

**Myski local civic organisation
“Revival of Kazas and the Shor people”**

*For the UN Human Rights Committee
session 129*

Russian Federation

**The list of issues and problems
regarding the rights of indigenous peoples in Russia**

Anti-Discrimination Center Memorial is a human rights organization focusing on protection of the rights of vulnerable minorities in Eastern Europe and Central Asia, including indigenous people. Myski local civic organisation “Revival of Kazas and the Shor people” is an NGO of the indigenous Shor people protecting their rights and interests. The current submission presents brief information and tendencies regarding the situation of the indigenous people in Russia.

Around 200 indigenous peoples live in Siberia, the Far East and the North of Russia. Together, they number about 260,000 individuals. Many indigenous people live in the territories rich with mineral resources, including coal (Kemerovo Oblast), oil and gas (Yamalo-Nenetsky Autonomous Okrug), and biological resources like fish (Kamchatka, Khabarovsk Krai, Sakhalin, Murmansk Oblast and others). Nowadays these territories have become places of active industry operation directed at extraction of raw materials and production of minerals. However, the operations are performed with numerous violations of the rights of indigenous people. The Russian legislation regarding the indigenous peoples does not correspond to the international Human Rights standards, namely the Declaration on the Rights of Indigenous People and the International Covenant on Civil and Political Rights; and first of all, does not provide the procedure and guarantees for free prior and informed consent to all decisions affecting indigenous peoples.

The current submission provides a brief overview of three important issues regarding indigenous people in Russia that we would like the Committee to address to the Russian government:

- 1) violation of the right to healthy environment (right to life);
- 2) violation of freedom of religion and cultural development;
- 3) persecution of Human Rights defenders and activists protecting rights of indigenous peoples.

Violation of the right to healthy environment (right to life)

The coal industry is one of the most dangerous sectors of the Russian economy due to its negative impact to environment, health and human rights. In Russia the majority of the sites of coal excavation are concentrated in the traditional habitats of the indigenous peoples. Nowadays, lands where the Khakas, Shor, Teleut and other indigenous peoples have been living and conducting traditional economic activities for centuries (Kemerovo Oblast and Krasnoyarsk Krai, Republic of Khakasia and some other regions) are transferred to coal companies for excavations without consent of the indigenous peoples. The Russian legislation does not establish procedure for free, prior and informed consent to be followed for any decisions that affect indigenous peoples. The territories for traditional economic activities are destroyed, the rivers are polluted, the flora and fauna are exterminated. The coal mines and complexes pollute air and watercourses; destroy the genetic profile of soil, and produce a lot of hazardous industry waste. **The coal industry disproportionately affects indigenous people by destruction of their traditional territories while the government does not provide proper control on prevention and mitigation of the harm and pollution.** On the contrary, the central and local governments support industry and suppress anyone opposing industry development.

First of all, **the coal industry pollutes the air.** During the open-mine excavation, transportation and processing of the coal huge amount of dust is emitted. This industry dust contains tiny pieces of coal, not-burnt explosive and mine dust - all toxic to humans and animals and causing a number of oncological and respiratory diseases. During the explosion at the open mines, around 500 tons of dust is risen to the height of 1500m, and is dispersed for 4-6 hours in the radius of dozens kilometers around, penetrating to soil and rivers. The other source of dust is technical roads used for transportation of coal. Often, they are situated next to villages and cities despite this is a violation of the law. The inhabitants of such settlements suffer from permanent dust and noise. While the legislation demands installation of dust-suppressing technologies at such industries, in practice, the coal companies does not do this.

Due to increased industrial pressure, the rivers shallow, the quality of **water is worsening**, and as a consequence fish disappears. The problem is that the coal companies do not conduct the measures for water purification required by the legislation. The majority of purification stations are neither working nor correspond to existing standards. As a result, significant amounts of wastewater containing the rest of explosive substitutes, oil products, heavy metals and other hazardous elements are discharged to rivers without any purification. **It causes siltation, salinization, acidification of water and totally excludes the possible use of these water for household and agriculture purposes.**

Disappearance of drinking water from wells is also one of the most acute problems of inhabitants of settlements located next to mines and excavation complexes. This happens because million tons of water is pumped from quarries, and the level and location of ground waters are changed.

