peoples live, including Indigenous small-numbered (up to 50,000) peoples of the North, Siberia and the Far East, whose rights are guaranteed by special legislation of the Russian Federation.

In the 1990s and 2000s, there was a significant grass-root civil movement in Russia to recognize Indigenous peoples and their special collective rights. During these years, public organizations of Indigenous peoples arose on the ground, and later united into the all-Russian association RAIPON. Experts from among the Indigenous peoples came forward and actively spoke at the Russian and international levels, promoting the Indigenous agenda within Russia and building a dialogue between Indigenous communities, the state, and business structures. Although no special opportunities were created for defenders of Indigenous rights, there existed channels of interaction between the authorities and Indigenous peoples in the regions of traditional living of Indigenous peoples.

Currently, the Indigenous peoples of Russia both face global challenges (climate change, environmental problems) and particular vulnerability due to the policies of the Russian authorities (aggression against Ukraine (risk of mobilization and death in war), decreasing environmental standards, repression against civil society, criminalization of human rights activities). At the same time, the relevant civil society organization, RAIPON, lost its independence, began to broadcast the state position (including support for the war) and lobby for the interests of business structures.

In these circumstances, the work of independent defenders of the rights of Indigenous peoples is almost impossible.

As the UN Special Rapporteur on the situation of human rights in the Russian Federation points out (a report presented at the 54th session of the Human Rights Council, September 2024), the general repression against civil society in recent years, targeting inter alia defenders of the rights of ethnic minorities and indigenous peoples, include police abuse, torture and sexualized violence, brutal suppression of peaceful protests by the police (including protests on environmental issues closely related to the Indigenous agenda), forced psychiatric treatment (as in the case of a shaman from Sakha (Yakutia) Alexander Gabyshev).

The main problems of defenders of the rights of Indigenous peoples of the Russian Federation

Criminalization of human rights work

On July 25, 2024, the Ministry of Justice of the Russian Federation included 55 organisations, among them Indigenous Peoples' and national minorities' rights organisations in the list of "extremist organisations". These organisations have been labelled as "structural divisions" of the so-called "Anti-Russian Separatist Movement," which was recognised as "extremist" and banned by Russia's Supreme Court on June 7, 2024. This alleged movement, which does not formally exist, is defined by the Ministry of Justice as an "international public movement to destroy the multinational unity and territorial integrity of Russia." This broad definition is considered to aim at facilitating repression against Indigenous Peoples and ethnic minorities organisations, who face up to six years in prison if accused of involvement in the banned "Anti-Russian Separatist Movement."

Moreover, after their explicit inclusion in the list of "extremist organisations", the organisations' members face even higher risks of severe criminal prosecution and arbitrary imprisonment solely for their involvement in these organisations, preventing them from continuing their essential and legitimate actions in safe and effective conditions.

Among the organisations designated as "extremist" on July 25, 2024 is the Aborigen-Forum, an informal association of independent experts, activists, leaders, and public organisations of the small-numbered Indigenous Peoples of the North, Siberia, and the Far East of Russia, and the International Committee of Indigenous Peoples of Russia (ICIPR), an international Indigenous-led organisation that was created in March 2022 as a reaction of several Russian Indigenous leaders and activists to the war in Ukraine.

In Russia, Indigenous communities and minorities <u>face severe restrictions to their fundamental rights</u>, including freedom of expression, the right to self-determination and cultural rights, as well as racism, structural discrimination and xenophobia. Russia's full-scale invasion of Ukraine and the so-called partial mobilisation in September 2021 drastically and disproportionally affected young men from ethnic minorities and Indigenous people living in the poorest regions of Russia, leading to extremely high death rates among mobilised men from Indigenous communities and ethnic minorities. Some of the organisations now labelled as "extremist", like the <u>Free Buryatia Foundation</u> founded in March 2022, which fights against Russia's war in Ukraine, had already been designated as "undesirable" and "foreign agent" by the Russian authorities, highlighting that the shrinking civic space in the country is particularly affecting Indigenous Peoples' and minorities' rights organisations.

The recent decision to include these organisations in the list of "extremist organisations" is part of a context of increasing repression of critical voices in Russia. In a similar move, in March 2024, Russian authorities added the equally non-existent "international LGBT movement" to the list of "extremist and terrorist organisations", also referring to "its structural units", thus criminalising all LGBTQI+ activism. After this decision, multiple activists were arrested on grounds of being "extremists". This decision illustrates a further escalation in efforts to silence the human rights movement.

The organizations included in the register associate this new round of repression, inter alia, with their advocacy activities at the UN venues. The statement of the International Committee of Indigenous Peoples of Russia lists some previous "milestones": the session of the Expert Mechanism on the Rights of Indigenous Peoples in Geneva in 2022 – and following blocking of the organization's website; the session in 2023 – and following recognition of the Committee activist Pavel Sulyandziga as a "foreign agent"; the recent session in July 2024 – the accusations of involvement in the separatist movement and the recognition as an "extremist organization".

Some cases of repressions from the past years have also been associated with the participation in the UN events. In 2014, activists who were going to take part in the First World Conference of Indigenous Peoples in New York were not allowed to leave Russia. One of them was director of the Center for Assistance to Indigenous Peoples of the North, Rodion Sulyandziga, who had his passport ruined by border officers at Sheremetyevo Airport and was subjected to administrative prosecution for this. In 2019, the Center for Assistance to

Indigenous Peoples of the North, a leading expert organization in the field of more than 20 years of history, <u>was liquidated</u> by court. In between these events, the Center was recognized as a "foreign agent", the team faced searches and seizure of documents, interrogations and threats

While the independent activists and human rights defenders from among Indigenous peoples were repressed and forced to emigrate, foreign experts on the rights of Indigenous peoples were blocked from entering Russia. Thus, in 2018, the FSB applied a 50 years entry ban to Johannes Rohr, a well-known expert from the Institute of ecology and anthropology (INFOE, Germany), the author of reports to various UN Committees. Having exhausted the Russian legal instances, with the support of ADC Memorial, Johannes Rohr applied for protection to the ECHR (2021); in September 2024, he filed a complaint to the UN Human Rights Committee for violation of Articles 13 and 19 of the International Covenant on Civil and Political Rights.