Finally, the coal industry produces **a lot of industry waste which is not possible to recycle;** it is just left next to excavation sites. According to the government reports, more than 50% of the whole waste in the regions of coal excavation are produced by this industry. Moreover, the coal excavation produces artificial embankment made up from wastes and waste rocks. In this way open excavation of coal forever destroys the fertile soil and the whole eco-system. According to the legislation, the coal companies have to realize the procedure of rehabilitation of exploited land; however, there are no examples in Russia when the coal company would do that.

Violation of freedom of religion and cultural development

The Russian legislation does not provide any specific protection for cultural and religious objects of indigenous peoples. Article 10 of the Federal Law «On guarantees of the rights of the indigenous small-numbered peoples of the Russian Federation» adopted in 1999 entitles the representatives of the indigenous peoples to follow their traditions and to perform religious rituals that do not violate the Russian legislation.

The religious and cultural rights of the indigenous peoples in Russia are violated by business mineral extraction and mining operations resulting in destruction of the sacred and burial sites, religious and cultural monuments, cemeteries.

In Kemerovo Oblast, in 2012, **Karagay-Lyash, a sacred mountain by the believes of the Shor people**, where they performed their rituals, **was blown up by a coal excavation company**. The spirit of this mountain was considered by the Shors to be the village's guardian. The authorities claimed that before the destruction of the mountain they relocated the spirit to the other place; the ritual was conducted by the shamans from another region of Russia and paid by the local authorities. The absolute majority of the Shor community did not participate in the ritual and did not perceive it as a religious practice. The Shors consider that the spirits of the mountain cannot be transferred to any other place.

In 2000, **an Orthodox cross made of metal and weighing 7.5 tons was erected on the sacred mountain** of Mustag in Sheregesh settlement (Tashtagol District) without the consent of the Shor people. Even though this caused public outcry, the protests of both the Shor and Russian locals were ignored: the Orthodox cross remained on the sacred mountain where the Shor people used to perform rituals. **This is not a single example of construction of crosses at the indigenous peoples' sacred places.**

Destruction and restriction of access to the cemeteries and graveyards is also a serious and wide-spread problem faced by the Shor and other indigenous peoples. In 2013-2014, the Shors' Kazas settlement in the Myski City District was ruined by a coal company. While there is a cemetery at the territory of the destroyed settlement, it has been closed for any visitors due to a checkpoint at the entry of the former settlement. People whose relatives are buried at the cemetery cannot get there to visit the graves of their closed ones. Despite a lot of complaints to the government and international Human Rights bodies the situation does not change.

In the Republic of Khakasia, the lake Mairyk treated as a Sacred Mother by the Khakas indigenous people's rituals and believes was desecrated by a coal company that started excavations without consent of the local population. **Many religious and cultural sited are destroyed** - the sacred stone sculptures are regularly ruined or attacked; recently the sacred black birch forest was destroyed. The Khakas also face problems with the access to cemeteries, both ancient and acting. **The medieval cemetery Chatas was desecrated by the coal excavation;** the coal mining company plans to relocate the cemetery while this contradicts the believes of the local Khakas. The companies do not want the locals to watch over their work; this is one of the reasons for limiting the access to the cemeteries, as they are often situated close to the mining sites.

Persecution of Human Rights defenders and activists protecting the rights of indigenous peoples

The activists and human rights defenders who speak up and protect the rights of indigenous peoples, **both belonging to the indigenous communities and supporters from outside**, face intimidation, threats, ban on entry Russia for foreigners and forced liquidation of organizations.

Vladislav Tannageshev and Yana Tannagesheva, two leading activists who used to represent the **group “Revival of Kazas and the Shor People”**, and their children faced continuous persecution and threats from government authorities, law enforcement structures, and coal companies for their cooperation with the United Nations. As a result, they **were forced to flee Russia** in April 2018 and seek political asylum in a European country.¹ On May 10, 2018, the Rapporteur/Focal Point for Reprisals of the Committee on the Elimination of Racial Discrimination sent a letter to the Government of the Russian Federation expressing concern about this situation and the reprisals taken against the indigenous activists. The Russian Federation did not respond to this letter.