Other activities related in one way or another to the Indigenous peoples' rights are also being criminalized. Thus, Ilya Shumanov, CEO of Transparency International Russia and director of Arctida, was declares wanted in the framework of a criminal case on "non-fulfillment of obligations of a foreign agent" shortly after the publication of an investigation on corruption ties in business structures operating in the territories of Indigenous peoples. Earlier, Transparency International Russia was declared a "foreign agent" (2015), and its activities were recognized as "undesirable in the Russian Federation" (2023); Ilya Shumanov was personally included in the register of "foreign agents" in 2022.

Substitution of independent human rights defenders by pro-government ones and the use of loyal Indigenous activists to promote the Russian agenda at the international level, including with the aim of lifting sanctions

For independent defenders of the rights of the Indigenous peoples of Russia and persecuted activists from Indigenous communities, the space for claiming the violations is more and more shrinking. In Russia, it is very difficult to counteract with the authorities. At the same time, Russia's destructive influence and manipulations on international institutions of representation of Indigenous peoples is growing. Russian propaganda is being articulated by loyal Indigenous figures, while independent activists are prevented from entering international platforms and are being discredited.

Thus, the independent activists who were forced to leave Russia faced obstacles trying to speak at the session of the Expert Mechanism, although many times the floor was given to the Russian delegation and loyal representatives of the Russian Association of Indigenous Peoples of the North, Siberia and the Far East (RAIPON). Meanwhile, the RAIPON cannot adequately represent the Indigenous peoples of Russia, since it has lost its independence and has taken a completely pro–state position, including open <u>support of the invasion to Ukraine</u>, changing the Constitution of the Russian Federation and Putin's nomination for a new term. The RAIPON is actively involved in lobbying for the interests of big businesses working in the territories where Indigenous peoples live.

The report of the International Committee of Indigenous Peoples of Russia (ICIPR) "RAIPON. From a nation-based change agent to a weapon of state-controlled propaganda" is presenting comprehensive analysis of the RAIPON's transformation and its current role as a vehicle for state propaganda. It proves that the control over RAIPON is ensured not only through government pressure and the incorporation of loyal leaders into the organisation, but also through the financing of the association by big companies, in particular, Norilsk Nickel.

The report by Arctida, Verstka and 7×7 "They work for the benefit of those at the top." How the Association of Indigenous Peoples became an enrichment and lobbying tool" reveals one more side of RAIPON's activities – its dependence on business structures and lobbying in favor of big companies, its affiliation with the governing party and government agencies, corrupt ties of officials affiliated with RAIPON. The report emphasizes that through the statements of loyal representatives of Indigenous peoples at the UN, the lifting of sanctions against Russian companies is being lobbied.

Russia's influence affects the content of international documents of the UN system. ICIPR

activists believe that the recent report on the militarization of Indigenous peoples' lands by the Expert Mechanism on the Rights of Indigenous Peoples, officially submitted to the UN, was influenced by Russia and contains unreliable information. Thus, it is claimed that Indigenous peoples of Russia enjoy deferrals from mobilization, although there are numerous facts of forced mobilization into the Russian army. Besides, the report does not address the problem of the disproportionate number of deaths among representatives of Indigenous peoples and ethnic minorities involved into the war in Ukraine.

Obstacles in obtaining asylum in other countries by activists and defenders of the rights of Indigenous peoples forced to leave Russia

The escalation of repressions against civil society in general and defenders of the rights of Indigenous peoples in particular have caused large-scale forced emigration from Russia of those who disagree with the militaristic and authoritarian policies of the Putin regime. When applying for asylum, the activists face the fact that the authorities of other countries underestimate their risks, delay the procedure and issue negative decisions. For example, activists belonging to the Indigenous Saami people who applied for asylum in Norway (Andrei Danilov, Nelli Slupachik, Alexander Slupachik, Andrei Zhvavyi) survive the situation of uncertainty for a long time waiting for the status.

The UN Special Rapporteur on the situation of Human rights in the Russian Federation called for the attention of international community to the situation of dissidents and human rights defenders in exile (report, September 2024). She pointed out the need to adopt a comprehensive strategy of urgent measures to protect them, called for providing them with freedom of movement and giving them the opportunity to continue their human rights activities.

Recommendations

Pay attention to the destructive activities of the authorities of the Russian Federation on international platforms, in particular, in the UN and its relevant bodies related to the rights of Indigenous peoples (Expert Mechanism, Permanent Forum); prevent attempts by representatives of Russia to influence the selection of participants in international conferences from among representatives of minorities and Indigenous peoples.

Call Russia to respect the rights of Indigenous peoples, including guarantees of freedom of speech, expression, association, and free and independent activity of human rights defenders.

Call Russia to repeal repressive legislation on "foreign agents" and "undesirable organizations".

Urge migration authorities of the countries where defenders of the rights of indigenous peoples seek asylum to take into account the real risks associated with the criminalization of human rights activities by the Russian authorities, avoid both delays of the asylum procedure and extradition.