Gennadiy Shchukin, a representative of **Dolgan indigenous people** living in Taymyr peninsula in Far North, **became a victim of criminal prosecution having been arbitrarily accused in incitement members of his community to illegal hunting (2017)**. The case became known following the long-standing struggle for justice; in April 2019, Mr Shchukin won the case in the Constitutional Court of the Russian Federation. The Court decided that the representatives of small-numbered indigenous peoples of North can delegate their right to hunt and their quotas to other hunters for the needs of the community.

On November 6, 2019, **the Moscow City Court decided to liquidate the Center for Support of Indigenous Peoples of the North (CSIPN)/Russian Indigenous Training Centre** basing on formal reasons (an irrelevant legal address, outdated provisions of the charter and conduction of the educational trainings without a license). CSIPN is a main expert organization of the Russian Indigenous Peoples with almost 20 years of experience. The organization was the only and last one independent organization of the indigenous peoples of Russia and the one that openly reported about oppressions of the indigenous peoples on international platforms. The Center was the only organization of indigenous peoples of Russia that has special status and accreditation with UN agencies such as UNESCO, UNEA, FAO, the Convention on Biological Diversity, the UN Economic and Social Council and others. The persecution of the CSIPN started in 2014; in 2015, the organization was placed in ‘the foreign agents’ registry. In 2018, the organization was excluded from this registry as it refused from foreign funding. Twice - in 2016 and 2017 - searches were carried out in the Center’s office and in the private apartment of Rodion Sulyandziga, head of the organization. The computers were seized and the organization got fines.² The Russian state bodies many times tried to prevent Rodion Sulyandziga from taking part in international conferences or seminars; his brother Pavel Sulyandziga, also an indigenous rights activist and expert, in 2017 was forced to leave to USA.

In the Republic of Khakasia, **representatives of indigenous people and other supporters face harassment by the law enforcement agencies**. In August 2019, during the public hearings regarding construction of a new mine in Beysk district of Khakasia, representatives of Center for counteraction of extremism and private security company suppressed opponents of the new mine. The locals were not allowed to speak and to enter the building where the hearing took place. In

¹ ADC Memorial, “Defenders of the rights of aboriginals of Siberia are forced to leave Russia after they faced persecution,” April 18, 2018, <https://adcmemorial.org/www/14218.html?lang=en>

² The Insider, «Local Population hinder the state to extract oil, gas, gold» The director of the Center for Support of Indigenous Peoples of the North , 07 November 2019, https://theins.ru/news/186430?fbclid=IwAR0ravQ929orzmsCHOhkEKYQ79BI0Ds0_XkoTXw8XPepfPkvAVgCc5Lzbg

November 2019, after demonstrations against constructing new coal mines, one of the activists was interrogated by Center for counteraction of extremism and threatened by FSB officers.

Viacheslav Krechetov, supporter of indigenous peoples, ecological activist, cameraman, director and author of numerous documentaries about violations of indigenous peoples' rights in Kemerovo Oblast and Republic of Khakasia has become **victim of persecution**. He **was attacked several times**, allegedly by representatives of the coal companies; his equipment (camera, telephone) was damaged and broken. Unknown persons came to the home of Viacheslav, and threatened him and his family. The police does not take any measures.

In January 2019, **Johannes Rohr**, expert, **author of numerous parallel reports to the UN Treaty bodies on indigenous peoples of Russia**, was **banned from entry Russia for 50 years** by the FSB, after commenting at the 7th UN Forum for Business and Human Rights (on 26 November 2018) on the situation of Russian indigenous peoples affected by extractive industries. The reasons for the ban were declared a state secret. While Mr Rohr appealed the decision in Russian court, the lawyers were denied any access to the evidence provided by the FSB. On June 20, 2019, the Moscow City Court dismissed Mr Rohr's complaint against the FSB; in October 2019, the Supreme Court of the RF also dismissed the appeal.